



Planning Proposal

Amendment No. 11 to ELEP 2012 and Repeal of RLEP 1987 to implement the recommendations of the Eurobodalla Rural Lands Strategy and address other matters.

Volume 1

Contents

INTRODUCTION.....	3
PART 1: OBJECTIVES or INTENDED OUTCOMES.....	3
PART 2: EXPLANATION of PROVISIONS.....	3
PART 3: JUSTIFICATION.....	6
PART 4: MAPPING	11
PART 4: COMMUNITY CONSULTATION.....	11
Part 5: PROJECT TIMELINE	11
Appendix 1 – Justification for Item No. 1	1
Appendix 2 – Justification for Item No. 2	35
Appendix 3 – Justification for Item No. 3	38
Appendix 4 – Justification for Item No. 4	41
Appendix 5 – Justification for Item No. 5	46
Appendix 6 – Justification for Item No. 6	63
Appendix 7 – Justification for Item No. 7	68
Appendix 8 – Justification for Item No. 8	73
Appendix 9 – Justification for Item No. 9	76
Appendix 10 – Justification for Item No. 10	78
Appendix 11 – Justification for Item No. 11	84
Appendix 12 – Justification for Item No. 12	87
Appendix 13 – Justification for Item No. 13	90
Appendix 14 – Justification for Item No. 14	92
Appendix 15 – Justification for Item No. 15	94
Appendix 16 – Justification for Item No. 16	97
Appendix 17 – Justification for Item No. 17	100
Appendix 18 – Justification for Item No. 18	104
Appendix 19 – Justification for Item No. 19	107
Appendix 20 – Justification for Item No. 20	112
Appendix 21 – Justification for Item No. 21	116
Appendix 22 – Justification for Item No. 22	118
Appendix 23 – Justification for Item No. 23	122
Appendix 24 – Justification for Item No. 24	126
Appendix 25 – Justification for Item No. 25	131
Appendix 26 – Justification for Item No. 26	136

INTRODUCTION

This planning proposal provides for a range of amendments to Eurobodalla Local Environmental Plan 2012 (ELEP 2012) and the repeal of Rural Local Environmental Plan 1987 (RLEP 1987) to implement the recommendations of the Eurobodalla Rural Lands Strategy and address other matters.

The planning proposal is presented in four volumes, as follows:

Volume 1 provides an assessment of all of the proposed amendments to ELEP 2012 in accordance with the Department of Planning and Environment's Guide to Preparing Planning Proposals.

Volume 2 provides more detailed assessment of the proposed zoning and lot size for each area presented in the Eurobodalla Rural Lands Strategy 2016.

Volume 3 provides detailed mapping for each area identified in Volume 2, showing how land zoning and minimum lot size is proposed to be changed.

Volume 4 presents the proposed changes to the maps in ELEP 2012, including changes to the following maps:

- Land Zoning Maps
- Lot Size Maps
- Height of Building Maps
- Heritage Maps
- Acid Sulfate Soils Maps
- Wetlands, Riparian Lands and Watercourses Maps
- Public Infrastructure Buffer Maps and
- Land Application Map.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The intended outcome of this planning proposal is to implement the recommendations of the Eurobodalla Rural Lands Strategy and address other matters. The intended outcomes for each item in this planning proposal are identified in Part 2 below.

PART 2: EXPLANATION of PROVISIONS

The following table contains a summary of the LEP amendments that are proposed.

Item number	Name of item	Intended Outcomes
1	Amend Land Use Table and Schedule 2	To facilitate additional land uses as permissible with consent in the R5 and E4 zones, introduce open land use tables in RU1 and RU4 zones and to make grazing of livestock exempt development in the E2 zone. It is also proposed to make boatsheds permissible with consent in the E2 zone and to introduce open land use tables to the business and industrial zones.

Item number	Name of item	Intended Outcomes
2	Amend Clause 4.1E	To include the RU4 zone as a zone where minimum averaging provisions will apply and to ensure no lot resulting from a subdivision of land zoned RU4 using the minimum averaging clause is less than 2ha.
3	Amend Clause 4.2A	To delete the sunset clause to ensure existing dwelling entitlements do not lapse and to delete the 'sealed road' provision due to the introduction of new minimum lot sizes in rural areas.
4	Introduce a new boundary adjustment clause	To increase the opportunities for boundary adjustments on certain lands.
5	Amend Zoning and Minimum Lot Size Maps	To establish appropriate zoning and minimum lot sizes for certain rural land in accordance with the Rural Lands Strategy.
6	Amend Minimum Lot Size Maps	To delete the 1000ha minimum lot size from all land not addressed in item 5.
7	Remove Terrestrial Biodiversity Maps and delete Clause 6.6	To remove the existing Terrestrial Biodiversity Map and delete the associated clause 6.6.
8	Remove Dwelling Entitlements Map	To remove the existing Dwelling Entitlements Map and delete the reference to the map in clause 4.2A.
9	Amend Height of Buildings Maps	To apply a maximum height of buildings to land proposed to be zoned E4 and RU4.
10	Amend Heritage Maps	To transfer items of environmental heritage on land in the deferred matter from the Rural Local Environmental Plan 1987 to the ELEP 2012.
11	Amend Wetlands, Watercourses and Riparian Lands Maps	To identify in ELEP 2012 waterways, wetlands and riparian lands in the deferred matter.
12	Amend Acid Sulfate Soils Maps	To identify in ELEP 2012 acid sulfate soils in the deferred matter.
13	Amend Land Application Map	To remove reference to deferred matter and identify the ELEP 2012 as applying to the whole of Eurobodalla.
14	Amend Public Infrastructure Maps	To identify areas within public infrastructure buffers in the deferred matter.
15	Amend Schedule 1	To make "Advertising signs, being a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest (such as town signs)" permissible with consent in the RU1 and RU4 zone.

Item number	Name of item	Intended Outcomes
16	Introduce a new Airspace Operations clause	To ensure development in the vicinity of the Moruya Airport does not have a detrimental impact on the airport operations.
17	Amend Schedule 1 and Additional Permitted Uses Map	Add Lot 1 DP 118963 to clause 4(1) and the Additional Permitted Uses Map.
18	Amend Schedule 1	Add Recreation facility (indoor) to the list of additional permitted uses for the land at Narooma identified as '5' on the Additional Permitted Uses Map.
19	Amend Land Zoning Map and Minimum Lot Size Map	To rezone Lots 101 and 183 DP 755904, at the corner of Durras Drive and Durras Lake Road, South Durras, from the B2 Local Centre Zone to the R2 Low Density Residential Zone and to introduce a 1500m ² minimum lot size.
20	Amend Height of Buildings Map	To apply an 8.5m height standard to part of Lot 1 DP 1036103, Beach Road, Catalina (Catalina Country Club).
21	Amend clause 6.2	To ensure a DCP is required for urban release areas in appropriate circumstances.
22	Amend Minimum Lot Size Map	To increase the minimum lot size for land at Lots 1 to 5 DP 1056650, Lots 10 and 11 DP 1189589 and Lot 3 DP 1011462, Old Highway, Narooma from 1500m ² to 2500m ² .
23	Amend Minimum Lot Size Map	To decrease the minimum lot size for certain lands from 600m ² to 550m ² . This applies to certain lands that were included in Amendment No. 7 to ELEG 2012, and will result in a lot size that is consistent with adjoining lands.
24	Amend Land Zoning Map, Minimum Lot Size Map and Height of Buildings Map	To correct the boundary between the R2 and RU1 zones for land that been subdivided for residential purposes at East Moruya (Braemar Estate) and to make consequential changes to the Minimum Lot Size and Height of Buildings Maps.
25	Amend Schedule 4 and Height of Buildings Map	Reclassify a laneway in Batemans Bay to operational and provide for an 18m maximum building height.
26	Amend Schedule 4, Land Zoning Map, Lot Size Map and Height of Buildings Map	Reclassify land at George Bass Drive, Malua Bay to operational, rezone the land R2 Low Density Residential, provide for a minimum lot size of 550m ² and a maximum building height of 8.5m.

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The majority of items in this planning proposal are the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016 (items 1 to 14). The planning proposal implements the recommendations of the Rural Lands Strategy, which aims to set a 20 year vision for the role of Council in the rural lands of Eurobodalla Shire. The Strategy provides a transparent approach to bringing all the deferred lands that are still under the RLEP 1987 into the ELEP 2012, resulting in one LEP for all of the Eurobodalla.

The Strategy also made recommendations to make other 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 while complying with the statutory requirements to conserve the biodiversity and landscape qualities of the Shire's private lands. Refer to each Appendix and Volumes 2 and 3 of this planning proposal for detailed justification of each of the proposed changes to ELEP 2012.

The other items in this planning proposal (items 15 to 26) are not the result of any strategic study or report, but have arisen for a number of reasons, including in response to land owner requests or development enquiries.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal is considered the best way of achieving the intended outcomes (refer to each Appendix for a more specific response in relation to each item).

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan contains the following actions in relation to rural lands:

- *"Identify regionally important agricultural lands and reflect the outcomes in local planning controls".*
- *"Manage biosecurity risks to protect current and future industries".*
- *Protect valuable mineral and extractive resources in the region".*
- *Plan for the ongoing productive use of mineral and energy resource lands".*
- *Protect agricultural and environmental land by avoiding the impacts of rural residential development".*

The planning proposal is considered to be consistent with all of the above actions. The planning proposal implements Council's Rural Lands Strategy which was developed with input from officers of the Department of Planning and Environment, the Department of Primary Industries and the Office of Environment and Heritage. The Rural Lands Strategy was developed having regard to the actions in

the former South Coast Regional Strategy, which are reflected in the above actions of the new South East and Tablelands Regional Plan.

The planning proposal does not significantly expand any rural residential zones, villages or towns and sets appropriate minimum subdivision standards. While the planning proposal provides for a relatively small number of additional dwellings in rural areas, it retains existing provisions in ELEP 2012 relating to dwelling entitlements in rural and environmental zones.

While the planning proposal provides for “open” rural zones in order to provide more flexibility for rural land owners to diversify rural operations, it is not considered that this would result in land uses that will cause conflicts with existing or future rural activities. As development consent will be required, the potential for any conflicts to arise will be considered as part of any development application.

The non-rural lands items in this planning proposal (items 15 to 26) are all relatively minor in nature and are considered to be consistent with the South East and Tablelands Regional Plan (refer to each Appendix for a more specific response in relation to each item).

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The majority of the items in this planning proposal implement Council’s Rural Lands Strategy. The other items have not resulted from a local strategy or plan, but are consistent with the objectives of the Eurobodalla Community Strategic Plan – One Community.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal	Items to which SEPP applies	Areas to which SEPP applies
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent	1,5,11,12	4,4b,4c,5,8a,8b,10,10a,11,11a,12,12a,14,15,16,17,17a,17b,18,18c,22,22a,22c,24,25,25a,26,27,28,29,32,38
SEPP30 Intensive Agriculture To provide consistent provisions for the assessment of cattle feedlots and piggeries and to extend the definition of rural industry.	Consistent	1	Nil
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent	1,5	4,5,8a,8b,9,10,10a,15,16,17,17a,17b,22,22b,22c,25,25a,26,27,29,32, 38,41,42
SEPP 64 Advertising and Signage To ensure signage is compatible with the desired amenity and visual character of an area, provide effective communication in suitable locations, and is of high quality design and finish.	Consistent	15	Nil
SEPP 71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent	5,11,12,16,17,18,19,20,22,23,24,25,26	4,4a,4b,4c,5,6,7a,7b,8a,8b,9,10,10a,11,11a,12,12a,15,16,17,17a,17b,18,18c,20,21,

			22, 22a,22b,22c,23,24,25, 25a,26,27,28,29,32,38,41,42
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent	1,2,3,4,5,6,7,8,15 24	All
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent	5	2,4c,7b,9,10a,11a,14, 15,17,20,24,26,27,34

For a detailed assessment of how each item in this planning proposal is consistent with applicable State Environmental Planning Policies, refer to each Appendix and Volume 2 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal	Items to which Direction applies	Areas to which Direction applies
1.1 Business and Industrial Zones To encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Inconsistent	1,19,25	Nil
1.2 Rural Zones To protect the agricultural production value of rural land.	Partly Consistent / Partly Inconsistent	1,2,3,4,5,8,15,24	All <u>Inconsistent:</u> 2,3a,4,4a,6, 7b,8,8a,8b,9,9a,10,10a, 11,11a,12a,13,14,16,17, 17b,18,18a,18c,20,21,22, 22c,23,24,25,25a,26a,27, 28,29,30,30a,30b,31,32, 33,34,36,37a,37b,37c,38
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent	5	2,4c,7b,9,10a,11a,14, 15,17,20,24,26,27,34
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent	1,5	4,5,8a,8b,9,10,10a,15, 16,17,17a,17b,22,22b, 22c,25,25a,26,27,29,32, 38,41,42
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent	1,2,3,4,5,6,7,8,15 24	All
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Partly Consistent / Partly Inconsistent	1,4,5,6,7,22,26	All <u>Inconsistent:</u> 4c,7b,12, 17b,23,32

2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent	5,11,12,16,17,18,19,20,22,23,24,25,26	4,4a,4b,4c,5,6,7a,7b,8a,8b,9,10,10a,11,11a,12,12a,15,16,17,17a,17b,18,18c,20,21,22,22a,22b,22c,23,24,25,25a,26,27,28,29,32,38,41,42
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent	5,10	4,4a,6,11a,12,15,17a,17b,21,22,22a,22b,24,26,27,28,29,32,33,34,35,36,37c,38,42
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent	5,17,18,19,20,21,22,23,24,26	39,40
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent	5,17,18,19,20,21,22,23,24,25,26	39,40
3.5 Development Near Licensed Aerodromes To ensure the effective and safe operations of aerodromes.	Consistent	16	Nil
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent	5,12	4,4b,4c,8a,8b,9,10,10a,11,11a,12a,14,16,17,17a,17b,18,18b,18c,20,21,29,32
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent	5,11	4,4b,4c,6,7a,8a,8b,9,10,10a,11,11a,12a,14,15,16,17,17a,17b,18,18a,20,22,24,25,25a,27,28,29,32,37c,38,39
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent	1,4,5	All
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent	All	All

In the main, the proposed changes are considered to be consistent with applicable Ministerial Directions (s.117 directions). However, in some areas, the proposed zoning and lot size is inconsistent with Direction 1.2 (Rural Zones) and in some areas the planning proposal is inconsistent with Direction 2.1 (Environmental Zones). Item 7 of this planning proposal is also inconsistent with Direction 2.1.

For a detailed assessment of how each item in this planning proposal is consistent with applicable s.117 Directions, and for justification of any inconsistency, refer to each Appendix and Volume 2 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is likely to be negligible given the relatively small scale of additional development potential generated by the planning proposal. For development that is permitted with consent, such as subdivision and dwelling houses, the likely significance of development impacts will be assessed as part of the development application process. For land uses that are permitted without consent, such as extensive agriculture, the assessment of any land clearing to facilitate such activities is a matter for the Local Land Services in accordance with the Native Vegetation Act 2000.

For a detailed assessment of how each item in this planning proposal addresses potential environmental impacts, refer to each Appendix and Volume 2 of this planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

It is not considered that the planning proposal will result in any other adverse environmental impacts as the scale of additional development in rural areas generated by the planning proposal is relatively small. In some areas, there are SEPP14 wetlands within or adjoining the area. In these areas, future potential dwellings can be located more than 100m away from the wetlands to avoid detrimental environmental effects. As a result, the planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

It is considered that the planning proposal facilitates additional positive social and economic opportunities for land owners and communities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that the planning proposal will have minimal impacts on existing public infrastructure, as the scale of additional development in rural areas generated by the planning proposal is relatively small. However, public infrastructure issues will be considered as part of any development application received for a particular land use.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

During public exhibition of the draft Rural Lands Strategy, Council received submissions from the following NSW Government Agencies:

- Rural Fire Service
- Office of Environment and Heritage
- Department of Primary Industries – Water
- Department of Primary Industries – Fisheries

- Department of Industry – Mineral Resources
- South East Local Land Services
- Roads and Maritime Services
- Office of Environment and Heritage – Heritage Division.

For further information in relation to the views of State and Commonwealth public authorities, refer to each Appendix and Volume 2 of this planning proposal.

PART 4: MAPPING

Refer to Appendices Volumes 3 and 4 for relevant mapping.

PART 4: COMMUNITY CONSULTATION

Extensive community consultation took place during the development of the Rural Lands Strategy. However, in accordance with the provisions of the Environmental Planning and Assessment Act 1979, public exhibition of this planning proposal will be undertaken following the issue of a Gateway Determination. It is considered that an exhibition period of 28 days for this planning proposal is warranted.

Part 5: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	October 2017
Anticipated timeframe for the completion of required technical information	February 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2018
Commencement and completion dates for public exhibition period	9 May to 22 June 2018
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	July - August 2018
Timeframe for the consideration of a proposal post exhibition	August 2018
Date of submission to the department to finalise the LEP	September 2018
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the department for notification	December 2018

Appendix 1 – Justification for Item No. 1

Name of item	Intended Outcome
Amend Land Use Table and Schedule 2	To facilitate additional land uses as permissible with consent in the R5 and E4 zones, introduce open land use tables in RU1 and RU4 zones and to make grazing of livestock exempt development in the E2 zone. It is also proposed to make boatsheds permissible with consent in the E2 zone and to introduce open land use tables to the business and industrial zones.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal implements the recommendations of the Rural Lands Strategy, which made the following recommendations for additional land uses in various zones.

RU1 zone

Suggested Additional Uses	Comment
Education facilities/ establishments	Public schools would be permissible under SEPP Infrastructure but possibly suitable to have consideration of private education options.
Function centres	Reception centres and similar seem supportable in low impact locations subject to assessment.
Information and education facilities	This category includes many rural tourist related activities such as galleries.
Places of public worship	Not unreasonable to site some religious centres in the rural area.

RU4 zone

Suggested Additional Uses	Comment
Detached dual occupancies	Attached dual occupancy is permissible and lots are large enough in this zone to allow the flexibility of detached dual occupancy.
Function centres	Allowing consideration of tourist related function centres seems justified subject to DA assessment of merit.
Community facilities	The RU4 zone covers a range of areas and the need for a community facility may arise
Jetties	Several sections of RU4 border waterways, subject to development assessment and any needed approvals to use public lands, a jetty may be warranted – eg for a private tourist facility.
Recreation areas	The RU4 zone covers a range of areas and the need to consider a recreation area may arise.
Rural industry (but prohibiting): <ul style="list-style-type: none"> - Livestock processing industries 	Council has found in the past it has been unable to approve some legitimate small scale rural industries in the RU4 zone such as compost farms and small agriculture produce businesses. It is recommended that rural industries be permitted but with the large

<ul style="list-style-type: none"> - Sawmill or log processing works - Stock and sale yards 	intensive rural industries as listed in the column to the left, prohibited.
Secondary dwellings	Secondary dwellings are small ancillary dwellings that can be useful for family accommodation.

R5 zone

Suggested Additional Uses	Comment
Aquaculture	A small aquaculture activity might be accommodated in R5, with consent.
Extensive agriculture	Very small scale extensive agriculture is common now in the R5. Grazing and bee keeping are already permissible without consent. It is recommended extensive agriculture be permissible without consent.
Farm buildings	Ancillary farm style buildings are justified in R5, with consent.
Plant nurseries	A reasonable activity in R5 subject to impact assessment re neighbour amenity protection.
Jetties	Not unreasonable given the interest in and importance of water based recreation and tourism in the Shire. A number of R5 zoned parcels adjoin waterways.
Detached dual occupancies	Attached dual occupancy is permissible and lots are large enough in this zone to allow the flexibility of detached dual occupancy.

E4 zone

Suggested Additional Uses	Comment
Community facility	This use is considered reasonable with assessment of merit.
Environmental facility	This use meets zone objectives and is a low impact use.
Extensive agriculture	Very small scale extensive agriculture is common now in the E4. Grazing and bee keeping are already permissible without consent. It is recommended this use be permissible without consent.
Jetties	Not unreasonable given the interest in and importance of water based recreation and tourism in the Shire. A number of E4 zoned parcels adjoin waterways.
Detached dual occupancies	Attached dual occupancy is permissible and lots are large enough in this zone to allow the flexibility of detached dual occupancy.

E2 zone

Suggested Additional Uses	Comment
Add the E2 zone to the list of zones where “grazing of livestock” is exempt development in Schedule 2 of the Eurobodalla LEP 2012	Extensive agriculture is currently prohibited as a new activity in the E2 zone. Small scale extensive agriculture is common now in parts of the E2 zone under existing use rights provisions. There are a range of habitat values in the current E2 zones and as such instances may arise where it would be reasonable for some extensive activities such as light grazing to be permissible provided the dominant objective of the betterment of the natural system

	could be achieved. It is recommended grazing be exempt development in the E2 zone.
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Section 3.11.1 of the “Report on Consultation” for the Rural Lands Strategy recommends that “*Council could also give consideration, in the development of the planning proposal to the use of ‘open’ land use tables for some zones such as RU1, where all uses are permissible with consent except for those specifically listed as prohibited*”.

Proposal for RU1 and RU4 zones

After consideration of the recommendations in the Rural Land Strategy and the “Report on Consultation”, Council considers open land use tables to be appropriate for the RU1 and RU4 zones. In this more flexible format, the majority of land uses are permissible with consent, as only the most inappropriate uses are listed as prohibited. The land uses that are permissible with consent, including those currently permissible, those in the above tables, and any other uses not listed as prohibited, would be assessed on merit with consideration of the factors listed in s79C of the EP&A Act and applicable Development Control Plans and Codes.

Proposal for R5 and E4 zones

The planning proposal for R5 and E4 zones is as shown the respective tables above, consistent with the Rural Lands Strategy. As extensive agriculture is proposed to be included as permissible without consent, the reference in Schedule 2 of ELEP 2012 to grazing of livestock as exempt development in the R5 zone is no longer required.

Proposal for E2 zone

The planning proposal for the E2 zone is as shown in the table above, consistent with the Rural Lands Strategy, and it is also proposed to add boatsheds as a use permitted with consent in the E2 zone.

Proposal for B1, B2, B4, B5 and IN1 zones

The planning proposal also includes the redrafting of the land use tables for business and industrial zones as open land use tables, as outlined on the following pages. The redrafting ensures that all current permissible uses remain permissible and only those uses that are undesirable in each zone are listed in the prohibited column.

Comment in relation to all zones subject to land use changes

As development consent is required for all of new land uses, proponents will need to demonstrate that their development is suitable for the land on which it is proposed, and that their development is of a suitable scale having regard to the objectives of the zone.

While canal estate development is not listed in the prohibited column in any zone, such a development is prohibited in Eurobodalla pursuant to State Environmental Planning Policy No. 50 - Canal Estate Development.

Zone RU1 Primary Production

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works; Extensive agriculture; Forestry; Home occupations	Nil	No change
3 Permitted with consent	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Freight transport facilities; Funeral homes; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Liquid fuel depots; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water supply systems.	Make the following additional land uses permitted with consent: Car parks; Charter and tourism boating facilities; Correctional centres; Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Home occupation (sex services); Industrial training facilities; Information and education facilities; Marinas; Mooring pens; Moorings; Places of public worship; Port facilities; Public administration buildings; Registered clubs; Research stations; Respite day care centres; Restaurant or café; Service stations; Sewerage systems; Storage premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.	Additional land uses to be provided for in land use table through the words “any development not specified in item 2 or 4”.
4 Prohibited	Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.	Restrict prohibited land uses to the following: Advertising structures; Amusement centres; Caravan parks; Centre-based child care facilities; Commercial premises (other than as specified in item 3); Entertainment facilities; Heavy industrial storage establishments; Hotel or motel accommodation; Industrial retail outlets; Industries (other than home industries); Residential accommodation (other than as specified in item 3); Restricted premises; Serviced apartments; Sex services premises; Vehicle body repair workshops; Vehicle repair stations.	All uses identified as prohibited are already prohibited in the RU1 zone through the words “any development not specified in item 2 or 3”.

Suitability of new land uses proposed to be permissible with consent

Tourism uses

Three of the new permissible land uses (**function centres, information and education facilities and restaurants or cafes**) provide for additional rural and nature-based tourism development opportunities in Eurobodalla. Eurobodalla's main industry is tourism and there is significant potential for growth in rural and nature-based tourism that these new land uses will facilitate. These land uses provide opportunities for rural producers to diversify their businesses and for rural and nature-based tourism accommodation providers to develop additional tourism facilities and services. They also provide for other rural land owners to propose new rural or nature-based tourism developments. Subject to the specific details of proposals, such as site location and building design, these proposed uses are not considered likely to cause conflict with rural production. They are considered to be consistent with the objectives of the RU1 zone, including "to provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land".

Community uses

Three of the new permissible land uses (**health services facilities, places of public worship and respite day care centres**) are facilities that provide services to rural communities. It is not uncommon to find facilities of this nature in rural areas. A number of these uses are similar to other land uses that are already permissible with consent such as community facilities and recreation facilities. The proposed new land uses are not considered likely to cause conflict with rural production.

Education, training and research uses

Three of the new permissible land uses (**educational establishments, industrial training facilities and research stations**) are facilities that, where related or associated with agriculture, rural industry, extractive industry or mining would support rural production and other rural activities. It is not uncommon to find facilities of this nature in rural areas. The proposed new land uses are not considered likely to cause conflict with rural production. If a proposal is related or associated with agriculture or other rural activity, it would be consistent with the objectives of the RU1 zone, including "to encourage diversity in primary industry enterprises and systems appropriate for the area".

Infrastructure uses

Four of the new permissible land uses (**electricity generating works, emergency services facilities, sewerage systems and waste or resource management facilities**) are already permitted with or without consent or as exempt development in the RU1 zone under State Environmental Planning Policy (Infrastructure) 2007.

Marine-based uses

Seven of the new permissible land uses (**charter and tourism boating facilities, marinas, mooring pens, moorings, port facilities, water recreation structures and wharf or boating facilities**) are marine-based facilities that may have some land-based component. Some rural areas in Eurobodalla adjoin waterways at which one or a number of these marine-based uses could be proposed. It is not considered that these uses would cause conflict with rural production, however the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Storage uses

Three of the new permissible land uses (**storage premises, warehouse or distribution centres and wholesale supplies**) are storage uses that could be associated with rural production or other rural

activity, such as a local food packaging and distribution facility. Subject to consideration at the development application stage of the merits of individual proposals in terms of site location, development scale and building design, it is not considered that these uses would cause conflict with rural production. If a proposal for a storage use is related to rural production systems, it would be consistent with the objectives of the RU1 zone, including “to encourage diversity in primary industry enterprises and systems appropriate for the area”.

Other uses

- **Car parks** – Car parks are parking areas not associated with a specific development. A car park could be proposed in a rural area at the starting point of a walking trail through a rural landscape (such as the Gulaga track), or near a remote beach. Car parks in rural areas could also in the future be proposed in rural areas at appropriate locations associated with park and ride public transport services. It is not considered that such a proposal would cause conflict with rural production.
- **Correctional centres** – Correctional centres are permitted with consent in RU2 and RU4 zones under State Environmental Planning Policy (Infrastructure) 2007. This planning proposal would provide consistency across the rural zones in Eurobodalla.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in rural areas as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the RU1 zone, as there may be land adjoining a land release area, or land proposed to be rezoned at some stage in the future from RU1 to a residential zone as an extension of a land release area on which an exhibition home or village could be suitable.
- **Home occupation (sex services)** – A home occupation (sex services) premises is the provision of sex services in a dwelling by no more than 2 permanent residents of the dwelling and does not involve the employment of any persons other than those residents. Currently in Eurobodalla, a home occupation (sex services) premises is not permitted with consent in any zone. The use of a rural dwelling as a sex services premises is not considered a use that would cause conflict with rural production and would be unlikely to have detrimental impacts on adjoining and nearby residents. A sex services premises (brothel) is proposed to remain prohibited in the RU1 zone.
- **Public administration buildings** – A public administration building is a building used as an office or other administrative functions of the Crown, a statutory body, a council or other organisation established for public purposes. While it is unlikely that a public administration building would be proposed in a rural area, should one be proposed by a statutory body (such as the Department of Primary Industries or Local Lands Services) on land in the RU1 zone, it would be considered on merit.
- **Registered clubs** – A registered club is defined as a club that holds a club license under the *Liquor Act 2007*. Any community group, sporting group or other association of people could seek approval for a club house from Council and a club license from Liquor and Gaming NSW. In rural areas, this could include pony clubs, polocrosse or other equestrian clubs, bmx, mountain bike or motor bike clubs, or the like.
- **Service stations** – As highway service centres are already permissible with consent in the RU1 zone, providing for service stations to be permissible with consent is considered appropriate as it provides for similar development outcomes.

Zone RU4 Primary Production Small Lots

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works; Extensive agriculture; Home occupations	Nil	No change
3 Permitted with consent	Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreational facilities (outdoor); Roads; Roadside stalls; Rural supplies; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems.	Make the following additional land uses permitted with consent: Backpackers' accommodation; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies (detached); Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Funeral homes; Function centres; Health services facilities; Helipads; Home occupation (sex services); Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Research stations; Respite day care centres; Restaurant or café; Rural industry (other than Livestock processing industries, Sawmill or log processing works and Stock and sale yards); Secondary dwellings; Sewerage systems; Storage premises; Water recreation structures; Wharf or boating facilities; Wholesale supplies.	Additional land uses to be provided for in land use table through the words "any development not specified in item 2 or 4".
4 Prohibited	Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.	Restrict prohibited land uses to the following: Advertising structures; Air transport facilities; Airstrips; Amusement centres; Caravan parks; Centre-based child care facilities; Commercial premises (other than as specified in item 3); Entertainment facilities; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industries (other than home industries); Intensive livestock agriculture; Livestock processing industries; Registered clubs; Residential accommodation (other than as specified in item 3); Restricted premises; Sawmill or log processing works; Service stations; Serviced apartments; Sex services premises; Stock and sale yards; Transport depots; Truck depots; Warehouse or distribution centres; Waste or resource management facilities; Vehicle body repair workshops; Vehicle repair stations.	All uses identified as prohibited are already prohibited in the RU4 zone through the words "any development not specified in item 2 or 3".

Suitability of new land uses proposed to be permissible with consent

Residential uses

Two of the new permissible uses (**dual occupancy (detached)** and **secondary dwellings**) provide for consistency across rural zones with regard to the range of residential uses that are permitted with consent.

Tourism uses

Four of the new permissible land uses (**backpacker's accommodation, function centres, information and education facilities** and **restaurants or cafes**) provide for additional rural and nature-based tourism development opportunities in Eurobodalla. Eurobodalla's main industry is tourism and there is significant potential for growth in rural and nature-based tourism that these new land uses will facilitate. Subject to the specific details of proposals, such as site location and building design, these proposed uses are not considered likely to cause conflict with rural production.

Community uses

Seven of the new permissible land uses (**community facilities, health services facilities, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (major)** and **respite day care centres**) are facilities that provide services to rural communities. It is not uncommon to find facilities of this nature in rural areas. A number of these uses are similar to other land uses that are already permissible with consent such as recreation facilities (outdoor). The proposed new land uses are not considered likely to cause conflict with rural production.

Education, training and research uses

Three of the new permissible land uses (**educational establishments, industrial training facilities** and **research stations**) are facilities that, where related or associated with agriculture, rural industry or extractive industry would support rural production and other rural activities. It is not uncommon to find facilities of this nature in rural areas. The proposed new land uses are not considered likely to cause conflict with rural production. If a proposal is related or associated with agriculture or other rural activity, it would be consistent with the objectives of the RU4 zone, including "to encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature".

Infrastructure uses

Three of the new permissible land uses (**electricity generating works, emergency services facilities** and **sewerage systems**) are already permitted with or without consent or as exempt development in the RU4 zone under State Environmental Planning Policy (Infrastructure) 2007.

Marine-based uses

Eight of the new permissible land uses (**charter and tourism boating facilities, jetties, marinas, mooring pens, moorings, port facilities, water recreation structures** and **wharf or boating facilities**) are marine-based facilities that may have some land-based component. Some rural areas in Eurobodalla adjoin waterways at which one or a number of these marine-based uses could be proposed. It is not considered that these uses would cause conflict with rural production, however the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Storage uses

Two of the new permissible land uses (**storage premises** and **wholesale supplies**) are storage uses that could be associated with rural production or other rural activity, such as a local food packaging and distribution facility. Subject to consideration at the development application stage of the merits of individual proposals in terms of site location, development scale and building design, it is not

considered that these uses would cause conflict with rural production. If a proposal for a storage use is related to rural production systems, it would be consistent with the objectives of the RU4 zone, including *“to encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature”*.

Funeral industry uses

Four of the new permissible land uses (**cemeteries, crematoria, funeral homes and mortuaries**) relate to the funeral industry. All of these uses are currently permitted with consent in the RU1 zone. It is considered appropriate to make these uses permitted with consent in the RU4 zone as such uses could be undertaken in this zone in a manner that is unlikely to impact on the agricultural productivity of the land or the amenity of the locality, subject to a merit assessment of any specific development proposal.

Other uses

- **Boat building and repair facilities** – Boat building and repair facilities are currently permitted with consent in the RU1 zone. It is considered appropriate to make this use permitted with consent in the RU4 zone as such use could be undertaken in this zone in a manner that is unlikely to impact on the agricultural productivity of the land or the amenity of the locality, subject to a merit assessment of any specific development proposal.
- **Car parks** – Car parks are parking areas not associated with a specific development. A car park could be proposed in a rural area at the starting point of a walking trail through a rural landscape (such as the Gulaga track), or near a remote beach. Car parks in rural areas could also in the future be proposed in rural areas at appropriate locations associated with park and ride public transport services. It is not considered that such a proposal would cause conflict with rural production.
- **Correctional centres** – Correctional centres are permitted with consent in the RU4 zone under State Environmental Planning Policy (Infrastructure) 2007.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in rural areas as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the RU4 zone, as there may be land adjoining a land release area, or land proposed to be rezoned at some stage in the future from RU4 to a residential zone as an extension of a land release area on which an exhibition home or village could be suitable.
- **Helipads** - A helipad is a place not open to the public used for the taking off and landing of helicopters. Making provision for helipads on suitable land is important to provide options for helicopter access, particularly for medical purposes. A helipad for an emergency services facility is already permitted with consent in the RU4 zone under State Environmental Planning Policy (Infrastructure) 2007.
- **Home occupation (sex services)** – A home occupation (sex services) premises is the provision of sex services in a dwelling by no more than 2 permanent residents of the dwelling and does not involve the employment of any persons other than those residents. Currently in Eurobodalla, a home occupation (sex services) premises is not permitted with consent in any zone. The use of a rural dwelling as a sex services premises is not considered a use that would cause conflict with rural production and would be unlikely to have detrimental impacts on adjoining and nearby residents. A sex services premises (brothel) is proposed to remain prohibited in the RU4 zone.
- **Passenger transport facilities** – Passenger transport facilities are currently permitted with consent in the RU1 zone. It is considered appropriate to also make this use permitted with consent in the RU4 zone as such use could be undertaken in this zone in a manner that is

unlikely to impact on the agricultural productivity of the land or the amenity of the locality, subject to a merit assessment of any specific development proposal.

- **Public administration buildings** – A public administration building is a building used as an office or other administrative functions of the Crown, a statutory body, a council or other organisation established for public purposes. While it is unlikely that a public administration building would be proposed in a rural area, should one be proposed by a statutory body (such as the Department of Primary Industries or Local Lands Services) on land in the RU4 zone, it would be considered on merit.
- **Registered clubs** – A registered club is defined as a club that holds a club license under the *Liquor Act 2007*. Any community group, sporting group or other association of people could seek approval for a club house from Council and a club license from Liquor and Gaming NSW. In rural areas, this could include pony clubs, polocrosse or other equestrian clubs, bmx, mountain bike or motor bike clubs, or the like.
- **Rural industry (other than livestock processing industries, sawmill or log processing works and stock and sale yards)** – The definition of rural industry is the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes. It includes agricultural produce industries, livestock processing industries, composting facilities and works (including the production of mushroom substrate), sawmill or log processing works, stock and sale yards and the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise. Of these inclusions, agricultural produce industries, composting works and the servicing of plant and equipment used for a rural enterprise are considered appropriate uses in the RU4 zone as they could be undertaken in a manner that is unlikely to impact on the agricultural productivity of the land or the amenity of the locality, subject to a merit assessment of any specific development proposal.

Zone B1 Neighbourhood Centre

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works; Home occupations		No change
3 Permitted with consent	Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Home businesses; Kiosks; Medical centres; Neighbourhood shops; Respite day care centres; Restaurants or cafes; Roads; Service stations; Sewerage systems; Shop top housing; Take away food and drink premises; Veterinary hospitals; Water supply systems.	Make the following additional land uses permitted with consent: Amusement centres; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Freight transport facilities; Function centres; Health consulting rooms; Home-based child care; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities.	Additional land uses to be provided for in land use table through the words “any development not specified in item 2 or 4”.
4 Prohibited	Any development not specified in item 2 or 3.	Restrict prohibited land uses to the following: Advertising structures; Agriculture; Air transport facilities; Airstrips, Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cellar door premises; Correctional centres, Depots; Eco-tourist facilities; Educational establishments; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Office premises; Open cut mining; Residential accommodation (other than as specified in item 3); Research stations; Restricted premises; Retail premises (other than kiosks, neighbourhood shops, restaurants or cafes and take away food and drink premises); Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies.	All uses identified as prohibited are already prohibited in the B1 zone through the words “any development not specified in item 2 or 3”.

Suitability of new land uses proposed to be permissible with consent

Commercial uses

Three of the new permissible land uses (**amusement centres, entertainment facilities and registered clubs**) provide for additional business opportunities in neighbourhood centres. Subject to the scale of any particular development proposal, these uses are not considered inconsistent with the objective of the B1 zone *“to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.”* The appropriateness of any particular development proposal would be considered at the development application stage having regard to the other objectives of the B1 zone, being *“to ensure that development retains a scale and character consistent with the neighbourhood area”* and *“to ensure that development does not adversely affect the adjoining residential amenity”*.

Tourism uses

Three of the new permissible land uses (**function centres, information and education facilities and tourist and visitor accommodation**) provide for additional tourism development opportunities in neighbourhood centres. Eurobodalla’s main industry is tourism and there is significant potential for growth in tourism that these new land uses will facilitate in neighbourhood centres. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B1 zone.

Community uses

Seven of the new permissible land uses (**health consulting rooms, home-based child care, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (major) and recreation facilities (outdoor)**) are facilities that provide services to local communities, consistent with the objectives of the B1 zone. A number of these uses are similar to other land uses that are already permissible with consent such as centre-based child care centres, community facilities, medical centres and respite day care centres. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B1 zone.

Infrastructure uses

Two of the new permissible land uses (**emergency services facilities and flood mitigation works**) are already permitted with or without consent in the B1 zone under State Environmental Planning Policy (Infrastructure) 2007.

Electricity generating works are not permitted with or without consent in the B1 zone under the Infrastructure SEPP, however it is considered appropriate for this use to be permitted with consent in the B1 zone under ELEP 2012. This is consistent with the Bega Valley Local Environmental Plan 2013.

Car parks are permitted with consent in the B2 and B4 zones. It is considered appropriate to also make car parks permitted with consent in the B1 zone.

Waste or resource management facilities are unlikely to be proposed in business zones as they usually require large areas of land away from sensitive receivers. However it is not considered necessary to prohibit this land use as future technological advancements may facilitate a use of this kind on a smaller lot in a business zone without impacts on adjoining land.

Marine-based uses

Ten of the new permissible land uses (**boat launching ramps, boat sheds, charter and tourism boating facilities, jetties, marinas, mooring pens, moorings, port facilities, water recreation structures and wharf or boating facilities**) are marine-based facilities that may have some land-based component. While there are currently no B1 zoned areas that directly adjoin a waterway,

there could in the future be a proposal to zone land adjoining a waterway to the B1 zone where one or a number of these marine-based uses could be proposed. Should any future development of this kind be proposed, the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Funeral industry uses

Three of the new permissible land uses (**cemeteries**, **crematoria** and **mortuaries**) relate to the funeral industry and add to the existing permissibility of funeral homes in the B1 zone. Given the significant aging of the Eurobodalla population, it is considered appropriate to make these uses as widely permissible as possible. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B1 zone.

Other uses

- **Environmental facilities** – An environmental facility is a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures. In the event that an existing or future B1 zone is on land that contains natural systems, this use would be appropriate, subject to a merit assessment through the development application process.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in business zones as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the B1 zone. Exhibition homes and villages are usually temporary uses of land and it may be appropriate to use vacant B1 zoned land in or adjoining a new release area for a period of time for this purpose before the commercial use of the land becomes viable.
- **Freight transport facilities** – A freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved. While such a facility is unlikely to be proposed in the B4 zone as large sites and large floorplate buildings are usually required with access to major transport facilities, future technological advancements (such as the transport of freight by drones) may lead to such a facility being appropriate in the B1 zone.
- **Home occupation (sex services)** – A home occupation (sex services) premises is the provision of sex services in a dwelling by no more than 2 permanent residents of the dwelling and does not involve the employment of any persons other than those residents. Currently in Eurobodalla, a home occupation (sex services) premises is not permitted with consent in any zone. The use of a dwelling in a business zone (such as in shop top housing) as a sex services premises is not considered a use that would be likely to have detrimental impacts on adjoining and nearby residents. A sex services premises (brothel) is proposed to remain prohibited in the B1 zone.
- **Passenger transport facilities** – A passenger transport facility is a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place. They are already permitted with consent in the B2, B4 and B5 zones. Providing for this use to also be permissible with consent in the B1 zone provides consistency across employment areas and facilitates future public transport options to be implemented.
- **Public administration buildings** – A public administration building is a building used as an office or other administrative functions of the Crown, a statutory body, a council or other organisation established for public purposes. They are already permitted with consent in

the B2, B4, B5 and IN1 zones and it is considered appropriate to also be permissible in the B1 zone to provide consistency across employment areas.

Zone B2 Local Centre

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works; Home occupations		No change
3 Permitted with consent	Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Highway service centres; Home businesses; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water supply systems	Make the following additional land uses permitted with consent: Boat launching ramps; Boat sheds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Electricity generating works; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Freight transport facilities, Health consulting rooms; Home-based child care; Home occupation (sex services); Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Places of public worship; Port facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities.	Additional land uses to be provided for in land use table through the words “any development not specified in item 2 or 4”.
4 Prohibited	Any development not specified in item 2 or 3	Restrict prohibited land uses to the following: Advertising structures; Agriculture; Air transport facilities; Airstrips, Animal boarding or training establishments; Boat building and repair facilities, Camping grounds; Caravan parks; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Hospitals; Industrial retail outlets; Industries; Open cut mining; Residential accommodation (other than as specified in item 3); Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Wholesale supplies.	All uses identified as prohibited are already prohibited in the B2 zone through the words “any development not specified in item 2 or 3”.

Suitability of new land uses proposed to be permissible with consent

Community uses

Six of the new permissible land uses (**health consulting rooms, home-based child care, places of public worship, recreation areas, recreation facilities (major) and recreation facilities (outdoor)**) are facilities that provide services to local communities, consistent with the objectives of the B2 zone. A number of these uses are similar to other land uses that are already permissible with consent such as centre-based child care centres, community facilities, medical centres, recreation facilities (indoor) and respite day care centres. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B2 zone.

Infrastructure uses

Two of the new permissible land uses (**emergency services facilities and flood mitigation works**) are already permitted with or without consent in the B2 zone under State Environmental Planning Policy (Infrastructure) 2007.

Electricity generating works are not permitted with or without consent in the B2 zone under the Infrastructure SEPP, however it is considered appropriate for this use to be permitted with consent in the B2 zone under ELEP 2012. This is consistent with the Bega Valley Local Environmental Plan 2013.

Waste or resource management facilities are unlikely to be proposed in business zones as they usually require large areas of land away from sensitive receivers. However it is not considered necessary to prohibit this land use as future technological advancements may facilitate a use of this kind on a smaller lot in a business zone without impacts on adjoining land.

Marine-based uses

Ten of the new permissible uses (**boat launching ramps, boat sheds, charter and tourism boating facilities, jetties, marinas, mooring pens, moorings, port facilities, water recreation structures and wharf or boating facilities**) are marine-based facilities that may have some land-based component. While there are relatively small areas of land currently zoned B2 that directly adjoin a waterway (eg at Malua Bay), there could in the future be a proposal to zone additional land adjoining a waterway to the B2 zone where one or a number of these marine-based uses could be proposed. Should any future development of this kind be proposed, the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Funeral industry uses

Two of the new permissible land uses (**cemeteries and crematoria**) relate to the funeral industry and add to the existing permissibility of funeral homes and mortuaries in the B2 zone. Given the significant aging of the Eurobodalla population, it is considered appropriate to make these uses as widely permissible as possible. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B2 zone.

Other uses

- **Correctional centres** – While correctional centres are not permitted with consent in the B2 zone under State Environmental Planning Policy (Infrastructure) 2007, it is considered appropriate to provide for this use in the B2 zone. They are permitted with consent in the B4 zone under the Infrastructure SEPP. Providing for this use in the B2 zone ensures consistency of land uses across Eurobodalla's major employment areas.

- **Environmental facilities** – An environmental facility is a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures. In the event that an existing or future B2 zone is on land that contains natural systems, this use would be appropriate, subject to a merit assessment through the development application process.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in business zones as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the B2 zone. Exhibition homes and villages are usually temporary uses of land and it may be appropriate to use vacant B2 zoned land in or adjoining a new release area for a period of time for this purpose before the commercial use of the land becomes viable.
- **Freight transport facilities** – A freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved. While such a facility is unlikely to be proposed in the B4 zone as large sites and large floorplate buildings are usually required with access to major transport facilities, future technological advancements (such as the transport of freight by drones) may lead to such a facility being appropriate in the B2 zone.
- **Home occupation (sex services)** – A home occupation (sex services) premises is the provision of sex services in a dwelling by no more than 2 permanent residents of the dwelling and does not involve the employment of any persons other than those residents. Currently in Eurobodalla, a home occupation (sex services) premises is not permitted with consent in any zone. The use of a dwelling in a business zone (such as in shop top housing) as a sex services premises is not considered a use that would be likely to have detrimental impacts on adjoining and nearby residents. A sex services premises (brothel) is proposed to remain prohibited in the B2 zone.
- **Industrial training facilities** – An industrial training facility is a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises. Forms of industrial training facilities could be established in business premises in commercial areas without impacting on the amenity of the area, subject to a merit assessment through the development application process. This also expands training opportunities in locations that have access to public transport and other services.
- **Research stations** – A research station is a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation. Forms of research stations could be established in business premises in commercial areas without impacting on the amenity of the area, subject to a merit assessment through the development application process. This also expands training opportunities in locations that have access to public transport and other services.

Zone B4 Mixed Use

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works; Home occupations		No change
3 Permitted with consent	Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Shop top housing; Signage; Veterinary hospitals; Water supply systems	Make the following additional land uses permitted with consent: Boat launching ramps, Boat sheds, Cemeteries, Charter and tourism boating facilities, Correctional centres, Crematoria, Electricity generating works, Emergency services facilities, Environmental facilities, Exhibition homes, Exhibition villages, Flood mitigation works, Freight transport facilities, Health consulting rooms, Home-based child care, Home occupation (sex services), Industrial training facilities, Jetties, marinas, Mooring pens, Moorings, Places of public worship, Port facilities, Recreation areas, Recreation facilities (major), Recreation facilities (outdoor), Research stations, Tourist and visitor accommodation; Vehicle repair stations, Waste or resource management facilities, Water recreation structures, Wharf or boating facilities.	Additional land uses to be provided for in land use table through the words "any development not specified in item 2 or 4".
4 Prohibited	Any development not specified in item 2 or 3	Restrict prohibited land uses to the following: Agriculture; Air transport facilities; Airstrips, Animal boarding or training establishments; Boat building and repair facilities, Camping grounds; Caravan parks; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Hospitals; Industrial retail outlets; Industries; Open cut mining; Residential accommodation (other than as specified in item 3); Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Wholesale supplies.	All uses identified as prohibited are already prohibited in the B4 zone through the words "any development not specified in item 2 or 3".

Suitability of new land uses proposed to be permissible with consent

Community uses

Six of the new permissible land uses (**health consulting rooms, home-based child care, places of public worship, recreation areas, recreation facilities (major) and recreation facilities (outdoor)**) are facilities that are considered to be compatible with other existing permissible uses in the B4 zone and therefore are consistent with the zone objectives. A number of these uses are similar to other land uses that are already permissible with consent such as centre-based child care centres, community facilities, medical centres, recreation facilities (indoor) and respite day care centres. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B2 zone.

Tourism accommodation uses

The term **tourist and visitor accommodation** is proposed to be added to the permissibility list. This is a group term that covers a range of uses, some of which are already permissible with consent in the B4 zone (backpackers' accommodation, hotel or motel accommodation and serviced apartments). The additional uses that would be permitted are **bed and breakfast accommodation** and **farm stay accommodation**. While these uses are unlikely to be proposed in the B4 zone, as they relate to other prohibited uses (agriculture and dwellings), it is not considered necessary to explicitly prohibit these uses. This approach is consistent with the existing land use table for the B2 zone.

Infrastructure uses

Two of the new permissible land uses (**emergency services facilities** and **flood mitigation works**) are already permitted with or without consent in the B4 zone under State Environmental Planning Policy (Infrastructure) 2007.

Electricity generating works are not permitted with or without consent in the B2 zone under the Infrastructure SEPP, however it is considered appropriate for this use to be permitted with consent in the B4 zone under ELEP 2012. This is consistent with the Bega Valley Local Environmental Plan 2013.

Waste or resource management facilities are unlikely to be proposed in business zones as they usually require large areas of land away from sensitive receivers. However it is not considered necessary to prohibit this land use as future technological advancements may facilitate a use of this kind on a smaller lot in a business zone without impacts on adjoining land.

Marine-based uses

Ten of the new permissible uses (**boat launching ramps, boat sheds, charter and tourism boating facilities, jetties, marinas, mooring pens, moorings, port facilities, water recreation structures and wharf or boating facilities**) are marine-based facilities that may have some land-based component. While there is currently no B4 zoned land that directly adjoins a waterway, there could in the future be a proposal to zone land adjoining a waterway to the B4 zone where one or a number of these marine-based uses could be proposed. Should any future development of this kind be proposed, the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Funeral industry uses

Two of the new permissible land uses (**cemeteries** and **crematoria**) relate to the funeral industry and add to the existing permissibility of funeral homes and mortuaries in the B4 zone. Given the significant aging of the Eurobodalla population, it is considered appropriate to make these uses as widely permissible as possible. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B4 zone.

Other uses

- **Correctional centres** – Correctional centres are permitted with consent in the B4 zone under State Environmental Planning Policy (Infrastructure) 2007.
- **Environmental facilities** – An environmental facility is a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures. In the event that an existing or future B4 zone is on land that contains natural systems, this use would be appropriate, subject to a merit assessment through the development application process.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in business zones as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the B4 zone. Exhibition homes and villages are usually temporary uses of land and it may be appropriate to use vacant B4 zoned land for a period of time for this purpose before the commercial use of the land becomes viable.
- **Freight transport facilities** – A freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved. While such a facility is unlikely to be proposed in the B4 zone as large sites and large floorplate buildings are usually required with access to major transport facilities, future technological advancements (such as the transport of freight by drones) may lead to such a facility being appropriate in the B4 zone.
- **Home occupation (sex services)** – A home occupation (sex services) premises is the provision of sex services in a dwelling by no more than 2 permanent residents of the dwelling and does not involve the employment of any persons other than those residents. Currently in Eurobodalla, a home occupation (sex services) premises is not permitted with consent in any zone. The use of a dwelling in a business zone (such as in shop top housing) as a sex services premises is not considered a use that would be likely to have detrimental impacts on adjoining and nearby residents. A sex services premises (brothel) is proposed to remain prohibited in the B4 zone.
- **Industrial training facilities** – An industrial training facility is a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises. Forms of industrial training facilities could be established in business premises in commercial areas without impacting on the amenity of the area, subject to a merit assessment through the development application process. This also expands training opportunities in locations that have access to public transport and other services.
- **Research stations** – A research station is a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation. Forms of research stations could be established in business premises in commercial areas without impacting on the amenity of the area, subject to a merit assessment through the development application process. This also expands training opportunities in locations that have access to public transport and other services.
- **Vehicle repair stations** – Vehicle repair stations are permitted with consent in the B2 zone and it is considered appropriate to also provide for them to be permissible with consent in the B4 zone to ensure consistency of land use across Eurobodalla's three main towns.

Zone B5 Business Development

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works		No change
3 Permitted with consent	Bulky goods premises; Centre-based child care facilities; Educational establishments; Funeral homes; Garden centres; Hardware and building supplies; Highway service centres; Landscaping material supplies; Light industries; Kiosks; Passenger transport facilities; Plant nurseries; Public administration buildings; Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Sex services premises; Shops; Signage; Take away food and drink premises; Transport depots; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems	Make the following additional land uses permitted with consent: Boat launching ramps; Boat building and repair facilities; Boat sheds; Business premises; Car parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Health services facilities; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Places of public worship; Port facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Retail premises; Rural industries; Storage premises; Truck depots; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies	Additional land uses to be provided for in land use table through the words “any development not specified in item 2 or 4”.
4 Prohibited	Any development not specified in item 2 or 3	Restrict prohibited land uses to the following: Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Amusement centres; Camping grounds; Caravan parks; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Heavy industrial storage establishments; Industries (other than light industries); Office premises; Open cut mining; Residential accommodation; Tourist and visitor accommodation; Vehicle body repair workshops.	All uses identified as prohibited are already prohibited in the B5 zone through the words “any development not specified in item 2 or 3”.

Suitability of new land uses proposed to be permissible with consent

Commercial and tourism uses

Four of the new permissible land uses (**function centres, information and education facilities, registered clubs and veterinary hospitals**) provide for additional business opportunities on land in the B5 zone. It is considered that these uses are consistent with the objectives of the B5 zone and in particular the objective *“to cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips”*.

The terms **business premises** and **retail premises** are also proposed to be added to the permissibility list. These are group terms that covers a range of uses, some of which are already permissible with consent in the B5 zone (bulky goods premises, funeral homes, garden centres, hardware and building supplies, kiosks, landscaping material supplies, plant nurseries, shops, take-away food and drink premises, vehicle sales or hire premises). The additional uses that would be permitted with consent as a result of this change are **cellar door premises, pubs, restaurants or cafes, roadside stalls, rural supplies** and **timber yards**, as well as other non-defined business uses such as banks, post offices, hairdressers, etc. Providing for all business and retail uses is consistent with the objective of the B5 zone *“to enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres”*.

Industrial and storage uses

Eight of the new permissible land uses (**boat building and repair facilities, depots, freight transport facilities, industrial retail outlets, storage premises, truck depots, vehicle repair stations and wholesale supplies**) provide for additional business opportunities on land in the B5 zone. It is considered that these uses are consistent with the objectives of the B5 zone and in particular the objective *“to enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres”*.

Community uses

Seven of the new permissible land uses (**community facilities, health services facilities, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (major) and recreation facilities (outdoor)**) are facilities that provide services to local communities. A number of these uses are similar to other land uses that are already permissible with consent such as centre-based child care centres, educational establishments and respite day care centres. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B5 zone.

Infrastructure uses

Two of the new permissible land uses (**emergency services facilities** and **flood mitigation works**) are already permitted with or without consent in the B5 zone under State Environmental Planning Policy (Infrastructure) 2007.

Electricity generating works and **waste or resource management facilities** are not permitted with or without consent in the B5 zone under the Infrastructure SEPP, however it is considered appropriate for these uses to be permitted with consent in the B5 zone under ELEP 2012. It is noted that the Bega Valley Local Environmental Plan 2013 permits electricity generating works with consent in the B5 zone, while the Shoalhaven Local Environmental Plan 2014 permits waste or resource transfer stations (a type of waste or resource management facility) with consent in the B5 zone.

Car parks are permitted with consent in the B2 and B4 zones. It is considered appropriate to also make car parks permitted with consent in the B5 zone.

Marine-based uses

Ten of the new permissible land uses (**boat launching ramps, boat sheds, charter and tourism boating facilities, jetties, marinas, mooring pens, moorings, port facilities, water recreation structures and wharf or boating facilities**) are marine-based facilities that may have some land-based component. While there are currently no B5 zoned areas that directly adjoin a waterway, there could in the future be a proposal to zone land adjoining a waterway to the B5 zone where one or a number of these marine-based uses could be proposed. Should any future development of this kind be proposed, the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Home-based uses

Four of the new permissible land uses (**home-based child care, home businesses, home occupations and home occupations (sex services)**) are uses associated with a dwelling. In the B5 zone, there may be dwellings with existing use rights where home-based businesses would be suitable as an interim use prior to redevelopment of the site for more long-term business activities. Home industries (as a form of light industry) are already permissible with consent in the B5 zone.

Funeral industry uses

Three of the new permissible land uses (**cemeteries, crematoria and mortuaries**) relate to the funeral industry and add to the existing permissibility of funeral homes in the B5 zone. Given the significant aging of the Eurobodalla population, it is considered appropriate to make these uses as widely permissible as possible. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the B5 zone.

Other uses

- **Correctional centres** – While correctional centres are not permitted with consent in the B5 zone under State Environmental Planning Policy (Infrastructure) 2007, it is considered appropriate to provide for this use in the B5 zone. They are permitted with consent in the B4 zone under the Infrastructure SEPP. Providing for this use in the B5 zone ensures consistency of land uses across Eurobodalla's major employment areas.
- **Environmental facilities** – An environmental facility is a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures. In the event that an existing or future B5 zone is on land that contains natural systems, this use would be appropriate, subject to a merit assessment through the development application process.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in business zones as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the B5 zone. Exhibition homes and villages are usually temporary uses of land and it may be appropriate to use vacant B5 zoned land for a period of time for this purpose before the commercial use of the land becomes viable.
- **Forestry** – Forestry operations are those conducted by State Forests, not private native forestry. While forestry operations are unlikely to be proposed on existing B5 zoned land, should there be future rezoning of land that is currently forested to the B5 zone, forestry operations may be appropriate prior to the development of the land for business development purposes.
- **Helipads** – A helipad is a place not open to the public used for the taking off and landing of helicopters. Making provision for helipads on suitable land is important to provide options for helicopter access, particularly for medical purposes. A helipad for an emergency services

facility is already permitted with consent in the B5 zone under State Environmental Planning Policy (Infrastructure) 2007.

- **Industrial training facilities** – An industrial training facility is a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises. The B5 zone already permits light industries, depots and storage uses for which an associated industrial training facility would be appropriately located nearby.
- **Rural industries** – A rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes agricultural produce industries, livestock processing industries, composting facilities and works (including the production of mushroom substrate), sawmill or log processing works, stock and sale yards, the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise. While some rural industries may not be appropriate in the B5 zone due to potential amenity impacts on adjoining land, a rural industry that has minimal impacts on adjoining land may be appropriate, and future technological advancements may facilitate a wider range of rural industries on B5 zoned land without impacts on adjoining land.

Zone IN1 General Industrial

	Current	Proposed changes	Comment
2 Permitted without consent	Environmental protection works		No change.
3 Permitted with consent	Boat building and repair facilities; Building identification signs; Bulky goods premises; Business identification signs; Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Research stations; Restricted premises; Roads; Rural industries; Rural supplies; Self-storage units; Service stations; Sex services premises; Stock and sale yards; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water supply systems; Wholesale supplies	Make the following additional land uses permitted with consent: Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Electricity generating works; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Flood mitigation works; Forestry; Function centres; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Sewerage systems; Storage premises; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities	Additional land uses to be provided for in land use table through the words “any development not specified in item 2 or 4”.
4 Prohibited	Any development not specified in item 2 or 3	Restrict prohibited land uses to the following: Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Amusement centres; Business premises (other than funeral homes); Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Education establishments; Entertainment facilities; Farm buildings; Health services facility; Highway service centres; Heavy industries; Office premises; Residential accommodation; Respite day care centres; Retail premises (other than as specified in item 3); Tourist and visitor accommodation.	All uses identified as prohibited are already prohibited in the IN1 zone through the words “any development not specified in item 2 or 3”.

Suitability of new land uses proposed to be permissible with consent

Commercial and tourism uses

Three of the new permissible land uses (**function centres, information and education facilities and registered clubs**) provide for additional business opportunities on land in the B5 zone. It is considered that these uses are consistent with the objectives of the B5 zone and in particular the objective *“to cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips”*.

Community uses

Three of the new permissible land uses (**recreation areas, recreation facilities (major) and recreation facilities (outdoor)**) are facilities that provide services to local communities. A number of these uses are similar to other land uses that are already permissible with consent such as recreation facilities (indoor). The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the IN1 zone.

Infrastructure uses

Four of the new permissible land uses (**electricity generating works, emergency services facilities, flood mitigation works, sewerage systems and waste or resource management facilities**) are already permitted with or without consent in the IN1 zone under State Environmental Planning Policy (Infrastructure) 2007.

Car parks are permitted with consent in the B2 and B4 zones. It is considered appropriate to also make car parks permitted with consent in the IN1 zone.

Marine-based uses

Ten of the new permissible land uses (**boat launching ramps, boat sheds, charter and tourism boating facilities, jetties, marinas, mooring pens, moorings, port facilities, water recreation structures and wharf or boating facilities**) are marine-based facilities that may have some land-based component. While there are currently no IN1 zoned areas that directly adjoin a waterway, there could in the future be a proposal to zone land adjoining a waterway to the IN1 zone where one or a number of these marine-based uses could be proposed. Should any future development of this kind be proposed, the potential impacts on aquaculture would need to be taken into account when considering a development application for such uses in close proximity to any aquaculture production areas.

Home-based uses

Four of the new permissible land uses (**home-based child care, home businesses, home occupations and home occupations (sex services)**) are uses associated with a dwelling. In the IN1 zone, there may be dwellings with existing use rights where home-based businesses would be suitable as an interim use prior to redevelopment of the site for more long-term business activities. Home industries (as a form of light industry) are already permissible with consent in the IN1 zone.

Funeral industry uses

Two of the new permissible land uses (**cemeteries and crematoria**) relate to the funeral industry and add to the existing permissibility of funeral homes and mortuaries in the IN1 zone. Given the significant aging of the Eurobodalla population, it is considered appropriate to make these uses as widely permissible as possible. The appropriateness of any particular development proposal would be considered at the development application stage having regard to the objectives of the IN1 zone.

Other uses

- **Correctional centres** – While correctional centres are not permitted with consent in the IN1 zone under State Environmental Planning Policy (Infrastructure) 2007, it is considered

appropriate to provide for this use in the IN1 zone. They are permitted with consent in the B4 zone under the Infrastructure SEPP. Providing for this use in the IN1 zone ensures consistency of land uses across Eurobodalla's major employment areas.

- **Environmental facilities** – An environmental facility is a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures. In the event that an existing or future IN1 zone is on land that contains natural systems, this use would be appropriate, subject to a merit assessment through the development application process.
- **Exhibition homes and exhibition villages** – Exhibition homes and villages are unlikely to be proposed in business zones as they are usually associated with residential land releases. Nevertheless, it is not proposed to prohibit these land uses in the IN1 zone. Exhibition homes and villages are usually temporary uses of land and it may be appropriate to use vacant IN1 zoned land for a period of time for this purpose before the commercial use of the land becomes viable.
- **Extractive industries** – Extractive industries are a form of industry. While an extractive industry may not be suitable for land adjoining an urban area zoned IN1 General Industrial, land earmarked for extractive industry may in the future be proposed to be zoned IN1 to facilitate a range of industrial uses including extractive industry.
- **Forestry** – Forestry operations are those conducted by State Forests, not private native forestry. While forestry operations are unlikely to be proposed on existing IN1 zoned land, should there be future rezoning of land that is currently forested to the IN1 zone, forestry operations may be appropriate prior to the development of the land for business development purposes.
- **Helipads** – A helipad is a place not open to the public used for the taking off and landing of helicopters. Making provision for helipads on suitable land is important to provide options for helicopter access, particularly for medical purposes. A helipad for an emergency services facility is already permitted with consent in the IN1 zone under State Environmental Planning Policy (Infrastructure) 2007.
- **Passenger transport facilities** – A passenger transport facility is a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place. They are already permitted with consent in the B2, B4 and B5 zones. Providing for this use to also be permissible with consent in the IN1 zone provides consistency across employment areas and facilitates future public transport options to be implemented.
- **Storage premises** - Storage premises is a group term that includes self-storage units which is already a permissible use in the IN1 zone. The change allows for other storage uses to be permissible with consent, consistent with the objectives of the zone, and in particular the objective *"to provide a wide range of industrial and warehouse land uses"*.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal is considered the best way of achieving the intended outcomes. As the purpose is to expand the range of permissible uses in the zones, the alternative approach of listing additional permitted uses in Schedule 1 of ELP 2012 is not considered appropriate.

With regard to grazing of livestock in the E2 zone, the alternative approach considered was the listing of extensive agriculture as permitted with or without consent in the E2 zone. Neither of these alternative options were considered appropriate as they would have provided for cropping in the E2 zone. Further discussion on this matter is included in section 3.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

Land uses in the RU1 and RU4 zones

The South East and Tablelands Regional Plan discusses the issue of land use in rural zones under the following actions:

- *“Promote commercial, tourism and recreational activities that support the agricultural sector”.*
- *“Encourage value-add agricultural opportunities through flexible planning provisions in local strategies and local environmental plans”.*
- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*
- *“Encourage tourism development in natural areas that support conservation outcomes”.*
- *“Manage land use conflict that can result from cumulative impacts of successive development decisions”.*

An open land use table is proposed for RU1 and RU4 zones which would allow Council to assess development applications on merit. Consideration of land uses that may be ‘non-compatible’ to the surrounding agricultural land would be assessed on a case by case basis. This better reflects the changing nature of agriculture in the Eurobodalla Shire. It allows for flexibility to also facilitate alternative rural living opportunities or promote rural tourism, allowing farmers to diversify their operations.

It is not anticipated that an open land use table would result in land uses that will cause conflicts with existing or future rural activities. However, as development consent will be required, the potential for any conflicts to arise will be considered as part of any development application.

Grazing of livestock in the E2 zone

In Eurobodalla, the E2 zone predominantly applies to wetlands and riparian lands. Pursuant to clause 3.3 of ELP 2012, exempt development cannot be undertaken on environmentally sensitive lands, including coastal wetlands. As a result, the proposal to make grazing exempt development in the E2 zone will only apply to areas that are not defined as environmentally sensitive lands.

The South East and Tablelands Regional Plan discusses wetlands and riparian lands under the following action:

- *“Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the ‘avoid, minimise and offset hierarchy”.*

For the most part, land surrounding SEPP 14 wetlands in Eurobodalla is zoned for rural purposes and much of this land is and has been used for rural activities for a long period of time. Some wetland areas too, particularly non-SEPP 14 wetlands, have been and are continuing to be used (through existing use rights) for rural activities, such as grazing of livestock, particularly in drier times.

Where existing use rights apply, land owners can lawfully continue to allow livestock to graze in wetland areas without consent.

Through education and landcare activities, Council and NSW Government Agencies have been working with land owners and landcare volunteers to protect important wetlands from the impacts of rural activities. This has involved coming to an agreement with landowners to fence off important areas to exclude livestock from entering. In Council’s view, this is the most effective way to ensure protection of important wetland areas, rather than implementing an approval regime.

The exhibited draft Rural Lands Strategy proposed that extensive agriculture be permitted without consent in the E2 zone. It was intended that this would facilitate the ongoing use of some wetland areas for grazing without land owners having to demonstrate that existing use rights apply. However, in considering submissions on this issue, including from NSW Government Agencies, it was agreed that this was not the most appropriate way to achieve the intended outcome, particularly as the definition of extensive agriculture includes cropping.

It was considered whether extensive agriculture should be permitted with consent in the E2 zone instead, consistent with the recommendation of the Northern Council’s E zones Review. However, this too was not considered appropriate due to the definition including cropping and the red tape this would generate for farmers going about their business.

The proposed listing of grazing of livestock as exempt development in the E2 zone avoids the potential for cropping in sensitive areas and enables farmers to continue existing activities without unnecessary red tape. It is not anticipated that this will encourage farmers who do not have existing use rights for grazing in wetlands to commence such activities. Farmers who are currently protecting wetlands on their properties from grazing activities are expected to continue to do so.

Ongoing education and landcare activities is considered a much better approach to protecting wetlands from inappropriate activities.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent See below.

SEPP30 Intensive Agriculture To provide consistent provisions for the assessment of cattle feedlots and piggeries and to extend the definition of rural industry.	Consistent See below.
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 14 – Coastal Wetlands

SEPP 14 prohibits persons from clearing, constructing a levee, draining or filling land identified as a SEPP 14 wetland. In the SEPP, clearing means the destruction or removal in any manner of native plants growing on the land.

Consistent. Despite the proposal to make grazing of livestock exempt development in the E2 zone, which includes SEPP 14 wetlands, the SEPP prevails over the LEP to prevent any person from destroying native vegetation in a SEPP 14 wetland.

As discussed in Section 3 above, the E2 zone also applies to lands that are not SEPP 14 wetlands and lands that have been and are continuing to be used (through existing use rights) for grazing activities. The Environmental Planning and Assessment Act 1979 provides for the continuation of existing use rights and Council is of the view that education and landcare activities will do more to protect important wetlands than restrictive planning rules.

Given the above, Council considers that the planning proposal is consistent with the provisions of SEPP 14.

SEPP 30 – Intensive Agriculture

SEPP 30 provides for the definition of rural industry to include composting facilities and works.

Consistent. The planning proposal includes the addition of certain elements of the definition of rural industry to be permissible with consent in the RU4 zone and this will facilitate composting facilities and works with consent in that zone.

SEPP 62 – Sustainable Aquaculture

SEPP 62 provides for a range of aquaculture types to be permissible with or without consent in certain zones.

Consistent. The planning proposal is consistent with the SEPP as the majority of rural land is proposed to be zoned RU1 under ELP 2012 which already permits aquaculture with consent. Aquaculture is also already permissible with consent in the RU4 zone and the planning proposal provides for aquaculture to also be permissible with consent in the R5 zone.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural planning principles, including the following:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*

Consistent. 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. The planning proposal is considered to be consistent with the Rural Planning Principles.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.1 Business and Industrial Zones To encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Consistent See below
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See below
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent See below.
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.1 Business and Industrial Zones

This direction states that a planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones, and
- (d) not reduce the total potential floor space area for industrial uses in industrial zones.

Consistent. The planning proposal is considered to be consistent with the objective and terms of this direction. It retains existing business and industrial zones and does not reduce the total potential floor space for employment uses in business or industrial zones.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. The planning proposal provides for additional land uses in rural zones and does not facilitate an increase in permissible density of land in rural zones. The planning proposal is therefore considered to be consistent with this Direction.

1.4 Oyster Aquaculture

This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in adverse impacts on or be incompatible with a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate. If the direction applies, the planning authority must consider the relevant issues and consult with the Director-General of the Department of Primary Industries (DPI).

Consistent. During the public exhibition of the draft Rural Lands Strategy, DPI made a submission that raised concerns with on-site sewerage management systems (OSMS) in rural residential areas, the suitability of land for intensive animal industries and unsealed roads in oyster producing estuaries. While the planning proposal proposes additional land uses that may be proposed in catchments of Priority Oyster Aquaculture Areas or current oyster leases, they do not include additional rural residential areas or intensive animal industries. Council will consult with DPI when the planning proposal is placed on public exhibition.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. The planning proposal is consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. Open land use tables proposed for the RU1 and RU4 zones provide for opportunities additional agricultural, tourism, residential and community activities in rural areas.

2.1 Environment Protection Zones

This direction states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Consistent. The planning proposal provides for grazing of livestock to be exempt development in the E2 zone and for boatsheds to be permissible with consent in the E2 zone. Neither of these changes reduce the environmental protection standards that apply to the land. For further discussion on other proposed changes affecting the E2 zone, refer to Appendix 7 and Volume 2 of this planning proposal.

4.4 Planning for Bushfire Protection

This direction states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination for a planning proposal.

Further, it states that a planning proposal must:

- (a) have regard to *Planning for Bushfire Protection 2006*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

- (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

Consistent. Council is satisfied that there are suitable opportunities across the rural landscape for the proposed additional uses to be developed in compliance with Planning for Bushfire Protection (PFBP). Any individual development application however will need to be fully assessed in accordance with PFBP. Further consultation with the Rural Fire Service on the details of the planning proposal will be undertaken and comments made will be taken into considerations prior to finalising the planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

For those land uses that will require development consent, the potential impacts on critical habitat, threatened species, populations or ecological communities, or their habitats, will be considered as part of any development application.

For land uses that will be permitted without consent (extensive agriculture in the E4 and R5 zones), the assessment of any land clearing to facilitate such activities is a matter for the Local Land Services in accordance with the Native Vegetation Act 2000.

For the grazing of livestock as exempt development in the E2 zone, there is potential for threatened species, populations or ecological communities or their habitats to be adversely affected. However, as noted above, this is intended to facilitate existing rural activities, particularly in non-SEPP 14 wetlands, and is not expected to result in an increase in grazing activities in the E2 zone. Further, it is considered that ongoing education and land care activities is a better approach to protecting wetlands from inappropriate activities.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

For the grazing of livestock as exempt development in the E2 zone, there is potential for other environmental effects such as a reduction in water quality and impact on migratory birds. However, as noted above, this is intended to facilitate existing rural activities, particularly in non-SEPP 14 wetlands, and is not expected to result in an increase in grazing activities in the E2 zone. Further, it is considered that ongoing education and land care activities is a better approach to protecting wetlands from inappropriate activities.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The provision of additional land uses in the zones is intended to facilitate additional positive social and economic opportunities for land owners and communities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Public infrastructure issues will be considered as part of any development application received for a particular land use.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Rural Fire Service noted that the draft Strategy proposed the additional uses ‘function centres’, ‘places of public worship’ and ‘educational establishments’ in RU1 and RU4 zones and that these uses may constitute a special fire protection purpose under Planning for Bushfire Protection 2006. The RFS recommended that Council be satisfied that such uses in rural areas is not likely to result in unacceptable impacts on areas of high conservation value (HCV) due to requirements for bushfire protection measures and is not creating unreasonable expectations for current and future landowners. In response to this submission, Council is satisfied that there are suitable opportunities across the rural landscape for these types of uses to be proposed in compliance with Planning for Bushfire Protection and with minimal impacts on HCV land.

The Office of Environment and Heritage objected to the proposal to make extensive agriculture permitted without consent in the E2 zone. In addition, South East Local Land Services recommended that the potential impacts of new extensive agriculture developments be addressed. In response to these submissions the Rural Lands Strategy was amended to recommend grazing of livestock as exempt development in the E2 zone.

The Department of Primary Industries (DPI Fisheries) noted that development within or adjacent to a marine park should ensure that any associated environmental effects do not adversely impact the marine biodiversity and ecological values of the park. DPI also noted that activities associated with rural lands have the potential to have an adverse impact on water quality more broadly. Council is satisfied that the development assessment process will ensure appropriate assessment of development impacts (for development that requires consent) within or adjacent to the Batemans Marine Park and in relation to potential impacts on waterways. In addition, Council can investigate and take appropriate actions to enforce relevant legislation relating to pollution of waterways and Council works with land owners and relevant State agencies to minimise potential pollution incidents.

The Department of Industry – Mineral Resources supported extensive agriculture as being permissible without consent in the E2, E4 and R5 zones as under the Mining SEPP, extractive industry can be carried out without consent on land where agriculture or industry is allowed. Despite the change to the Rural Lands Strategy to recommend grazing of livestock as exempt development in the E2 zone, the Mining SEPP will continue to apply.

Appendix 2 – Justification for Item No. 2

Name of item	Intended Outcome
Amend Clause 4.1E	To include the RU4 zone as a zone where minimum averaging provisions will apply and to ensure no lot resulting from a subdivision of land zoned RU4 using the minimum averaging clause is less than 2ha.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal implements the following recommendation of the Rural Lands Strategy:

Action: *That Clause 4.1E of the Eurobodalla LEP 2012 be amended to add the RU4 zone as a zone where minimum averaging provisions apply. Further that the new clause be subject to a requirement that no lot be created below 2 ha in area*

Rationale: *The current 2012 LEP only allows minimum averaging in the E4 and R5 zones. While the broader objective of RU4 is recommended to move more towards being a zone for small lot agriculture, the advantage that minimum averaging brings of permitting a wider range of lot sizes, while still containing density to the average of the mapped lot size is worth supporting. Each DA would be assessed on its merits. However to make sure the small lot farming objectives are met, it is proposed no lot be able to be created under minimum averaging in RU4 below 2 ha as this is seen as a desirable minimum for the zone objectives of being small lot farms.*

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal presents the only way to achieve minimum averaging in the RU4 zone in a manner that ensures development is consistent with the zone objectives.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

This proposed amendment provides for subdivision in rural areas in a manner that is appropriate to the agricultural and environmental characteristics of the land. Given the proposed amendment includes a minimum lot size of 2ha in any minimum averaging proposal, it is considered that the planning proposal achieves an appropriate subdivision standard for the RU4 zone and is therefore consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural subdivision principles, including the following:

- (a) *the minimisation of rural land fragmentation,*
- (b) *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.*

Consistent. Given the proposed amendment includes a minimum lot size of 2ha in any minimum averaging proposal, the planning proposal is considered to be consistent with the Rural Subdivision Principles.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. The planning proposal provides for an alternative means of achieving the same density of development in the RU4 zone as the total number of lots resulting from a subdivision using minimum averaging will not exceed the number of lots that could be created by a subdivision under the mapped minimum lot size standard for that land. Further, the proposed minimum lot size of 2ha in any subdivision ensures development will continue to meet the objectives of the RU4 zone. The planning proposal is therefore considered to be consistent with this Direction.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. Given the proposed amendment includes a minimum lot size of 2ha in any minimum averaging proposal, the planning proposal is considered to be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

One of the key reasons for using minimum averaging is to facilitate development opportunities in a manner that minimises impacts on environmentally sensitive areas. However, detailed environmental assessments for any proposed subdivision using the minimum averaging clause will be undertaken at the development application stage.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Detailed environmental assessments for any proposed subdivision using the minimum averaging clause will be undertaken at the development application stage.

9. Has the planning proposal adequately addressed any social and economic effects?

The provision of the opportunity to subdivide land in the RU4 zone using minimum averaging is intended to facilitate additional positive economic opportunities for land owners, to provide a mix of lot sizes for small-scale rural activities and to facilitate development that has minimal impacts on environmental areas and productive rural lands.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Public infrastructure issues will be considered as part of any development application received for the subdivision of land.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

As this proposal was incorporated into the Rural Lands Strategy following exhibition in response to submissions, Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 3 – Justification for Item No. 3

Name of item	Intended Outcome
Amend Clause 4.2A	To delete the sunset clause to ensure existing dwelling entitlements do not lapse, to delete the 'sealed road' provision due to the introduction of new minimum lot sizes in rural areas and to facilitate dwellings on lots that exceed the minimum lot size.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal implements the following recommendations of the Rural Lands Strategy:

Action: That the sunset clause 4.2A (3) be removed from the Eurobodalla LEP 2012.

Rationale: Currently, some landowners face the prospect of their existing rights to apply for a dwelling being extinguished due to the 5 year sunset clause applying to specified holdings in Clause 4.2A (3) of the Eurobodalla LEP 2012. While action to simplify and clarify dwelling entitlements has merit, it is reasonable for existing provisions to be retained until a satisfactory alternative approach can be resourced and developed.

Action: That Council amend the Eurobodalla LEP 2012 to delete clause 4.2A(2)(a). Further that the Planning Proposal to make that change give consideration to measures to ensure the reasonable expectations of owners of such vacant lots are conserved.

Rationale: This clause only permits consideration for a dwelling where the lot is 40 ha or greater and has direct access to a Council managed sealed road. There are relatively few lots that can take advantage of this clause and the alternative provisions recommended in this strategy have a planned basis for setting further dwellings in the general rural area. As such it is recommended the clause be deleted. But given a few people may have purchased such lots with the objective of applying for consent to develop a dwelling, the planning proposal should consider the impact of removing the clause on those lots.

Note: To ensure the reasonable expectations of owners of vacant lots that benefited from the 'sealed road' clause, it is proposed to identify these lots on the Dwelling Entitlement Map. Refer to Appendix 8 for discussion on this matter.

Clause 4.2A also requires amendment to give effect to the recommendation of the Rural Lands Strategy to identify appropriate lot sizes for rural land and to facilitate dwellings on lots that exceed those lot sizes, consistent with the Department of Planning's model clause. Refer to Appendix 5 and Volume 2 for discussion on the proposed lot sizes and number of dwellings that would be facilitated as a result of this change.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal provides the only way to ensure existing dwelling entitlements are retained and to delete the 'sealed road' provision. In relation to the sunset clause, an alternative approach could be to extend the period of time before relevant entitlements are extinguished. However, given

significant community opposition to the application of a sunset clause, this alternative approach is not considered appropriate. Through the application of appropriate minimum lot sizes as outlined in this planning proposal (see Appendix 5), existing parcels or holdings that are larger than the proposed minimum lot size would now have dwelling entitlement through the amended clause. This, in combination with the identification of certain parcels or holdings on the Dwelling Entitlement Map, significantly reduces the number of complex dwelling entitlement searches that will have to be undertaken in the future. As noted above in the “rationale”, Council will continue to explore further means of simplifying and clarifying dwelling entitlements.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan does not specifically address the issue of dwelling entitlements in rural areas. As the planning proposal ensures that existing dwelling entitlements are retained, it is therefore considered to not be inconsistent with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural planning principles, including the following:

- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*

Consistent. As the planning proposal ensures the retention of existing dwelling entitlements, it is considered to be consistent with the Rural Planning Principles.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. As the planning proposal ensures the retention of existing dwelling entitlements, it is considered to be consistent with this Direction.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. As the planning proposal ensures the retention of existing dwelling entitlements, it is considered to be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

As, the planning proposal provides for no additional development beyond that which is permissible under ELEG 2012, it does not result in any additional potential impacts on environmentally sensitive areas.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

As, the planning proposal provides for no additional development beyond that which is permissible under ELEG 2012, it does not result in any other additional environmental effects.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The retention of existing dwelling entitlement provides social and economic benefits to land owners.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

During public exhibition of the draft Rural Lands Strategy, Council received submissions from a number of NSW Government Agencies. None of the agency submissions specifically addressed this issue.

Appendix 4 – Justification for Item No. 4

Name of item	Intended Outcome
Introduce a new boundary adjustment clause	To increase the opportunities for boundary adjustments on certain lands.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal implements the following recommendation of the Rural Lands Strategy:

Action: *That Council amend the Eurobodalla LEP 2012 to include the expanded boundary adjustment clause for rural land – an example of which is presented in the Wellington LEP 2012, Clause 4.2B.*

Rationale: *Occasionally, rural property owners seek to adjust common property boundaries to facilitate better land management for agriculture. For example one landowner may negotiate to buy a paddock from a neighbour.*

The current provisions in the Eurobodalla LEP 2012 are those of the Standard Instrument and limit such subdivision if dwellings are involved on the subject land. The Department of Planning and Environment has now developed a model clause that allows such subdivision where dwellings are involved provided no additional dwelling opportunities or lots are created.

Clause 4.2B of the Wellington LEP 2012 is as follows:

4.2B Boundary changes between lots in certain rural, residential and environment protection zones

- (1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.*
- (2) *This clause applies to land in any of the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU3 Forestry,*
 - (c) *Zone RU4 Primary Production Small Lots,*
 - (d) *Zone R5 Large Lot Residential,*
 - (e) *Zone E1 National Parks and Nature Reserves,*
 - (f) *Zone E2 Environmental Conservation,*
 - (g) *Zone E3 Environmental Management.*
- (3) *Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots comprised in land to which this clause applies if the subdivision will not result in any of the following:*
 - (a) *an increase in the number of lots,*
 - (b) *an increase in the number of dwellings or dual occupancies on (or dwellings or dual occupancies that may be erected on) any of the lots.*

- (4) *Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:*
- (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*
 - (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
 - (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*
- (5) *This clause does not apply:*
- (a) *in relation to the subdivision of individual lots in a strata plan or a community title scheme, or*
 - (b) *if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.*

A new clause similar to the Wellington clause is proposed to be added to ELEG 2012, to apply to the RU1, RU3, RU4, E1 and E2 zones. The existing rural subdivision clause (4.2) is proposed to be retained as it is a compulsory clause and provides for a different form of rural subdivision.

Notwithstanding the wording of the above example clause, it is intended to facilitate boundary adjustments that could result in additional dwellings or subdivision potential, where the lot or lots resulting from the boundary adjustment can comply with the relevant minimum lot size.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Implementation of the model clause for boundary adjustments is the best means of achieving the intended outcome.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan does not specifically address the issue of boundary adjustments on rural land. Given the proposed amendment provides for appropriate boundary adjustment opportunities for rural landowners, it is considered to not be inconsistent with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council's local strategy or other local strategic plan*

The planning proposal implements Council's Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural subdivision principles, including the following:

- (a) *the minimisation of rural land fragmentation,*
- (b) *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.*

Consistent. The planning proposal provides for additional boundary adjustment opportunities for rural landowners and does not increase rural land fragmentation or potential rural land use conflicts. It is therefore considered to be consistent with the Rural Subdivision Principles.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent See below.
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. The planning proposal provides for additional boundary adjustment opportunities for rural landowners and does not increase the permissible density of rural land. It is therefore considered to be consistent with this Direction.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. The planning proposal provides for additional boundary adjustment opportunities for rural landowners and does not increase the permissible density of rural land. It is therefore considered to be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

2.1 Environmental Protection Zones

This direction states that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, it states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Consistent. The proposed additional clause will apply to environmental zones. A provision of the clause requires the consent authority to consider whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land. Given this is a required consideration for any development application for a boundary adjustment, the planning proposal is considered to be consistent with the direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The proposed additional clause will apply to environmental zones as well as rural zones. A provision of the clause requires the consent authority to consider whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land. Given this is included in the clause, it is not likely to result in potential impacts on environmentally sensitive areas.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The proposed additional clause will apply to environmental zones as well as rural zones. A provision of the clause requires the consent authority to consider whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land. Given this is included in the clause, it is not likely to result in other potential environmental effects.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed additional boundary adjustment opportunity provides social and economic benefits to land owners.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

During public exhibition of the draft Rural Lands Strategy, Council received submissions from a number of NSW Government Agencies. None of the agency submissions specifically addressed this issue.

Appendix 5 – Justification for Item No. 5

Name of item	Intended Outcome
Amend Zoning and Minimum Lot Size Maps	To establish appropriate zoning and minimum lot sizes for certain rural land in accordance with the Rural Lands Strategy.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal changes the zoning and minimum lot size across a number of areas in accordance with the recommendations of the Eurobodalla Rural Lands Strategy 2016. Details of each area are provided in Volumes 2 and 3 of this planning proposal. A summary of the proposed zoning and minimum lot size for each area is provided in the table below, along with the potential increase in the number of lots and dwellings that could be achieved in each area.

Area	Zone	Minimum lot size	Potential increase in lots and dwellings
1. Kings Hwy, Murrengenberg	RU1	200ha	Nil
1a. Kings Hwy, Currowan	RU1	40ha	Nil
2. Nelligen Creek Rd, West Nelligen	RU1	40ha	3 lots and 3 dwellings
3. Old Bolaro Road (south), West Nelligen	RU4	10ha	1 lot and 3 dwellings
3a. Old Bolaro Road (central), West Nelligen	RU4	5ha	1 lot and 5 dwellings
4. Currowan, Benandarah and East Lynne	RU1*	40ha*	4 lots and 6 dwellings
4a. Princes Hwy, Benandarah	RU4	40ha	1 lot and 3 dwellings
4b. South Durras	RU1*	40ha*	Nil
4c. Maloneys Beach	RU1	100ha	Nil
5. West Batemans Bay	RU1	40ha	Nil
6. North and West Mogo	RU4	20ha	7 dwellings
6a. Goba Lane, Mogo	RU1	40ha	Nil
7a. George Bass Drive (East), Malua Bay	E4	10ha	1 dwelling
7b. George Bass Drive (West), Malua Bay	RU1	40ha	1 lot and 2 dwellings
8. Dunns Creek Road (North), Woodlands	RU4	20ha	6 dwellings
8a. Tomakin Rd and Dunns Creek Rd (South), Woodlands	RU4	10ha	1 lot and 2 dwellings
8b. Tomakin Road, Mogo	RU4	20ha	3 lots and 3 dwellings
9. South Mogo	RU1	40ha	1 lot and 2 dwellings
9a. Maulbrooks Road, Mogo	RU4	10ha	1 dwelling

10. Jeremadra Grove and Goldfields Drive, Jeremadra	RU4	10ha	7 lots and 7 dwellings
10a. Springwater Road, Jeremadra and George Bass Drive, Broulee	RU1*	40ha*	1 lot and 3 dwellings
11. Broulee Road, Broulee	RU4	10ha	2 lots and 2 dwellings
11a. Broulee Road, Bimbimbie and Broulee	RU1*	100ha*	1 lot and 1 dwelling
12. Tomakin, Rosedale and Guerilla Bay	RU1*	40ha*	Nil
12a. George Bass Drive, Mossy Point	E4 and E2	1000m ² (E4)	19 lots and 20 dwellings
13. Clouts Road, Mogendaoura	RU1	100ha	2 dwellings
14. Hawdons Road, Mogendoura	RU1	40ha	4 lots and 6 dwellings
15. North Moruya	RU1*	100ha*	Nil
16. Meadows Road, Malabar Drive and Percy David Drive, North Moruya	RU4	10ha	6 lots and 7 dwellings
17. East Moruya	RU1*	40ha*	5 dwellings
17a. South Head Road, Moruya Heads	RU4*	40ha	1 dwelling
17b. Congo Road, Moruya Heads	RU1	100ha	1 lot and 1 dwelling
18. Congo Road (North), Congo	RU1	40ha	1 lot and 4 dwellings
18a. Berriman Drive, Congo	RU4	10ha	1 dwelling
18b. Congo Road (South), Congo	RU4	10ha	1 dwelling
18c. Meringo Road, Meringo	RU1	40ha	1 lot and 1 dwelling
19. Wamban Road (South), Wamban	RU1	500ha	Nil
20. Bergalia	RU1	100ha	1 lot and 8 dwellings
20a. Wamban Road (North), Wamban	RU1	100ha	Nil
21. Bingie Road, Bingie	RU4	20ha	1 lot and 15 dwellings
22. Prince Hwy (West), Coila and Turlinjah	RU1	20ha	4 lots and 5 dwellings
22a. Princes Hwy (East), Coila	RU1	40ha	Nil
22b. Kyla Park	RU1	100ha	Nil
22c. Princes Hwy (East), Turlinjah	RU1	40ha	1 dwelling
23. Potato Point Road (South), Bodalla and Potato Point	RU1	40ha	2 lots and 4 dwellings
24. Princes Hwy, South Bodalla	RU1	100ha	2 lots and 4 dwellings
25. Princes Hwy, North Bodalla & Blackfellows Point Road, Bodalla	RU1	40ha	1 lot and 5 dwellings
25a. Potato Point Road and Horse Island Road, Bodalla	RU1	20ha	6 lots and 10 dwellings

26. Bumbo Road (East) and Eurobodalla Road, Bodalla	RU1	200ha	Nil
26a. Bumbo Road (West), Bodalla	RU1	40ha	Nil
27. North Narooma and Kianga	RU1	40ha	6 lots and 7 dwellings
28. South Narooma	RU1	20ha	7 lots and 6 dwellings
29. Wagonga Scenic Drive, Narooma and Tebbs Road, Corunna	RU1	40ha	1 lots and 2 dwellings
30. Wagonga Scenic Drive, Narooma	RU4	5ha	11 lots and 17 dwellings
30a. Wagonga Scenic Drive, Narooma	RU4	2ha	7 lots and 8 dwellings
30b. Wagonga Scenic Drive, Narooma	RU4	10ha	2 lots and 3 dwellings
31. Shingle Hut Road, Narooma	RU1	100ha	1 dwelling
32. Central Tilba and Surrounds	RU1*	100ha*	4 dwellings
33. Dignams Creek Road, Dignams Creek	RU1	40ha	6 dwellings
34. Eurobodalla Road, Eurobodalla, Cadgee, Nerrigundah and Tinpot	RU1	100ha	12 dwellings
35. Belowra	RU1	500ha	Nil
36. Merricumbene and Deua	RU1	500ha	7 lots and 6 dwellings
37a. Araluen Road (North), Deua River Valley	RU1	40ha	1 lot and 1 dwelling
37b. Araluen Road (Central), Deua River Valley	RU1	20ha	3 dwellings
37c. Araluen Road (South), Wamban and Kiora	RU1	40ha	4 lots and 10 dwellings
38. Runnyford and Buckenbowra	RU1*	500ha*	3 dwellings
39. South Moruya	RU4	2ha	Nil
40. Turnbolls Lane, Moruya	RU4	5ha	Nil
41. South Nelligen	RU4	2ha	Nil
42. Hector McWilliam Drive, Tuross Head	RU1*	20ha*	Nil
TOTAL LOTS AND DWELLINGS			122 lots and 247 dwellings

* Some lots in these areas are proposed to have a different zone and/or lot size. See Volumes 2 and 3 for details.

Summary of Potential increase in lot and dwelling yield in Eurobodalla's rural areas

The tables below provide a summary of the additional lot and dwelling potential due to the planning proposal. A table for each area identified in the Rural Lands Strategy is also provided in the detailed assessment for each area in Volume 2.

RU1 Summary

For all land currently zoned and proposed to be zoned RU1, the planning proposal provides for up to an additional 60 lots. This represents approximately 2% increase on the existing number of lots in the proposed RU1 areas.

In terms of dwellings, the planning proposal provides for up to an additional 134 dwellings on separate lots (not including the potential for dual occupancies). This represents approximately 12.8% increase on the existing number of dwellings in the proposed RU1 areas.

RU1 Summary Table

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	2801	2803	2863	60
Dwellings	1044	1072*	1206	134

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

E4/RU4 Summary

For all land proposed to be zoned E4 or RU4, the planning proposal provides for up to an additional 62 lots. This represents approximately 19% increase on the existing number of lots in the proposed E4 and RU4 areas.

In terms of dwellings, the planning proposal provides for up to an additional 113 dwellings on separate lots (not including the potential for dual occupancies). This represents approximately 47% increase on the existing number of dwellings in the proposed E4 and RU4 areas.

E4/ RU4 Summary Table

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	319	321	383	62
Dwellings	242	266*	379	113

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

Methodology for determining additional potential lots and dwellings: The number of existing lots was determined and it was noted whether there was an existing dwelling by looking at aerial photography. The potential for each existing lot to have a dwelling or be subdivided under the existing LEP relevant to the land was determined and compared with what could be achieved under the recommendations of the Rural Land Strategy. The change from the current LEP identifies the potential additional lots and dwellings that could result by implementing the recommendations of the Rural Land Strategy.

Note: The figures in the above tables relate only to land in private ownership, not to land owned by the Crown or Council.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes the following directions relating to rural land:

- “Promote agricultural innovation, sustainability and value-add opportunities”.
- “Protect important agricultural land”.
- “Manage rural lifestyles”.

In particular the following action is relevant: “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size for rural land in the Eurobodalla Shire. In many areas, the zone and minimum lot size appropriately reflects the existing land use and subdivision pattern of the area. In other areas, a relatively small increase in lots and/or dwellings is provided for, in order to facilitate some additional agricultural and dwelling opportunities. Importantly, the most productive agricultural lands are protected from further fragmentation due to the application of larger minimum lot sizes. By providing appropriate minimum subdivision standards for rural land and the retention of existing dwelling entitlement clauses in the LEP, the planning proposal is consistent with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent See below
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below
SEPP 71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 14 – Coastal Wetlands

SEPP 14 prohibits persons from clearing, constructing a levee, draining or filling land identified as a SEPP 14 wetland. In the SEPP, clearing means the destruction or removal in any manner of native plants growing on the land.

Consistent. Some rural areas contain or adjoin SEPP 14 wetlands. The planning proposal either maintains existing lot and dwelling yields in a particular area, or proposes a relatively small increase in lots and/or dwellings. Following an assessment of the potential development in each area, there are opportunities to carry out the potential additional development in locations more than 100m away from SEPP 14 wetlands to ensure there are no impacts. The planning proposal, for all areas, is therefore considered to be consistent with SEPP 14.

This SEPP applies to the following areas: 4, 4b, 4c, 5, 8a, 8b, 10, 10a, 11, 11a, 12, 12a, 14, 15, 16, 17, 17a, 17b, 18, 18c, 22, 22a, 22c, 24, 25, 25a, 26, 27, 28, 29, 32 and 38.

SEPP 62 – Sustainable Aquaculture

SEPP 62 provides for a range of aquaculture types to be permissible with or without consent in certain zones and requires the consideration of the effects of development on oyster aquaculture.

Consistent. The planning proposal is consistent with the SEPP as the majority of the land is proposed to be zoned RU1 or RU4 under ELP 2012, zones which already permit aquaculture with consent. Given the relatively small increase in lot and dwelling yield provided for in the planning proposal, it is not expected that there will be adverse impacts on oyster aquaculture in the relevant estuaries as a result of the planning proposal. In any case, potential impacts on oyster producing estuaries will be considered as part of any development application in the catchments.

For site specific justifications where relevant, refer to Volume 2 of this planning proposal (See areas 4, 8a, 8b, 9, 10, 10a, 16, 17, 17a, 17b, 22, 22c, 25, 25a, 27, 29, 32 and 38).

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: Some rural areas contain land within the Coastal Zone and some of this land is in a sensitive coastal location. Given the relatively small increase in lots and dwellings in areas within the coastal zone, the planning proposal is unlikely to result in any detrimental impacts on coastal processes or compromise the natural values of the areas and is therefore considered to be consistent with SEPP 71.

This SEPP applies to the following areas: 4, 4a, 4b, 4c, 5, 6, 7a, 7b, 8a, 8b, 9, 10, 10a, 11, 11a, 12, 12a, 15, 16, 17, 17a, 17b, 18, 18c, 20, 21, 22, 22a, 22b, 22c, 23, 24, 25, 25a, 26, 27, 28, 29, 32, 38, 41 and 42.

SEPP Rural Lands 2008

This SEPP provides a number of rural planning and subdivision principles, including the following:

Rural Planning Principles

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land*
- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

Rural Subdivision Principles

- (a) *the minimisation of rural land fragmentation,*
- (b) *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.*

Consistent. The planning proposal implements the Eurobodalla Rural Lands Strategy which was developed to be consistent with the rural planning and subdivision principles of the SEPP. In Eurobodalla's most productive agricultural lands and the more remote rural lands, the planning proposal generally maintains the existing dwelling and lot yield to protect productive lands and avoid further development in the more constrained lands. In areas where the proposed reduced lot size facilitates some additional lot or dwelling yield, the planning proposal provides for a small, appropriate increase in agricultural and rural lifestyle opportunities in these areas, without causing adverse rural land fragmentation or land use conflicts. Across most areas, the proposed minimum lot size reflects the existing nature of holdings in each area. The planning proposal is therefore considered to be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

SEPP (Mining, Petroleum Production and Extractive Industries) (2007)

This SEPP provides for extractive industries to be permissible with consent on any land where agriculture or industry may be carried out with or without consent.

Consistent. All of the areas that contain some extractive industry or an identified extractive resource are proposed to be zoned RU1 in which extensive agriculture is permitted without consent. Some areas adjoin land with an existing extractive industry or an identified resource. Where these areas provide for some additional development potential, there is opportunity to ensure adequate separation between any new development and the extractive industry or resource. The planning proposal is considered to be consistent with this SEPP.

This SEPP applies to the following areas: 2, 4c, 7b, 9, 10a, 11a, 14, 17, 20, 24, 27 and 34.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Partly Consistent / Partly Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See below.

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent See below.
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Partly Consistent, Partly Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must:

- (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Consistent. In relation to (a) above, the planning proposal is consistent with the direction, as the vast majority of rural land in the Eurobodalla Shire is proposed to be zoned either RU1 or RU4. While a small proportion of rural land is proposed to be zoned E4 Environmental Living, the direction does not prevent rezoning land from a rural to an environmental zone.

In relation to (b) above, for a number of areas, the proposed minimum lot size will not result in any additional lots or dwellings and therefore will not increase the permissible density of the land. For these areas, the planning proposal is consistent with the direction.

This applies to the following areas: 1, 1a, 3, 3a, 4b, 4c, 5, 6a, 7a, 12, 15, 17a, 18b, 19, 20a, 22a, 22b, 26, 35, 39, 40, 41 and 42.

Inconsistent but justified by a study and of minor significance. The planning proposal implements the recommendations of the Rural Lands Strategy adopted by Council on 23 February 2016. The Rural Lands Strategy was prepared having regard to the objectives of this direction to “*protect the agricultural production value of rural land*”. The Strategy applies a “landscape approach” to

identifying appropriate zones and minimum lot sizes for rural land that protects the most productive agricultural lands and facilitates additional small lot rural activities.

For areas where the proposed minimum lot size will facilitate an increase in the permissible density of the land, the proposed minimum lot size is considered appropriate for agricultural production in the location. The relatively small number of lots and/or dwellings that may result from the planning proposal will facilitate some additional agricultural opportunities across the Eurobodalla. While for these areas the planning proposal is inconsistent with part (b) of the direction, the extent of inconsistency is minor and the planning proposal is considered to meet the objective of the direction *“to protect the agricultural production value of rural land”*.

This applies to the following areas: 2, 3a, 4, 4a, 6, 7b, 8, 8a, 8b, 9, 9a, 10, 10a, 11, 11a, 12a, 13, 14, 16, 17, 17b, 18, 18a, 18c, 20, 21, 22, 22c, 23, 24, 25, 25a, 26a, 27, 28, 29, 30, 30a, 30b, 31, 32, 33, 34, 36, 37a, 37b, 37c and 38.

1.3 Mining, Petroleum and Extractive Industries

This direction applies when a planning proposal that would have the effect of prohibiting mining, petroleum production or extractive industry or restricting such development by permitting a land use that is likely to be incompatible with such development.

Consistent. A number of areas contain or adjoin some extractive industry or an identified extractive resource. Where these areas provide for some additional development potential, there is opportunity to ensure adequate separation between any new development and the extractive industry or resource to avoid land use conflicts. The planning proposal is considered to be consistent with this direction.

For site specific justifications where relevant, refer to Volume 2 of this planning proposal (See areas 2, 4c, 7b, 9, 10a, 11a, 14, 17, 20, 24, 27 and 34).

1.4 Oyster Aquaculture

This direction states that a planning proposal must identify any proposed land uses which could result in any adverse impact on a Priority Oyster Aquaculture Area or oyster aquaculture leases outside such an area and consider any issues that are likely to lead to an incompatible use of land between oyster aquaculture and other land uses. It also states that the Director General of the Department of Primary Industries (DPI) must be consulted with and that the planning proposal must be consistent with the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

Consistent. During the public exhibition of the draft Rural Lands Strategy, DPI made a submission that raised concerns with on-site sewerage management systems (OSMS) in rural residential areas, the suitability of land for intensive animal industries and unsealed roads in oyster producing estuaries. While the planning proposal proposes a modest increase in lots and dwellings in close proximity to some oyster producing estuaries, there are no additional rural residential areas proposed in such areas and the proposed zoning of land will not increase the potential for intensive animal industries to be developed. In any case, the potential impacts of development on oyster producing estuaries will be considered in the assessment of relevant development applications. Council will consult with DPI when this planning proposal is placed on public exhibition.

This direction applies to the following areas: 4, 8a, 8b, 9, 10, 10a, 16, 17, 17a, 17b, 22, 22c, 25, 25a, 27, 29, 32 and 38.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. The planning proposal is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. In some areas, the proposed reduction in minimum lot size will maintain existing agricultural and dwelling opportunities. In other areas, the proposed reduction in minimum lot size will facilitate a relatively small and appropriate increase in agricultural opportunities and/or dwelling opportunities. The planning proposal is considered to be consistent with this Direction.

2.1 Environment Protection Zones

This direction states that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, it states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Partly Consistent / Partly Inconsistent but justified by a study and of minor significance. The planning proposal implements the recommendations of the Rural Lands Strategy adopted by Council on 23 February 2016. The Rural Lands Strategy was prepared having regard to the objectives of this direction to “*protect and conserve environmentally sensitive areas*”. The Strategy applies a “landscape approach” to identifying appropriate zones and minimum lot sizes for rural land that seeks to provide for potential additional development where there are opportunities on land that is not environmentally sensitive. Where some additional development potential is provided for in environmentally sensitive areas, the scale of additional development potential is small and it is considered that the impacts of such development is likely to be of minor significance.

The majority of land identified for environmental protection purposes in Eurobodalla under previous local environmental plans has already been appropriately zoned E2 Environmental Conservation in ELEP 2012. Some other areas were previously proposed to be zoned E3 Environmental Management but this zone was deferred from ELEP 2012. Land deferred from ELEP 2012 and is currently zoned under the RLEP 1987 includes some small areas of land zoned 7(a), 7(f1) and 7(f2), which are environmental zones (in areas 4c, 10a, 12, 12a, 17b, 18c, 23 and 32). This planning proposal includes some small areas of additional E2 and E4 zoning for some of these lands.

The 7(a) zone is a wetland zone and applies to some small areas at the edges of the mapped SEPP 14 wetlands that are currently zoned E2. In areas 10a and 12a, the land zoned 7(a) is proposed to be zoned E2 as the subject lot also contains a threatened ecological community and further development on a separate part of the lot is proposed to be facilitated. In areas 4c and 17b, no additional development will be facilitated by the planning proposal on the lots with the part 7(a) zoning. Given the E2 zoning of the SEPP 14 wetlands, the small size of the areas zoned 7(a) and that no additional development potential is being facilitated on the subject lots, the inconsistency with the Direction is considered to be justified in this instance.

The 7(f1) zone is an environmental protection zone for coastal lands. There are four areas with 7(f1) zones (areas 7a, 12, 18c and 32). In area 7a, an E4 Environmental Living zone is proposed and is therefore consistent with the Direction. In area 12, the 7(f1) zoned area is proposed to be zoned RU1

Primary Production which would result in no additional lots or dwellings being facilitated. The E4 zoning was not considered appropriate for this area as this would facilitate an additional four dwellings on existing vacant lots and potentially raise expectations for future subdivision similar to the adjoining E4 zoned land at Guerilla Bay. On this basis, the inconsistency with the Direction is considered to be justified in this instance.

In areas 18c, the land zoned 7(f1) is a row of residential sized lots along Meringo Road, all but one of which has a dwelling. This land was identified in the Rural Lands Strategy to be zoned RU1 along with the surrounding rural land, however it is considered more appropriate to zone this land E4 Environmental Living. The planning proposal is therefore consistent with the Direction in relation to this area.

In area 32, there are three areas zoned 7(f1). For one of these areas, an E2 zone is proposed and this therefore consistent with the Direction. The other two areas are proposed to be zoned RU1 Primary Production which does not facilitate any additional lots or dwellings. On this basis, the inconsistency with the Direction is considered to be justified in this instance.

The 7(f2) zone is a coastal lands acquisition zone that seeks to maintain land as rural pending its acquisition by the State. There are two areas with 7(f2) zones (areas 7b and 23) that have not been acquired by the NSW Government and were not proposed to identified on the Land Acquisition Map in LEP 2012 for acquisition (the Draft LEP Maps exhibited in 2011 did not include these lands). On this basis it is considered appropriate to zone these lands RU1. Such zoning does not prevent the NSW Government from negotiating with the current land owner to acquire the subject land at a future date. On this basis, the inconsistency with the Direction is considered to be justified in this instance.

Other rural land in the Shire zoned 1(a) and 1(a1) are rural zones that have agricultural and environmental objectives. The environmental objectives of these zones relate to minimising development on land with environmental constraints or hazards and to protect water quality. These zones both permit extensive agriculture without consent. The most appropriate equivalent zone under the Standard Template LEP is RU1 Primary Production and in the main, this is the zone that is proposed to be applied to these lands. In some areas, the RU4 Primary Production Small Lots zone is proposed to be applied. In applying such zoning, consideration has been given to the principles of the Northern Councils E zone review (including consideration of the primary use of the land) and the Department of Planning's LEP Practice Note for Environment Protection Zones. Applying a rural zone to land currently zoned Rural 1(a) or 1(a1) is considered to be consistent with the Direction.

Environmental protections for rural land will be maintained through the relevant environmental legislation (currently the Threatened Species Conservation Act 1995 and the Native Vegetation Act 2003). For development that requires consent, environmental protections will be maintained through the provisions of the Environmental Planning and Assessment Act 1979 and through a Native Vegetation Map that will be included in planning documents (Development Control Plans (DCP), supported by a Council Code). The DCPs and Code will require further consideration of potential impacts to biodiversity prior to determining a development application on land to which the Development Control Plans apply. This will replace clause 6.6 (Biodiversity) and the associated Terrestrial Biodiversity Map in EEP 2012 (refer to Appendix 7). In accordance with s5A and s79C of the *Environmental Planning and Assessment Act 1979*, Council must consider the significance of potential impacts by development on biodiversity listed under the *Threatened Species Conservation Act 1995* and other likely environmental impacts. Council will do this through the application of the

aforementioned DCP and Code. On this basis, while the planning proposal is inconsistent with the terms of the direction, it is considered that the environmental protection standards that apply to the land in this area will effectively be maintained as a result of this planning proposal.

In their submission to the exhibition of a draft Rural Lands Strategy, the Office of Environment and Heritage (OEH) recommended E zones in locations that are not always consistent with the Northern Council's E zone review and further discussion in relation to the OEH submission is provided in the response to agency submissions for each area in Volume 2.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. Some rural areas contain land within the Coastal Zone and some of this land is in a sensitive coastal location. The planning proposal is unlikely to result in any detrimental impacts on coastal processes or compromise the natural values of the areas. The Eurobodalla Coastal Zone Management Plan is in preparation however the planning proposal is consistent with the Interim Coastal Hazard Adaptation Code.

This Direction applies to the following areas: 4, 4a, 4b, 4c, 5, 6, 7a, 7b, 8a, 8b, 9, 10, 10a, 11, 11a, 12, 12a, 15, 16, 17, 17a, 17b, 18, 18c, 20, 21, 22, 22a, 22b, 22c, 23, 24, 25, 25a, 26, 27, 28, 29, 32, 38, 41 and 42.

2.3 Heritage Conservation

This Direction states that a planning proposal must include provisions that facilitate conservation of items, areas, objects and places of environmental heritage significance and Aboriginal heritage significance.

Consistent. For some areas which are fully or partly deferred from ELEG 2012, with such areas zoned under the RLEG 1987, this planning proposal will repeal RLEG 1987 and bring all land under ELEG 2012. Clause 5.10 in the ELEG 2012 contains provisions that facilitate heritage conservation. The planning proposal does not change these provisions and Clause 5.10 would apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

For site specific justifications where relevant, refer to Volume 2 of this planning proposal (See areas 4, 4a, 6, 11a, 17a, 17b, 21, 22, 24, 27, 28, 29, 32, 33, 34, 36, 37c and 38).

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. There are two areas (Areas 39 and 40) where the zoning of land is proposed to be changed from a residential (R5) to a rural (RU4) zone. In both areas, the planning proposal does not change the density of land. Changing the zoning from R5 to RU4 does not change the current opportunities for housing types or affect access to infrastructure and services.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. In two areas (Areas 39 and 40), the planning proposal changes the zoning from residential (R5) to rural (RU4). The change in zoning would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

4.1 Acid Sulfate Soils

This Direction states that a planning proposal must consider the Acid Sulfate Soils Planning Guidelines and that a planning proposal must not intensify the land uses on land identified as having a probability of containing Acid Sulfate Soils.

Consistent. Some parts of some areas in the Eurobodalla are mapped as having the probability of Acid Sulfate Soils. The planning proposal is consistent with the *Acid Sulfate Soils Planning Guidelines (ASSMAC 1998)* and this Direction because it does not propose an intensification of land uses. Appendix 1 describes changes to permissible land uses as a result of this planning proposal. The listed land uses would not increase the likelihood of soil or groundwater disturbance in areas mapped as having a probability of Acid Sulfate Soils because they can be easily avoided and/or managed. Clause 6.3 of the ELEP 2012 that would apply to all land in the Eurobodalla as a result of this planning proposal would also ensure that Acid Sulfate Soils are considered during the development application process.

This Direction applies to the following areas: 4, 4b, 4c, 8a, 8b, 9, 10, 10a 11, 11a, 12a, 14, 16, 17, 17a, 17b, 18, 18b, 18c, 20, 21, 29 and 32.

4.3 Flood Prone Land

This Direction states that a planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and principles of the *Floodplain Development Manual 2005*. It also states that a rural or environmental zone must not be rezoned to a residential, business, industrial, special use or special purpose zone and that a planning proposal must not contain provisions that apply to flood planning areas that:

- a) *Permit development in floodway areas,*
- b) *Permit development that will result in significant flood impacts to other properties,*
- c) *Permit a significant increase in the development of that land.*

Consistent. The planning proposal retains a rural zoning for the majority of rural land and proposes an appropriate minimum lot size for each area. The planning proposal does not rezone rural land to a residential, business, industrial, special use or special purpose zone and potential new development facilitated by the planning proposal can be located out of floodway areas. Where some additional development is permitted in areas which have some flood prone land, more detailed assessment is provided in Volume 2 of this planning proposal. As a result of this planning proposal, Clause 6.5 (Flood Planning) of the ELEP 2012 will apply to all land in the Eurobodalla and would ensure that the potential impacts of flooding is considered during the development application process.

For site specific justifications where relevant, refer to Volume 2 of this planning proposal (See areas 4, 6, 7a, 8a, 8b, 9, 10, 10a, 11, 11a, 12a, 14, 16, 17, 17a, 17b, 18, 18a, 20, 22, 24, 25, 25a, 27, 28, 29, 32, 37c and 38).

4.4 Planning for Bushfire Protection

This direction states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination for a planning proposal. Further, it states that a planning proposal must:

- a) *have regard to Planning for Bushfire Protection 2006,*
- b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

Consistent. For some areas, as there is no potential increase in the number of people residing in the area as a result of the planning proposal, no further assessment against Planning for Bushfire Protection is warranted. For other areas, the potential increase in the number of people residing in the area is relatively small. It is considered that any proposed future development in these areas would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Overall, the planning proposal is considered to be consistent with this Direction. Further consultation with the Rural Fire Service on the details of the planning proposal will be undertaken and comments made will be taken into considerations prior to finalising the planning proposal.

More detailed assessment where relevant is contained in Volume 2 of this planning proposal (See areas 2, 3, 3a, 4, 4a, 6, 7a, 7b, 8, 8a, 8b, 9, 9a, 10, 10a, 11, 11a, 12a, 13, 14, 16, 17, 17a, 17b, 18, 18a, 18b, 20, 21, 22, 22c, 23, 24, 25, 25a, 26a, 27, 28, 29, 30, 30a, 30b, 31, 32, 33, 34, 36, 37a, 37b, 37c and 38).

Application of E2 and E3 Zones and Environmental Overlays in far North Coast LEPs

A new Ministerial Direction was issued on 2 March 2016. This new direction does not apply to Eurobodalla, however the Northern Councils E Zone Review Final Recommendations state that other Councils can apply the same principles. The direction states that a planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone must apply the zones consistent with the Northern Councils E Zone Review Final Recommendations.

Comment. The planning proposal does not alter any existing E2 zone and does not introduce the E3 zone to the Eurobodalla LEP 2012. In a small number of areas, new E2 zones are proposed to be applied consistent with the recommendations of the Office of Environment and Heritage's submission to the draft Rural Lands Strategy. These relate mostly to public (Crown and Council) lands that have important environmental qualities.

The Northern Councils E Zone Review Final Recommendations Report recommends that E2 and E3 zones are only applied if the primary use of the land is considered to be Environmental Conservation (E2) or Environmental Management (E3) and meets the criteria presented in the recommendations report. The Report also recommends that land which is currently zoned rural will continue to have a rural zone, but if parts of that land have attributes that meet the criteria for an E2 or E3 zone, they should be included in a mapped planning control.

The planning proposal is consistent with the Final Recommendations Report as rural zoning is largely being maintained where the primary use of the land is considered to be rural (ie. used for agricultural activities, rural living, rural tourism, rural recreation purposes, etc). In addition, parts of rural land that have environmental qualities will be identified on a Native Vegetation Map that will be identified in a mapped planning control (in a DCP and Code) consistent with the Final Recommendations Report. Other environmental attributes are already contained in a mapped planning control (eg. riparian areas and wetlands).

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

For areas where there is no new lot or dwelling yield, there are no likely impacts on sensitive environmental areas as a result of the planning proposal. For areas where some additional lot or dwelling yield is facilitated, a detailed assessment of the likely impacts on threatened species or populations, or their habitats is provided in Volume 2 of this planning proposal. In summary, for all areas, the likely impact is considered to be minor as the potential for native vegetation removal in addition to what is already permissible is minimal. In many areas, where additional development is possible, there are opportunities to avoid or minimise impacts on high quality vegetation. In any case, the significance of any potential impacts on sensitive environmental areas due to proposed development will be assessed during the development application process.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

For areas where there is no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal. For areas that contain or adjoin a SEPP 14 wetland, and where some additional lot or dwelling yield is facilitated, an assessment of the likely impact of that additional development potential on the SEPP 14 wetland is provided in Volume 2 of this planning proposal. For all areas, there is enough space for future dwellings to be sited away from the wetlands, and as a result the planning proposal is considered unlikely to result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides for positive social and economic outcomes for rural land in Eurobodalla Shire through the adoption of more flexible land use planning tables and the additional agricultural, tourism and dwelling opportunities provided across the rural areas.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

For areas where there is no new lot or dwelling yield, there will be no impact on existing public infrastructure as a result of the planning proposal. For areas where some additional lot or dwelling yield is facilitated, it is considered that there is adequate public infrastructure to support the relatively small additional development potential. In particular, the additional development potential is unlikely to warrant any increase in the level of rural road maintenance across the Eurobodalla Shire. Further, proposed minimum lot sizes are large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The Rural Fire Service noted that additional dwelling densities in remote and/or heavily timbered areas will require a thorough assessment of the likely impacts, including matters for bush fire protection. Where the planning proposal proposes no additional dwelling density in an area, no further assessment is required. Where the planning proposal does increase the dwelling density in an

area, an assessment of the likely impacts of the additional dwellings provided for has been undertaken and is addressed in Volume 2 of this planning proposal.

The Office of Environment and Heritage's detailed submission identified specific sites across rural areas of the Shire recommending certain development and zoning outcomes. Volume 2 of this planning proposal provides a detailed response to each site identified in the OEH submission. In summary, OEH have raised no objection to applying a rural zone to the western rural areas of Eurobodalla, but have recommended an E zoning for certain lands in Eurobodalla's eastern rural areas. In terms of development outcomes, OEH have identified specific areas where they recommend no further subdivision or development. In many areas, this planning proposal is consistent with the OEH recommendations. Where the planning proposal is inconsistent with the OEH recommendations, the inconsistency is considered minor or otherwise justified (refer to Volume 2).

The Department of Primary Industries (DPI Fisheries) noted that the Rural Lands Strategy uses minimum lot size as a means of controlling the density of onsite sewerage management schemes (OSMS) in rural residential areas on the basis of cumulative impacts, however an arbitrary minimum lot size (2ha) may not take into account the specific constraints relevant to oyster producing estuaries. The Rural Lands Strategy does not use an arbitrary minimum lot size, but rather uses a "landscape approach" to minimum lot size across Eurobodalla's rural lands. The proposed minimum lot size varies depending on a range of factors including environmental constraints of the land. In any case, development applications for subdivision in catchments of oyster producing areas will need to be assessed having regard to the ability of the proposed lots to accommodate on site effluent without detrimentally impacting on water quality.

The Department of Primary Industries (DPI Water) states that the creation of opportunities to allow a further supply of small farm and hobby agriculture, additional rural living opportunities and growth in rural tourism will place greater demands on the Eurobodalla's water resources. DPI recommends that, when considering any future rezonings and/or expanding rural industries, Council should consider the options available for water supply and only endorse proposals if feasible, sustainable water supplies are available. This planning proposal provides for approximately 120 additional lots and 250 additional dwellings across the rural areas of the Shire. In the context of approximately 3100 lots and 1300 dwellings currently existing in Eurobodalla's rural areas, the potential increase is considered minor and unlikely to have a significant impact on water resources. While the Rural Lands Strategy and this planning proposal encourages and facilitates additional agricultural and rural tourism activities, these land uses are currently permissible on rural land. The Rural Lands Strategy acknowledges there are potential issues relating to water supply in the Eurobodalla and makes appropriate recommendations in relation to these issues. Those recommendations do not relate to LEP matters.

The Roads and Maritime Services (RMS) have noted that in RU1 areas with poor access, the Rural Lands Strategy proposes to implement larger minimum lot sizes and that this is in line with RMS' practice of reducing access density to classified roads where possible. RMS also notes that it is proposed to encourage activities such as roadside stalls and the potential development of a guideline. RMS would not support such a proposal unless there were appropriate provisions to ensure that the vehicular access and parking arrangements were adequate. Council will consult with the RMS in the preparation of such a guideline and in the assessment of any development application for a roadside stall on a classified road. The RMS also suggest that Council make provisions for developer funding of any required road/transport infrastructure that may be required as a result of any additional

development in the area. Council acknowledges this suggestion, however the relatively low scale and scattered nature of the potential additional development in rural areas does not justify any specific development contribution plan being prepared at this stage.

South East Local Land Services (SELLS) noted that clearing for subdivision, particularly on small land parcels less than 100ha, can result in large amounts of clearing (for dwellings, effluent management, asset protection zones, fence lines and roads). The cumulative impact of such clearing should be carefully considered. SELLS appreciates that there will be constraints on the number of additional lots based on issues such as access, terrain and bushfire hazard, however, recommend that planning for subdivisions minimises the impact on intact native vegetation. In many areas, this planning proposal proposes a very small number of additional lots or houses, or no new lots or houses, and will therefore result in minimal clearing. In other areas, due to the relatively large lot sizes proposed across rural areas, there are opportunities for additional development without the need for significant clearing. This can be achieved through the use of existing cleared sites where available. Where some clearing may be required, it is unlikely to have a substantial impact on wildlife connectivity and areas of high conservation value. Volume 2 of this planning proposal provides a detailed assessment of the impact of the potential additional lots and dwellings in each area identified in the Rural Lands Strategy.

Any agency comments that are specific to each area, in particular those from OEH, are addressed in Volume 2 of this planning proposal.

Appendix 6 – Justification for Item No. 6

Name of item	Intended Outcome
Amend Minimum Lot Size Maps	To delete the 1000ha minimum lot size from all land not addressed in item 5.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy.

The changes to the minimum lot sizes for rural land are intended to remove the current 1000ha minimum lot size and to replace it with specific minimum lot sizes relevant to each area (a landscape approach). The Rural Lands Strategy did not specifically address other land in Eurobodalla that also currently has a minimum lot size of 1000ha. This applies to land in rural and urban areas that have an environmental (E2), special purpose (SP2) or recreation (RE1, RE2) zone in the Eurobodalla Local Environmental Plan 2012.

Given the aim is to remove the 1000ha minimum lot size completely from ELEP 2012, there is a need to consider the appropriate minimum lot size for other land that currently has a 1000ha standard. A review of land zoning and minimum lot size in Bega Valley and Shoalhaven Councils has found that, in the main, there is no minimum lot size for lands zoned E2 or for land with a special purpose or recreation zoning.

It is noted that the application of a minimum lot size to land zoned E2, SP2, RE1 and RE2 across the Eurobodalla is not consistent, with some land in these zones having no minimum lot size. It is proposed that there be no minimum lot size for these lands, so that any development application for subdivision is considered on its merits and not limited by any arbitrary development standard.

An exception to the above relates to land at Wharf Street, Nelligen (see Figure 6-1) which is zoned E2 but has dwelling entitlements as identified in clause 15A of Schedule 1 of ELEP 2012, where a minimum lot size of 1500m² is proposed to be applied (consistent with the surrounding land where dwellings are permissible).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Removing the minimum lot size for land zoned E2, SP2 RE1 and RE2, where the current standard is 1000ha, from the Minimum Lot Size Map is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan does not specifically refer to the minimum lot size for land zoned E2, but does include an action to *“minimise potential impacts on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the ‘avoid, minimise and offset hierarchy’”*.

Whilst the planning proposal proposes the removal of a minimum lot size for land zoned E2, under a separate planning proposal for amendments to ELEG 2012, it is proposed to introduce a clause relating to minimum lot sizes for certain split zones that removes the need to apply a minimum lot size to the E2 zone. This is relevant as the vast majority of land with an E2 zoning also has a rural zoning and therefore the proposed “split zones clause” will apply to most E2 zoned areas. Properties that are wholly zoned E2 are most commonly Council or Crown Land, for which any proposed subdivision would need to be consistent with a Plan of Management or other regulatory instrument and be the subject of a public consultation process.

The proposed clause will be similar to clause 4.1A in the Wollongong LEP 2009, which is reproduced below:

4.1A Minimum lots sizes for certain split zones

(1) *The objectives of this clause are as follows:*

- (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (b) *to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.*

(2) *This clause applies to each lot (an original lot) that contains:*

- (a) *land in a residential, business or industrial zone or in Zone E4 Environmental Living, and*
- (b) *land in a rural zone or Zone E2 Environmental Conservation or Zone E3 Environmental Management.*

(3) *Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:*

- (a) *one of the resulting lots will contain:*
 - (i) *land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and*
 - (ii) *all of the land in a rural zone, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and*
- (b) *all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.*

Sub-clause (3)(a) requires that all of an E2 zoned area be included in lot that contains land in an adjoining zone and that is not less than the minimum lot size for that adjoining land (excluding the area of the E2 zoned land). This ensures that there is no further subdivision of the E2 zoned area. On this basis, the planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural planning and subdivision principles, including the following:

Rural Planning Principles

- (d) *In planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) *The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

Rural Subdivision Principles

- (d) *the consideration of the natural and physical constraints and opportunities of land,*
- (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

Consistent. The planning proposal, in conjunction with the introduction of a minimum lot size for split zones clause under a separate planning proposal, is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent See below.
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Consistent. The planning proposal, in conjunction with the introduction of a minimum lot size for split zones clause under a separate planning proposal, is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

2.1 Environment Protection Zones

This direction states that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, it states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Inconsistent, but of minor significance. This planning proposal is to remove the minimum lot size for certain land zoned E2. While the current minimum lot size for such lands (1000ha) effectively prevents subdivision, the introduction of a minimum lot size for split zones clause under a separate planning proposal will ensure that the objectives of limiting the subdivision of most E2 zones will remain. In relation to lands that are wholly zoned E2, these lands are in public ownership (such as coastal foreshores) and any future subdivision would generally be for a public purpose and would be considered on its merits. Given the above, it is considered that the planning proposal is appropriate and the inconsistency with the Ministerial Direction is considered justified on the grounds that it is minor in nature.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The removal of the minimum lot size for E2, SP2, RE1 and RE2 zoned land will not have adverse impacts on critical habitat, threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have not social and economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

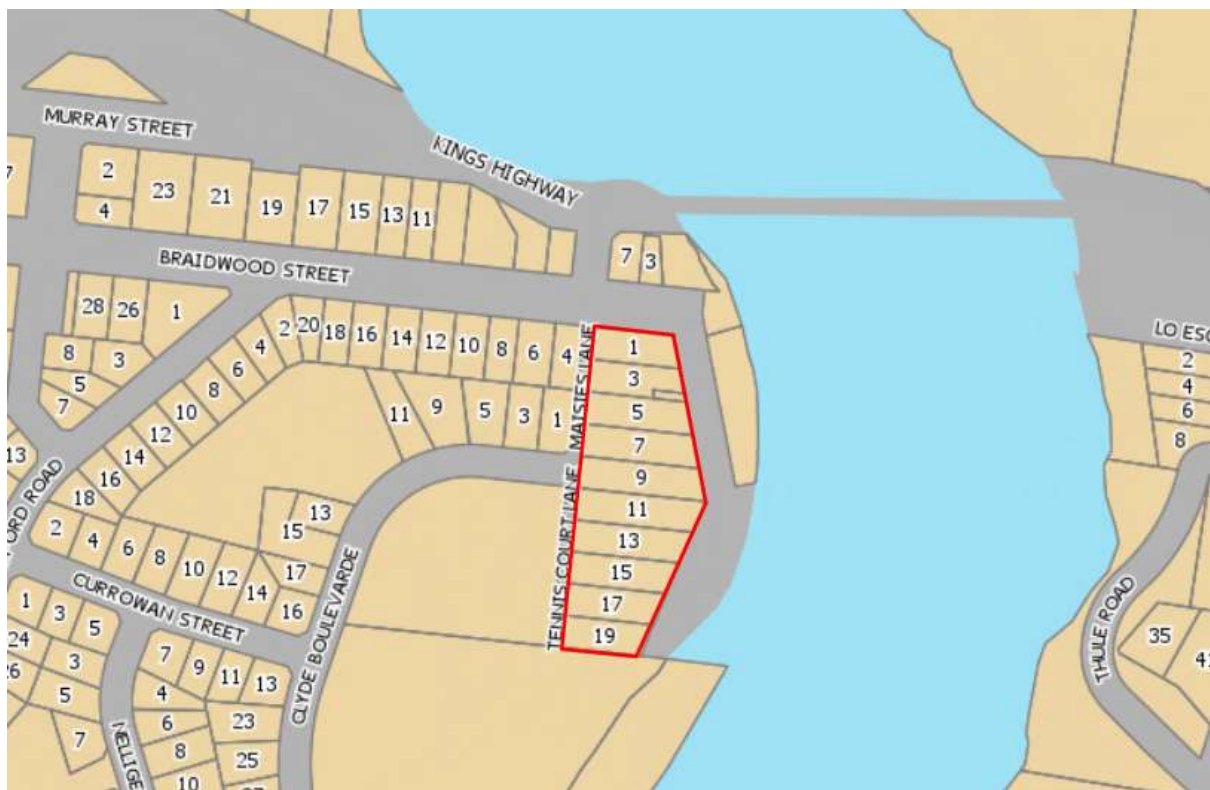
10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will have no impact on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Figure 6-1: Land at Wharf Street, Nelligen



Appendix 7 – Justification for Item No. 7

Name of item	Intended Outcome
Remove Terrestrial Biodiversity Maps and delete Clause 6.6	To remove the existing Terrestrial Biodiversity Map and delete the associated clause 6.6.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal implements the following recommendation of the Rural Lands Strategy:

Action: *That Council retain a Native Vegetation overlay but limit it to definition of extant native vegetation and place this overlay in a Code that is referenced in relevant DCPs. (A map of the proposed overlay forms Map 6 in Volume 4.)*

Rationale: *Retention of an overlay that depicts native vegetation of some significance is considered important for the following reasons:*

- *If Council is not to have an E3 zone over more sensitive rural lands, then some definition of lands with possible environmental constraint in terms of development assessment requirements, is warranted.*
- *The overlay is a more flexible approach allowing merit assessment of development proposal in areas of native vegetation.*
- *The overlay is only triggered in circumstances where development consent of Council is required. It does not constrain normal agricultural practices carried out under the exempt development provisions for agriculture.*
- *The presentation of an overlay in the LEP or in a Code and referenced in relevant DCPs is transparent and discoverable by most prudent land owners. Council has resolved that a Native Vegetation overlay be housed in a Code and referenced in relevant DCPs.*
- *Most Coastal and Tableland Councils have some form of native vegetation overlay and there is little evidence of any significant negative impact on landowners in these council areas to date.*

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Removing the Terrestrial Biodiversity Map from ELEM 2012 and removing clause 6.6 of the LEP accordingly is the best means of achieving the objectives of the planning proposal.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes an action to “protect the validated high environmental value lands in local environmental plans”. The planning proposal is inconsistent with this action. The Eurobodalla Rural Lands Strategy on which this planning proposal is based was developed prior to the implementation of the South East and Tablelands Regional Plan.

The former South Coast Regional Strategy and the South Coast Regional Conservation Plan to which it referred did not require the use of a Terrestrial Biodiversity Map overlay in the LEP. Under the former Strategy, the action to protect regionally significant corridors need not be by way of a map overlay in the LEP. The LEP can protect regionally significant corridors through other means, such as through the application of an appropriate minimum lot size. The planning proposal protects areas shown on the current Terrestrial Biodiversity Map as “biocorridor” by applying an appropriate rural zoning and a lot size that minimises subdivision and dwelling potential in these areas.

Renaming the Terrestrial Biodiversity Map to the Native Vegetation Map and transferring it to a Code that is referenced in relevant Development Control Plans will continue the protection of existing native vegetation of high conservation value in the Eurobodalla through planning controls (including the existing vegetation in regionally significant corridors). Threatened species, populations and ecological communities are also protected under the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. The planning proposal is therefore considered to be appropriate notwithstanding the inconsistency with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural planning and subdivision principles, including the following:

Rural Planning Principles

- (d) *In planning for rural lands, to balance the social, economic and environmental interests of the community,*

- (e) *The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

Rural Subdivision Principles

- (d) *the consideration of the natural and physical constraints and opportunities of land,*
 (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

Consistent. Council's proposal to rename the Terrestrial Biodiversity Map (to the Native Vegetation Map) and transfer it to a Code that is referenced in relevant Development Control Plans is considered sufficient to ensure the planning proposal is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent See below.
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Inconsistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Consistent. Council's proposal to rename the Terrestrial Biodiversity Map (to the Native Vegetation Map) and transfer it to a Code that is referenced in relevant Development Control Plans is considered sufficient to ensure the planning proposal is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

2.1 Environment Protection Zones

This direction states that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, it states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Inconsistent but justified by a study and of minor significance. While this planning proposal proposes the removal of the Terrestrial Biodiversity Map from ELEP 2012, it is to be replicated as a Native Vegetation Map in a Council Code and referenced in relevant Development Control Plans.

As a result, Clause 6.6 of ELEP 2012 is proposed to be deleted and replicated in Development Control Plans. This provision will be amended to refer to the Native Vegetation Map contained in a Council Code. In the assessment of development applications, Council will refer to the Native Vegetation Map in the same way as it currently refers to the Terrestrial Biodiversity Map. On this basis, while the

planning proposal is inconsistent with the terms of the direction, it is considered that the environmental protection standards that apply to the land in this area will effectively be maintained as a result of this planning proposal.

Application of E2 and E3 Zones and Environmental Overlays in far North Coast LEPs

A new Ministerial Direction was issued on 2 March 2016. This new direction does not apply to Eurobodalla, however it provides some relevant guidance to the application of overlays in LEPs. The direction states that a planning proposal that introduces or alters an overlay and associated clause must apply the overlay and clause consistent with the Northern Councils E Zone Review Final Recommendations.

Comment. The planning proposal removes the Terrestrial Biodiversity overlay and associated clause from ELEP 2012. A new planning control and map will be included in a separate planning instrument (a Development Control Plan, supported by a Council Code), consistent with the Final Recommendations Report.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposed Native Vegetation Map and the environmental data that underpins the map will continue to be used in the assessment of development applications in the same way as the current Terrestrial Biodiversity Map is currently used. The Native Vegetation Map is based on current data from OEH (High Conservation Value Mapping) prepared as part of developing the Rural Lands Strategy and applies to existing native vegetation of high conservation value.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The proposed Native Vegetation Map and the environmental data that underpins the map will continue to be used in the assessment of development applications in the same way as the current Terrestrial Biodiversity Map is currently used.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have no social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will have no impact on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

OEH advised that it supports the Terrestrial Biodiversity Maps in the current format in the LEP and argues that the Rural Lands Strategy is, on the whole, inconsistent with s.117 Direction 2.1 regarding Environmental Protection zones. Council is of the view that, while the planning proposal contains

elements that are inconsistent with the terms of Direction 2.1, the inconsistency is justified on the grounds that the map and clause currently in the LEP will be replicated in a Code and relevant DCPs and will continue to be used in the assessment of development applications.

The Rural Fire Service has advised that it supports the appropriate use of overlays and their supporting clauses in the LEP to identify and protect areas of high conservation value. While the planning proposal proposes the renaming and relocation of the Terrestrial Biodiversity Map to a Code and referenced in relevant DCPs, the Map will still be available to existing and prospective land owners and Council to identify and protect areas of high conservation value.

South East Local Land Services (SELLS) has advised that the adoption of accurate overlays is essential in identifying areas warranting through assessment given E zones are not to be used extensively. SELLS considers that the combined use of appropriate land zoning and overlays provides landholders with optimal levels of certainty, flexibility and realistic expectations for development. While the planning proposal proposes the removal of the Terrestrial Biodiversity Map from the LEP, a revised Native Vegetation Map is still to be used by Council in assessing development applications (through a Code and referenced in relevant Development Control Plans). The Native Vegetation Map will still be available to existing and prospective land owners and developers and can be used to design appropriate development proposals. SELLS is concerned that the proposed Native Vegetation Map will not separately identify EECs and biocorridors. The principal reason for not separately identifying EECs on the Native Vegetation Map is that it is difficult to accurately define the boundaries of EECs without detailed studies and ground truthing. Areas containing known EECs are mapped in Council's databases and is currently available on Council's web site for use by land owners as a guide to the type of vegetation communities on their land. In relation to biocorridors, the Rural Lands Strategy identifies that they are only options and that better alternatives may be resolved through specific planning proposals or development applications for more intensive developments. For this reason, they are proposed to be removed from the Native Vegetation Map.

Appendix 8 – Justification for Item No. 8

Name of item	Intended Outcome
Remove Dwelling Entitlements Map	To remove the existing Dwelling Entitlements Map and delete the reference to the map in clause 4.2A.

Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy, namely the removal of the sunset clause for dwelling entitlements.

The following table identifies lots that gained a dwelling entitlement under the sealed road clause. It is intended that the amendments to the ELEP 2012 ensure that these dwelling entitlements remain. This could be achieved through an addition to Schedule 1 of the LEP.

Lots to be included on the Dwelling Entitlement Map (due to deletion of the sealed road clause)

Lot and DP	Property Address
Lot 2, DP 1196461	Sherringham Lane, Central Tilba
Lot 3, DP 1196461	Princes Highway, Central Tilba
Lot 401, DP 1132410	Princes Highway, Central Tilba
Lot 3, DP 1156220	Eurobodalla Road, Eurobodalla
Lot 1, DP 124914	Bingie Road, Bergalia

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Removing the Dwelling Entitlement Map is the best means of achieving the intended outcome. An alternative would be to retain and regularly update the map, however this potentially leads to confusion about the issue of dwelling entitlement. Given the map is no longer required, it is considered appropriate to remove it from ELEP 2012.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan does not specifically address the issue of dwelling entitlements in rural areas. As the planning proposal ensures that existing dwelling entitlements are retained, it is therefore considered to not be inconsistent with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council's local strategy or other local strategic plan*

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural planning and subdivision principles, including the following:

Rural Planning Principles

- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

Rural Subdivision Principles

- (b) *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.*

Consistent. The planning proposal ensures the retention of existing lawful dwelling entitlements in rural areas. The proposal is therefore consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. The planning proposal retains existing dwelling entitlements in rural areas and is therefore considered to be consistent with this Direction.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. As the planning proposal retains existing dwelling entitlements in rural areas, it is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will have no social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will have no impact on public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 9 – Justification for Item No. 9

Name of item	Intended Outcome
Amend Height of Buildings Maps	To apply a maximum height of buildings to land proposed to be zoned E4 and RU4.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy. The Rural Lands Strategy proposes some land to be rezoned from RU1 (or 1(a) under the Rural LEP 1987) to E4 or RU4. To ensure consistency with other land zoned E4 and RU4 in the Eurobodalla Shire, a maximum height of buildings of 8.5m is proposed to be applied to these lands.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the Height of Buildings Map is the best means of applying a maximum building height to certain land. There is no alternative means.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan does not have a specific action relating to building height in rural areas. The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

There are no SEPPs applicable to this item.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

- 7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No.

- 8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No.

- 9. *Has the planning proposal adequately addressed any social and economic effects?***

The planning proposal will have no social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

- 10. *Is there adequate public infrastructure for the planning proposal?***

The planning proposal will have no impacts on public infrastructure.

- 11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 10 – Justification for Item No. 10

Name of item	Intended Outcome
Amend Schedule 5 and Heritage Maps	To transfer items of environmental heritage on land in the deferred matter from the Rural Local Environmental Plan 1987 to the ELEP 2012.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy. The Rural Lands Strategy proposes the repeal of the Rural LEP 1987. Therefore, all heritage items under RLEP 1987 need to be transferred to ELEP 2012. Further, the Heritage Map may need to be amended where lots with heritage items currently have some deferred matter. The following table identifies the proposed changes to Schedule 5 of ELEP 2012 and the Heritage Maps.

Item Name in RLEP 1987 / ELEP 2012	Existing / Proposed Item No.	Schedule 5 Changes	Heritage Map Changes
Sutherland Babies' Grave	I12	Omit the word "site" from the item name.	Map whole of lot
Bridle track network (called Bendethera Bridle Tracks in ELEP 2012)	I13	Omit item from suburb Deua River Valley. Add DP 755945 to item in suburb Deua. Add Lot 96 DP752128 to item in suburb Belowra. Change suburb description for each listing of this item to "Belowra (see also Deua)" and "Deua (See also Belowra)".	Map missing section within Lot 96 DP 752128
Heinrich Thomsen's grave	I51	Nil	Map whole of lot
Byrnes, Bate and Tarlington stock routes	I11	Omit DP 23994, Lot 96 DP 752128 and Lot 3 DP 752135 from item, and add Lot 7003 DP 1126188, Lot 3 DP 752147 and DP 752163 to item in suburb Nerrigundah. Consolidate listing of Lots 2, 4, 6, 14 and 40 DP 752135 for item in suburb Cadgee. Add DP 752155 in suburb Tinpot. Add DP 752160 in suburbs Belowra and Yowrie.	Continue map of route through Lots 2, 6, 14, 15, 27 & 53 DP 752135, Lot 7003 DP 1126188, Lots 12, 14 & 15 DP 752160 and Lot 3 DP 752147.

Item Name in RLEP 1987 / ELEP 2012	Existing / Proposed Item No.	Schedule 5 Changes	Heritage Map Changes
Port Phillip Neddie's grave	I244	Add item to Part 1 Heritage Items as follows: "Tinpot, Port Phillip Neddie's Grave, Wattlegrove Road, Lot 76, DP 752145, Local, I244".	Map whole of lot
Cemetery	I85	Add item to Part 1 Heritage Items as follows: "Corunna, Corunna Cemetery, Old Highway, Lot 291, DP 752155, Local, I85".	Map whole of lot
Southam graves	I243	Nil	Map whole of lot
Former post office	I92	Change item name to Dignams Creek Post Office (former)	Map whole of lot
Bottin family graves	I219	Nil	Map whole of lot
Hunt's gold mine and battery	I125	Add item to Part 1 Heritage Items as follows: "Moruya, Hunt's Gold Mine and Battery, Dwyers Creek Road, Lot 1, DP 1220075, Local, I125".	Map whole of lot
Moruya silver mine	I324	Add item to Part 1 Heritage Items as follows: "Moruya, Moruya Silver Mine, Dwyers Creek Road, Lot 1, DP 1220075, Local, I324".	Map whole of lot
McCredie's Quarry and wharf	I325	Add item to Part 1 Heritage Items as follows: "Moruya, McCredie's Quarry and Wharf, 285 North Head Drive, Lot 3, DP 1175983 and DP 755963, Local, I325".	Map part of Lot 3 DP 1175985 south of North Head Drive and the whole of DP 755963 where it adjoins Lot 3.
Granite Town Cottage	I134	Add item to Part 1 Heritage Items as follows: "Moruya, Granitetown Cottage, 297 North Head Drive, Lot 12, DP 599653, Local, I134".	Map whole of lot
Ziegler's Quarry	I326	Add item to Part 1 Heritage Items as follows: "Moruya, Ziegler's Quarry, 306 North Head Drive, Lot 1, DP 1190622, Local, I326".	Map whole of lot
Lucky Old Chief and Royal Oak mines	I217	Add item to Part 1 Heritage Items as follows: "North Narooma, Lucky Old Chief and Royal Oak Mines, Rifle Range Pit Road, Lot 174, DP 752162, Local, I217".	Map curtilage

Item Name in RLEP 1987 / ELEP 2012	Existing / Proposed Item No.	Schedule 5 Changes	Heritage Map Changes
Wagonga cemetery	I194	Add item to Part 1 Heritage Items as follows: "Narooma, Wagonga Cemetery, Wagonga Scenic Drive, Lots 1 and 2, DP 725543, Local, I194".	Map whole of lots
Woolla homestead	I205	Omit the word "Historic" from the item name. Change the address to "1880 Neringla Road".	Map curtilage
Cemetery	I327	Add item to Part 1 Heritage Items as follows: "Nerrigundah, Nerrigundah Cemetery, 823 Nerrigundah Mountain Road, DP 752156, Local, I327".	Map whole of lot
Runnyford Homestead	I222	Nil	Map curtilage
May's Landing/Wray's wharf site	I221	Nil	Map whole of lot
Wrayville House	I328	Add item to Part 1 Heritage Items as follows: "Runnyford, Wrayville House, Mays Road, Lot 48, DP 755938 and Lot 7001, DP 1020736, Local, I328".	Map whole of lot
Chinese drystone wall	A19/I329	Omit item from Part 2 Archaeological sites. Add item to Part 1 Heritage Items as follows: "Tilba Tilba, Chinese Drystone Wall, Corkhill Drive, Lot 2, DP 1017506, Local, I329".	Map curtilage
Kyla Park grazing lands	I248	Add item to Part 1 Heritage Items as follows: "Tuross Head, Kyla Park Grazing Lands, Hector McWilliam Drive, Lots 75-77, DP 260321 and Lots 1-3, DP 1081596, Local I248.	Map whole of lots
Presbyterian church	I330	Add item to Part 1 Heritage Items as follows: "Coila, Davis Family Presbyterian Church, 4017 Princes Highway, Lot 96, DP 1134972, Local, I330".	Nil
Old Bolaro Road	A3	Add Lot 40 DP 755908 to the Property description	Map whole of lot
Remains of Granite Town	A9	Omit the words "Granite Town" from the Item name and insert the word "Granitetown" and add Lot 92 DP 631493 to the Property description	Map whole of lots

Item Name in RLEP 1987 / ELEP 2012	Existing / Proposed Item No.	Schedule 5 Changes	Heritage Map Changes
Shipyards site	A13	Nil	Map whole of lot
Convict road	A18	Nil	Map curtilage
Water race	I211/A30	Omit item from Part 1 Heritage Items. Add item to Part 2 Archaeological sites as follows: "Nerrigundah, Water Race, Gulph Creek Road, Lot 3, DP 1206836 and Lot 7300, DP 1129141, Local, A30".	Nil
Timber barn	I15	Nil	Map curtilage
Aboriginal canoe tree	I47	Omit Lot 70 DP 831111 from Property Description	Delete from Lot 70 DP 831111 and map curtilage within George Bass Drive road reserve.
Bellbrook farm buildings	I66	Omit Lot 1 DP 591024 from Property Description.	Map Lot 16 DP 807992 only.
Lustleigh Park farmhouse	I71	Add Part Lot 2 DP 1235983 to the Property Description.	Map curtilage.
Bengello Creek	AH4	Nil	Map whole of area
Najanuka heritage conservation area	AH5	Nil	Map whole of area
Barlings Beach and Island complex, including intertidal zone and foreshore	AH6	Nil	Map whole of area
Pedro Swamp	AH10	Nil	Map whole of area

Further, there are a number of amendments to Schedule 5 that are required to update property addresses due to recent subdivisions or updated information, as outlined in the table below:

Item Name	Item No.	Schedule 5 Changes	Heritage Map Changes
Slab Hut (Rosebud Farmhouse)	I101	Change Property Description to “Lot 2 DP 1217131”.	Map only Lot 2 DP 1217131.
Mort’s Quarry	I266	Change Property Description to “Part Lot 16, DP 752131”.	Amend mapped curtilage (map to be provided)
Chinese Oven	I210	Add “Local” to the Significance column.	Nil
Montague Island Lightstation	I181	Omit “Narooma” and insert “Montague Island” in the Suburb column.	
Original Cemetery	I207	Change Item Name to “Original Nerrigundah Cemetery” and change property description to “Lots 8 to 11, Section 6, DP 758765 and Part Lots 12 and 13, Section 6, DP 758765”.	Map curtilage (Map to be provided)

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending Schedule 5 and the Heritage Map is the best means of identifying all heritage items in Eurobodalla under ELEP 2012. There is no alternative means.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The planning proposal is consistent with Direction 23 of the South East and Tablelands Regional Plan to protect the region’s heritage. Eurobodalla already has an extensive list of heritage items, based on comprehensive heritage studies, though these are currently split across two LEPs. With the proposed repeal of the Rural LEP 1987, places listed in that LEP are now to be transferred into ELEP 2012.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

There are no SEPPs applicable to this item.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.3 Heritage Conservation

This Direction states that a planning proposal must include provisions that facilitate conservation of items, areas, objects and places of environmental heritage significance and Aboriginal heritage significance.

Consistent. This planning proposal will repeal RLEP 1987 and bring all land under ELEG 2012. Clause 5.10 in the ELEG 2012 contains provisions that facilitates heritage conservation. The planning proposal does not change these provisions and Clause 5.10 would apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have no social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will have no impacts on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Office of Environment and Heritage – Heritage Division provided a submission to the draft Rural lands Strategy, recognising that the Strategy notes there are four items of heritage in Eurobodalla that are listed on the State Heritage Register. The submission suggests that the Strategy would be strengthened if it:

- Noted that approval under the Heritage Act is required for any changes to the four State listed items;
- Noted the range of exempt and complying development that may apply to heritage items;
- Identified the State listed items on the heritage map in the Strategy.

None of these issues warrant any specific action in this planning proposal.

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 11 – Justification for Item No. 11

Name of item	Intended Outcome
Amend Wetlands, Watercourses and Riparian Lands Maps	To identify in ELEM 2012 watercourses, wetlands and riparian lands in the deferred matter.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy. The Rural Lands Strategy proposes the inclusion of all deferred matter in ELEM 2012. Therefore, all watercourses, wetlands and riparian lands in the deferred areas need to be included on the ELEM 2012 Wetlands, Watercourses and Riparian Lands Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Identifying waterways, wetland and riparian lands can only be achieved by including them on the Wetlands, Watercourses and Riparian Lands Map. There is no alternative means.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan provides the following environmental directions:

- “Protect important environmental assets”.
- “Enhance biodiversity connections”.
- “Protect the coast and increase resilience to natural hazards”.
- “Mitigate and adapt to climate change”.
- “Secure water resources”.

As the planning proposal provides for all watercourses, riparian lands and wetlands to be mapped under ELEM 2012, the proposal is considered to be consistent with the environmental directions of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent See below.
SEPP71 Coastal Protection	Consistent

To further implement the NSW Government's coastal policy.	See below.
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An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 14 – Coastal Wetlands

SEPP 14 prohibits persons from clearing, constructing a levee, draining or filling land identified as a SEPP 14 wetland. In the SEPP, clearing means the destruction or removal in any manner of native plants growing on the land.

Consistent. By updating the Wetlands, Watercourses and Riparian Lands Map to include the deferred matter, the planning proposal is considered to be consistent with SEPP 14.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: By updating the Wetlands, Watercourses and Riparian Lands Map to include the deferred matter, the planning proposal is considered to be consistent with SEPP 71.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. By updating the Wetlands, Watercourses and Riparian Lands Map to include the deferred matter, the planning proposal is considered to be consistent with this Direction.

4.3 Flood Prone Land

This Direction states that a planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and principles of the *Floodplain Development Manual 2005*. It also states that a rural or environmental zone must not be rezoned to a residential, business, industrial, special use or special purpose zone and that a planning proposal must not contain provisions that apply to flood planning areas that:

- a) Permit development in floodway areas,
- b) Permit development that will result in significant flood impacts to other properties,
- c) Permit a significant increase in the development of that land.

Consistent. By updating the Wetlands, Watercourses and Riparian Lands Map to include the deferred matter, the planning proposal is considered to be consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will have no social or economic impacts.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will have no impact on public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The Department of Primary Industries (DPI Fisheries) provided a submission to the draft Rural Lands Strategy strongly supporting the retention of the Wetlands, Watercourses and Riparian Lands overlay and clauses in the LEP. DPI Fisheries also recommended that the rural lands strategy establish a “neutral impact” benchmark for development impacts on water quality. This planning proposal does not propose to make any changes to the existing LEP clauses relating to wetlands or riparian lands.

Appendix 12 – Justification for Item No. 12

Name of item	Intended Outcome
Amend Acid Sulfate Soils Maps	To identify in ELEM 2012 acid sulfate soils in the deferred matter.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy.

The Rural Lands Strategy proposes the inclusion of all deferred matter in ELEM 2012. Therefore, all areas with potential for acid sulfate soils in the deferred areas need to be included on the ELEM 2012 Acid Sulfate Soils Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Identifying areas with potential for acid sulfate soils can only be achieved by including them on the Acid Sulfate Soils Map. There is no alternative means.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan provides the following environmental directions:

- “Protect important environmental assets”.
- “Enhance biodiversity connections”.
- “Protect the coast and increase resilience to natural hazards”.
- “Mitigate and adapt to climate change”.
- “Secure water resources”.

As the planning proposal provides for all watercourses, riparian lands and wetlands to be mapped under ELEM 2012, the proposal is considered to be consistent with the environmental directions of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent See below
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 14 – Coastal Wetlands

SEPP 14 prohibits persons from clearing, constructing a levee, draining or filling land identified as a SEPP 14 wetland. In the SEPP, clearing means the destruction or removal in any manner of native plants growing on the land.

Consistent. By updating the Acid Sulfate Soils Map to include the deferred matter, the planning proposal is considered to be consistent with SEPP 14.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (k) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (n) likely impacts of development on the water quality of coastal waterbodies.

Consistent: By updating the Acid Sulfate Soils Map to include the deferred matter, the planning proposal is considered to be consistent with SEPP 71.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent See below
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. By updating the Acid Sulfate Soils Map to include the deferred matter, the planning proposal is considered to be consistent with this Direction.

4.1 Acid Sulfate Soils

This Direction states that a planning proposal must consider the Acid Sulfate Soils Planning Guidelines and that a planning proposal must not intensify the land uses on land identified as having a probability of containing Acid Sulfate Soils.

Consistent. By updating the Acid Sulfate Soils Map to include the deferred matter, the planning proposal is considered to be consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will have no social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will have no impact on public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 13 – Justification for Item No. 13

Name of item	Intended Outcome
Amend Land Application Map	To remove reference to deferred matter and identify the ELP 2012 as applying to the whole of Eurobodalla.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy.

The Rural Lands Strategy proposes the inclusion of all deferred matter in ELP 2012. Therefore, ELP 2012 Land Application Map is to be updated to remove referenced to Deferred Matter.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative means to achieve the objectives of the planning proposal.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The consolidation of all lands in the Eurobodalla Shire under one LEP is consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

There are no SEPPs applicable to this item.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent See above.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

Not relevant.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 14 – Justification for Item No. 14

Name of item	Intended Outcome
Amend Public Infrastructure Buffer Maps	To identify areas within public infrastructure buffers in the deferred matter.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. This appendix results from the implementation of other recommendations of the Rural Lands Strategy.

The Rural Lands Strategy proposes the inclusion of all deferred matter in ELEM 2012. Therefore, all areas within public infrastructure buffers need to be included on the ELEM 2012 Public Infrastructure Buffer Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Identifying areas within close proximity to public infrastructure can only be achieved by including them on the Public Infrastructure Buffer Map. There is no alternative means.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes an action to “prepare or review integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate population growth”. The identification of areas in close proximity to public infrastructure on the Public Infrastructure Buffer Map is important to protect and facilitate growth in infrastructure and is therefore consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

There are no SEPPs applicable to this item.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

- 7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No.

- 8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No.

- 9. *Has the planning proposal adequately addressed any social and economic effects?***

The provision of adequate buffers to public infrastructure will have positive social and economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

- 10. *Is there adequate public infrastructure for the planning proposal?***

The planning proposal will ensure the adequate buffering of relevant public infrastructure.

- 11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 15 – Justification for Item No. 15

Name of item	Intended Outcome
Amend Schedule 1	To make “Advertising signs, being a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest (such as town signs)” permissible with consent in the RU1 and RU4 zones.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal has arisen in response to Council’s preparation of a Town Signs Policy. In most circumstances, town signs will be located within road reserves, however there may be locations where a suitable site for a town sign cannot be found within the road reserve. Town signs are usually located on the approaches to towns, or at a turn-off from a major roads to the town. These locations are predominantly zoned, or proposed to be zoned, RU1 or RU4. The amendment therefore provides for town signs to be permissible with consent on land zoned RU1 and RU4.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal provides the best means of achieving the intended outcome. An alternative approach could be to make “advertising signs” permissible with consent in the land use table for the RU1 and RU4 zones, however this is not preferred as it would permit a greater range of signage than envisaged. Using Schedule 1 allows for a specific type of advertising signs (town signs) to be made permissible.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The planning proposal is consistent with Direction 9 of the South East and Tablelands Regional Plan to grow tourism in the region, in that it facilitates the provision of information to the travelling public about tourist destinations in the Shire without detrimentally affecting the rural landscape.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Community Strategic Plan, One Community in that it helps to develop and promote tourism in the Shire.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP 64 Advertising and Signage	Consistent See below

To ensure signage is compatible with the desired amenity and visual character of an area, provide effective communication in suitable locations, and is of high quality design and finish.	
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 64 – Advertising and Signage

SEPP 64 provides guidance for signs in rural zones that are permissible under the relevant LEP, and particularly for signs that direct the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

Consistent. The planning proposal provides for such signs to be permissible with consent in the RU1 zone. The provisions of the SEPP will therefore be relevant to any future development proposal for a town sign on land zoned RU1 and RU4.

SEPP (Rural Lands) 2008

This SEPP provides a number of rural planning principles, including the following:

Rural Planning Principles

- (d) *In planning for rural lands, to balance the social, economic and environmental interests of the community*

Consistent. The planning proposal provides opportunities for communities to apply for town signs to be located in prominent places in rural areas, such as along major highways, to direct the public to towns. This will facilitate social and economic benefits to communities and potentially highlight important environmental characteristics of places. The planning proposal is therefore considered to be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. The planning proposal provides for the advertising of tourist facilities and places of interest to tourists in prominent locations in rural areas and does not facilitate an increase in permissible density of land in rural zones. The planning proposal is therefore considered to be consistent with this Direction.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Consistent. The planning proposal is consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will facilitate improved promotion of tourist destinations in the Shire.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council has consulted with the Roads and Maritime Services in the development of Council's Town Signs Policy. RMS noted that the Council Policy requires RMS approval for town signs located on or fronting a classified road and advised that any applications received by RMS for signage on or fronting a classified road would be considered on its merits.

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 16 – Justification for Item No. 16

Name of item	Intended Outcome
Introduce a new Airspace Operations clause	To ensure development in the vicinity of the Moruya Airport does not have a detrimental impact on the airport operations.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is in response to a request from the Civil Aviation Safety Authority (CASA) to demonstrate how Council, as the aerodrome operator, complies with the requirement of the Civil Aviation Safety Regulation to ensure that the airport operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. To respond to this, it is proposed to add the Department of Planning and Environment's Model Clause to ELEP 2012, which is currently included in the Bega Valley Local Environmental Plan, 2013 as follows:

6.8 Airspace operations

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for the effective and ongoing operation of the Merimbula Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*
- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:*
 - (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
 - (b) *the development will not penetrate the Limitation or Operations Surface.*
- (4) *The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.*
- (5) *In this clause:*

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Merimbula Airport.

Obstacle Limitation Surface Map means the Obstacle Limitation Surface Map for the Merimbula Airport prepared by the relevant Commonwealth body.

Relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Merimbula Airport.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Implementation of the model clause for airspace operations is the best means of achieving the intended outcome.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes an action to “plan for compatible and complementary economic development opportunities around the region’s airports, including in Moruya and Merimbula. The inclusion of an airspace operations clause ensures any development in the vicinity of the Moruya Airport does not affect the operations of the airport and is therefore consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Community Strategic Plan by protecting an important piece of community infrastructure.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP 71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: Part of the area affected by the proposed clause is within the coastal zone and/or is in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.5 Development Near Licensed Aerodromes To ensure the effective and safe operations of aerodromes.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. Part of the area affected by the proposed clause is within the coastal zone and/or is a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.5 Development Near Licensed Aerodromes

This direction states that, in preparing a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must consult with the relevant Commonwealth Department, take into consideration the Obstacle Limitation Surface as defined by that Department and prepare appropriate development standards.

Consistent. The planning proposal is in response to a request from the Civil Aviation Safety Authority to demonstrate how Council takes into consideration the obstacle limitation surface for development surrounding the Moruya Airport. Council will consult with relevant Commonwealth Departments when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The protection of the Moruya Airport from inappropriate development in flight paths will have positive social and economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with relevant Commonwealth Departments when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 17 – Justification for Item No. 17

Name of item	Intended Outcome
Amend Schedule 1 and Additional Permitted Uses Map	Add Lot 1 DP 118963 to clause 4(1) and the Additional Permitted Uses Map.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report. The subject lot (see Figure 17-1) was inadvertently omitted from clause 4(1) and the Additional Permitted Uses Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The use of Schedule 1 is the best means of achieving the intended outcome. The alternative would be to rezone the subject land, however there is no current zone option that would provide for a mix of residential and commercial activities in an edge of centre location.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes an action to “encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls”. The inclusion of the subject lot in Schedule 1 provides for a greater mix of land uses on the site, which is in close proximity to the Batemans Bay town centre, and is therefore considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Community Strategic Plan, One Community in that it supports business investment and employment growth. The amendment is also consistent with the Eurobodalla Economic Development and Employment Lands Strategy which identifies the subject land for additional commercial development.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP 71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject area is within the coastal zone but is not in a sensitive coastal locations as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject area is within the coastal zone but is not in a sensitive coastal location. The proposed amendment will have no impact on the coastal zone.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal relates to land zoned R3 Medium Density Residential on which a commercial building is located. The subject land immediately adjoins the Batemans Bay town centre. While the planning proposal facilitates additional commercial development opportunities on the land, it does not change the existing opportunities for a possible future residential development on the land.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal provides for additional commercial development opportunities on the land which is located immediately adjacent to commercially zoned land in the Batemans Bay town centre. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The amendment provides for additional commercial activities to be developed in an area proximate to the Batemans Bay town centre, thereby increasing economic development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will have no detrimental impacts on existing public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

Figure 17-1 Subject Land



Figure 17-2 Existing Additional Permitted Uses Map



Figure 17-3 Proposed Change to Additional Permitted Uses Map



Appendix 18 – Justification for Item No. 18

Name of item	Intended Outcome
Amend Schedule 1	Add Recreation facility (indoor) to the list of additional permitted uses for the land at Narooma identified as '5' on the Additional Permitted Uses Map.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to a development enquiry for a gymnasium to be permitted with consent on certain land in Narooma (see Figure 18-1).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The use of Schedule 1 is the best means of achieving the intended outcome. The alternative would be to rezone the subject land, however there is no current zone option that would provide for a mix of residential and commercial activities in an edge of centre location.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes an action to “encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls”. The inclusion of the subject lot in Schedule 1 provides for a greater mix of land uses on the site, which is in close proximity to the Narooma town centre, and is therefore considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Community Strategic Plan, One Community in that it supports business investment and employment growth. The amendment is also consistent with the Eurobodalla Economic Development and Employment Lands Strategy which promotes additional commercial development opportunities on land adjoining town centres.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP 71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject area is within the coastal zone and part is in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject area is within the coastal zone and part is in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal relates to land zoned R3 Medium Density Residential on which a commercial building is located. The subject land is in close proximity to commercially zoned land in Narooma. While the planning proposal facilitates additional commercial development opportunities on the land, it does not change the existing opportunities for a possible future residential development on the land.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal provides for additional commercial development opportunities on the land which is located in close proximity to commercially zoned land in Narooma. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The amendment provides for additional commercial activities to be developed in an area proximate to the Narooma town centre, thereby increasing economic development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will have no detrimental impacts on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

Figure 18-1 Subject Land



Appendix 19 – Justification for Item No. 19

Name of item	Intended Outcome
Amend Land Zoning Map and Minimum Lot Size Map	To rezone Lots 101 and 183 DP 755904, at the corner of Durras Drive and Durras Lake Road, South Durras, from the B1 Neighbourhood Centre Zone to the R2 Low Density Residential Zone and to introduce a 1500m ² minimum lot size.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to representations made by the owners of the subject land (see Figure 19-1). The subject land is currently vacant.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the zone of the subject lot is the best means of achieving the intended outcomes.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The The South East and Tablelands Regional Plan includes an action to “*focus future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits to locate this activity elsewhere*”. The subject land is currently zoned B1 Neighbourhood Centre under ELEM 2012. This zoning was applied as the land was zoned 3a Business under the former Urban LEP 1999. The land has remained undeveloped for commercial purposes for many years as there has been no demand for further commercial development in South Durras, which already contains a local store and shops associated with local caravan parks. The population of South Durras is not likely to grow to a level that will warrant additional commercial development, with the possible exception of a new neighbourhood shop. Rezoning to R2 Low Density Residential will still enable a neighbourhood shop to be granted development consent on the land should the existing or future land owner(s) make such an application. It is considered that the reduction in zoned employment lands is appropriate in these circumstances and consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Community Strategic Plan by ensuring planning is responsive to the environment and community needs. In 2006, a report into neighbourhood centres in the Eurobodalla by Wakefield Planning found that the likely future classification of South Durras in the retail hierarchy was “convenience shops”. The report stated at “*at the current time only a minor additional retail offer is seen as necessary for Durras, most probably through expansion of the current*

store” and “no specific business zoning required”. Rezoning the subject land to R2 Low Density Residential, which permits neighbourhood shops, is consistent with this report.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP 71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject lots are within the coastal zone but are not in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.1 Business and Industrial Zones To encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.1 Business and Industrial Zones

This direction states that a planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones, and
- (d) not reduce the total potential floor space area for industrial uses in industrial zones.

Inconsistent, but of minor significance. While the planning proposal does not retain an existing business zone in this location, the proposed R2 Low Density Residential Zone provides for neighbourhood shops to be permissible with consent. Given that there has been not been, and there is unlikely to be, demand for additional commercial development (other than an expansion of the existing general store or a new neighbourhood shop) in the South Durras area, the proposed rezoning is considered appropriate notwithstanding the inconsistency with the direction.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject lots are within the coastal zone but are not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The proposed rezoning of the subject land to R2 Low Density Residential will facilitate a small number of additional housing opportunities in South Durras. The proposed minimum lot size of 1500m² will minimise potential impacts of residential development on the environment. The planning proposal is considered consistent with this direction.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal will facilitate a small number of additional housing opportunities in South Durras. The change in zoning from business to residential in this location will have no significant impact on access to housing, jobs and services, particularly given the proposed zone permits both dwellings and neighbourhood shops. The planning proposal is considered consistent with this Direction.

4.4 Planning for Bushfire Protection

This direction states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination for a planning proposal. Further, it states that a planning proposal must:

- a) *have regard to Planning for Bushfire Protection 2006,*
- b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

Consistent. For one of the two lots the subject of this planning proposal, development consent has already been granted for shop-top housing. The development application was referred to the NSW Rural Fire Service who raised no objections and provided conditions of approval. The conversion of the approved shop-top housing to a dwelling under the proposed R2 zone is likely to also satisfactorily

address Planning for Bushfire Protection. The second lot has similar characteristics and is also likely to be able to be developed in a manner that satisfactorily addresses Planning for Bushfire Protection. A development application for residential development on both of the lots would need to be accompanied by a report addressing the requirements of Planning for Bushfire Protection.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The subject land contains vegetation which is not identified as an endangered ecological community. Whilst the proposed change in zone facilitates residential development on the land, the impact is not considered greater than the potential impact of a commercial development on the land.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The subject land has remained undeveloped as there is no demand for additional commercial development in South Durras. A study undertaken in 2006 identified that additional commercial development is unlikely to be required in the future. South Durras is a small coastal village surrounded by National Park with no expansion opportunity. The proposed rezoning of the land from B2 Local Centre to R2 Low Density Residential is unlikely to have a detrimental social or economic impact on South Durras, particularly as a neighbourhood shop is a permissible use in the R2 zone.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

See Figure 19-1 below and refer to Volume 3 (Area 4b) for zoning and minimum lot size mapping.

Figure 19-1 Subject Land



Appendix 20 – Justification for Item No. 20

Name of item	Intended Outcome
Amend Height of Buildings Map	To apply an 8.5m height standard to part of Lot 1 DP 1036103, Beach Road, Catalina (Catalina Country Club).

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is to ensure consistency of building height standards on land zone R2 Low Density Residential.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the Height of Buildings Maps is the best means of achieving the intended outcomes.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The proposal is not considered to be inconsistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is not inconsistent with any element of Council's Community Strategic Plan, One Community

5. Is the planning proposal consistent with applicable state environmental planning policies?

Applicable State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP 71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject land is within the coastal zone, but is not in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent See below.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject land is within the coastal zone, but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands. The direction also states that a planning proposal must not contain provisions which will reduce the permissible residential density of land.

Consistent. The planning proposal seeks to ensure consistency of development standards for land zoned R2 and is therefore not inconsistent with the terms of the direction.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal changes the zoning in this area from residential (R2) to recreation (RE2), consistent with the zoning and land use of the remainder of the site (golf course). The change in zoning will have no impact on access to housing, jobs and services in the local community. The planning proposal is considered consistent with this Direction.

5.1 Implementation of Regional Strategies

This direction states that a planning proposal must be consistent with a regional strategy released by the Minister for Planning.

Consistent. As outlined in Section 3 above, the planning proposal is consistent with the South Coast Regional Strategy.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is unlikely to have any detrimental social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Not relevant.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

Figure 20-1 Subject land



Figure 20-2 Existing Maximum Height of Buildings Map

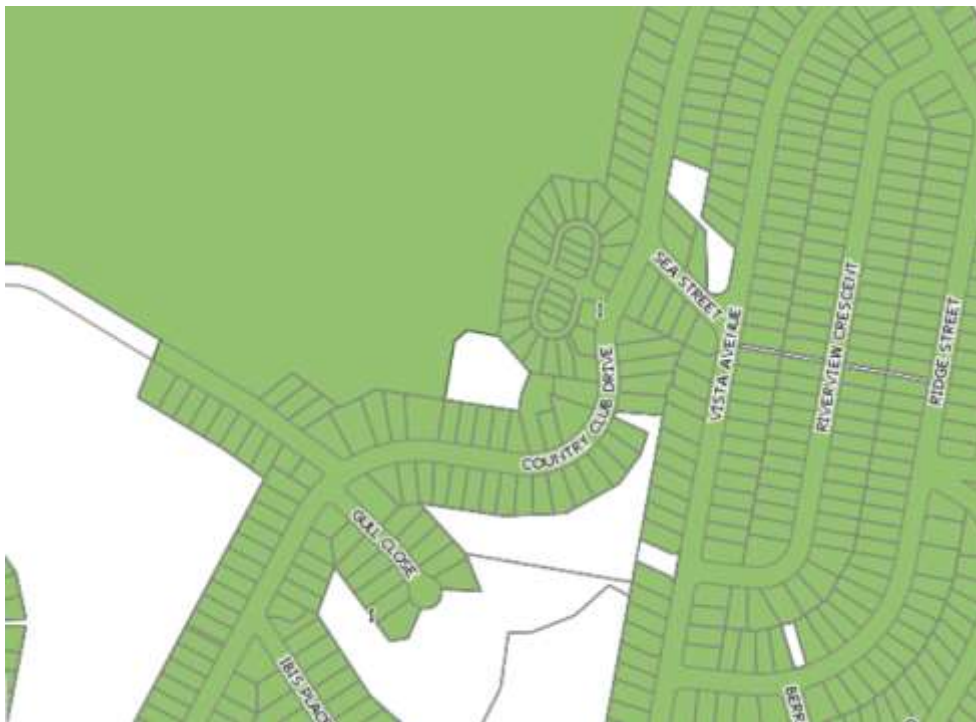


Figure 20-3 Proposed Change to Maximum Height of Buildings Map



Appendix 21 – Justification for Item No. 21

Name of item	Intended Outcome
Amend clause 6.2	To ensure a DCP is required for urban release areas in appropriate circumstances.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report. It is proposed to amend the existing clause in ELEM 2012 to ensure a DCP is required for urban release areas in appropriate circumstances.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the clause for urban release areas is the best means of achieving the intended outcome.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes an action to “promote increased housing choice, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs”. ELEM 2012 includes a provision to require a DCP for urban release areas (clause 6.2) that takes into consideration a range of matters, including measures to encourage higher density living around transport, open space and service nodes. This provision contains a clause that enables an existing DCP to apply, but does not require that DCP to address the relevant matters in the clause. Improving this clause to ensure a DCP is required in appropriate circumstances is therefore considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Community Strategic Plan by ensuring planning is responsive to the environment and community needs.

5. Is the planning proposal consistent with applicable state environmental planning policies?

There are no SEPPs applicable to this item.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans	Consistent

To give legal effect to regional plans.	See above.
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An assessment of applicable s.117 Directions against the planning proposal is provided below.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. By requiring urban release areas to have a DCP in appropriate circumstances to address the matters outlined in the direction, the planning proposal is considered consistent with the direction.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. By requiring urban release areas to have a DCP in appropriate circumstances to address the matters outlined in the guidelines and policy documents referred to in the direction, the planning proposal is considered consistent with the direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The requirement for urban release areas to have a DCP in appropriate circumstances will ensure that social and economic issues are adequately addressed early in the planning of new residential developments.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Not relevant.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Appendix 22 – Justification for Item No. 22

Name of item	Intended Outcome
Amend Minimum Lot Size Map	To increase the minimum lot size for land at Lots 1 to 5 DP 1056650, Lots 10 and 11 DP 1189589 and Lot 3 DP 1011462, Old Highway, Narooma from 1500m ² to 2500m ² .

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to development enquiries from the owners of the subject land (see Figure 22-1). The subject land is zoned E4 Environmental Living.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the minimum lot size map is the only means of achieving the intended outcome.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes an action to “minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the ‘avoid, minimise and offset’ hierarchy”. The subject land adjoins Wagonga Inlet and if developed at the current minimum lot size would require private sewerage pumping systems to be provided. Land owners have been unable to negotiate the provision of such infrastructure and now propose the use of on-site sewerage management systems which require a larger lot size to avoid impacts on the water quality of Wagonga Inlet. The proposal is therefore considered consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Community Strategic Plan by ensuring planning is responsive to the environment and community needs.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject land is within the coastal zone and is within a sensitive coastal location. The proposed increase in minimum lot size will ensure the potential development yield of the land is consistent with the provision of on-site sewage management systems, thereby minimising impacts on the water quality of Wagonga Inlet.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protections To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Inconsistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.1 Environment Protection Zones

This direction states that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, it states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Consistent. The planning proposal retains the E4 Environmental Living zone for the subject land and increases the minimum lot size to ensure future potential development opportunities will have minimal impacts on the water quality of Wagonga Inlet. The proposal is considered to be consistent with this Direction.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject land is within the coastal zone and is within a sensitive coastal location. The proposed increase in minimum lot size will ensure the potential development yield of the land is

consistent with the provision of on-site sewage management systems, thereby minimising impacts on the water quality of Wagonga Inlet.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands. The direction also states that a planning proposal must not contain provisions which will reduce the permissible residential density of land.

Inconsistent, but in accordance with the South Coast Regional Strategy. By increasing the minimum lot size, the planning proposal is effectively reducing the permissible residential density of the land. However, the maximum residential density that could be achieved on the land under the current minimum lot size is based upon the provision of private sewerage pumping system(s). Without such infrastructure, the maximum permissible density of the land is limited by the need for on-site sewerage management systems which require larger lot sizes, particularly given the location of the lots adjoining Wagonga Inlet. The proposed minimum lot size will facilitate a more suitable residential density for the land to avoid impacts on the water quality of Wagonga Inlet. While the proposal is inconsistent with the terms of the direction, it is considered to be in accordance with the South Coast Regional Strategy.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The proposed change to the minimum lot size would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The proposed increase in the minimum lot size for the land is unlikely to have any detrimental social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Not relevant.

Appendix 23 – Justification for Item No. 23

Name of item	Intended Outcome
Amend Minimum Lot Size Map	To decrease the minimum lot size for certain lands from 600m ² to 550m ² . This applies to certain lands that were included in Amendment No. 7 to ELEM 2012, and will result in a lot size that is consistent with adjoining lands.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is to ensure consistency of minimum lot size on land zone R2 Low Density Residential.

The planning proposal applies to the following lots, which were included in ELEM 2012 Amendment No. 7 and for which an incorrect minimum lot size was applied:

- Part Lot 462 DP 512433, Forest Parade, Tomakin
- Lot 1 DP 1132065, Coronation Drive, Broulee
- Lot C DP 39088, Coronation Drive, Broulee
- Lot D DP 39088, Coronation Drive, Broulee
- Lot E DP 39088, Coronation Drive, Broulee
- Part Lot 6 DP 1212271, South Head Road, Moruya
- Lots 9 to 11, DP 1174944, Carrie Crescent, Moruya
- Lot 1 DP 125321, 2815 Albert Street, Moruya
- Lot 21, DP 1077474, Dalmeny Drive, Kianga
- Sec 3, Lot 6 DP 758754, 119 Wagonga Street, Narooma
- Part Lot 56 DP 708346, Christopher Crescent, Batehaven
- Lot 1 DP 1144366, Imlay Street, Broulee
- Lot 38 DP 718667, Train Street, Broulee
- Lot 693 DP 249461, Penguin Place, Catalina
- Lot 66 DP 261646, Mummaga Lake Drive, Dalmeny
- Lot 13 DP 785266, White Sands Place, Denhams Beach
- Lot 88 DP 803087, Lewana Close, Lilli Pilli
- Lot 41 DP 1061842, Bunderra Circuit, Lilli Pilli
- Lot 127 DP 1068529, Litchfield Crescent, Long Beach
- Lot 246 DP 569875, Maloney Drive, Maloney's Beach
- Lot 14 DP 701609, Maloney Drive, Maloney's Beach
- Lot 11 DP 771497, George Bass Drive, Malua Bay
- Lot 51 DP 771497, Pioneer Avenue, Moruya
- Lot 11 DP 809702, Panorama Place, Moruya
- Lot 21 DP 825840, Chisolm Place, Narooma
- Lot 2 DP 244134, Penthouse Place, North Batemans Bay
- Lot 173 DP 262910, Hume Road, Sunshine Bay

- Lot 9 DP 774356, John Oxley Crescent, Sunshine Bay
- Lot 14 DP 30365, Bay View Street, Surf Beach
- Lot 3 DP 622389, Beach Road, Surf Beach
- Lot 277 DP 218664, Tuross Boulevard, Tuross Head

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the minimum lot size map is the only means of achieving the intended outcome.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan does not include an action specifically relating to the minimum lot size of residential land. Across the R2 Low Density Residential Zones in Eurobodalla, the minimum lot size is predominantly 550m². When a minimum lot size was applied to the subject lots, it was intended for the lot size to be consistent with adjoining residential land. However, an incorrect minimum lot size was applied and this planning proposal will result in a consistent minimum lot size. The proposal is considered to not be inconsistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Community Strategic Plan by ensuring planning is responsive to the environment and community needs.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (m) likely impacts of development on the water quality of coastal waterbodies.

Consistent: Some of the affected lots are within the Coastal Zone and/or in a sensitive coastal location. The proposal to amend the minimum lot size is unlikely to have any detrimental impacts on coastal processes.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. Some of the affected lots are within the Coastal Zone and/or in a sensitive coastal location. The proposal to amend the minimum lot size is unlikely to have any detrimental impacts on coastal processes.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. By reducing the minimum lot size from 600m² to 550m², the planning proposal will facilitate a residential density consistent with surrounding residential land. The planning proposal is considered consistent with this direction.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The proposed reduction in the minimum lot size for the subject lots would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

4.4 Planning for Bushfire Protection

This direction states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination for a planning proposal. Further, it states that a planning proposal must:

- a) *have regard to Planning for Bushfire Protection 2006,*
- b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

Consistent. All of the subject lots are zoned R2 Low Density Residential, and some have subdivision potential to create 600m² lots. While the planning proposal seeks to reduce the minimum lot size to 550m² (to be consistent with the minimum lot size for surrounding residential land) it does not necessarily result in a further increase in density of development. The actual size of any future lots created by way of subdivision would be subject to the constraints of the land. A number of the lots are located in bushfire prone areas. As such, any proposal for subdivision of any of the lots on bush fire prone land would require a bush fire safety authority to be issued by the Rural Fire Services Commissioner under Section 100B of the *Rural Fires Act 1997*.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed reduction in the minimum lot size for the subject lots is unlikely to have any detrimental social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Not relevant.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

Refer to Volume 3 (various maps) for minimum lot size mapping.

Appendix 24 – Justification for Item No. 24

Name of item	Intended Outcome
Amend Land Zoning Map, Minimum Lot Size Map and Height of Buildings Map	To correct the boundary between the R2 and RU1 zones for land that been subdivided for residential purposes at East Moruya (Braemar Estate) and to make consequential changes to the Minimum Lot Size and Height of Buildings Maps.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to a development consent for subdivision of land for residential purposes (see Figure 24-1).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative means to achieve the objective of the planning proposal.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Community Strategic Plan by ensuring planning is responsive to the environment and community needs.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP Rural Lands 2008

This SEPP provides a number of rural planning and subdivision principles, including the following:

Rural Planning Principles

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

Rural Subdivision Principles

- (a) the minimisation of rural land fragmentation,
(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.

Consistent. The planning proposal makes a minor adjustment to the R2 and RU1 zone boundary to ensure that the whole of approved residential lots are zoned for residential purposes. The proposal will have no impact on agricultural land and is therefore considered to be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (k) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
(n) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject land is within the coastal zone but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.2 Rural Zones

This direction states that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistent. The planning proposal makes a minor adjustment to the R2 and RU1 zone boundary to ensure that the whole of approved residential lots are zoned for residential purposes. The proposal will have no impact on agricultural land and is therefore considered to be consistent with this Direction.

1.5 Rural Lands

This direction states that a planning proposal must be consistent with the Rural Planning and Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistent. The planning proposal makes a minor adjustment to the R2 and RU1 zone boundary to ensure that the whole of approved residential lots are zoned for residential purposes. The proposal will have no impact on agricultural land and is therefore considered to be consistent with the Rural Planning and Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject land is within the coastal zone but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal will have no detrimental impacts of housing choice, infrastructure and services or the environment. The planning proposal is considered consistent with this direction.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal will have no detrimental impacts of transport choice or accessibility. The planning proposal is considered consistent with this direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The proposal will have positive social and economic effects through the removal of an unnecessary split zoning on residential lots.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will have no impact on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

Figure 24-1: Subject land



Figure 24-2: Existing Zoning Map



Figure 24-3: Proposed Change to Zoning Map



Figure 24-4: Existing Minimum Lot Size Map



Figure 24-5: Proposed Change to Lot Size Map



Figure 24-6: Existing Maximum Height of Building Map



Figure 24-7: Proposed Change to Maximum Height of Building Map



Appendix 25 – Justification for Item No. 25

Name of item	Intended Outcome
Amend Schedule 4 and Height of Buildings Map	Reclassify a laneway in Batemans Bay to operational and provide for an 18m maximum building height.

For further details of the proposed reclassification, see the table below.

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed	Intention
Lot 21 DP 547034	4 North Street	Batemans Bay	69.6m ²	No	No	To enable the sale of the land to an adjoining owner.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to a development consent that provides for alternative pedestrian access to the subject laneway (see Figures 25-1 and 25-2).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative means to achieve the objective of the planning proposal.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Community Strategic Plan by ensuring planning is responsive to the environment and community needs.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (l) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (o) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject land is within the coastal zone but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
1.1 Business and Industrial Zones To encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

1.1 Business and Industrial Zones

This direction states that a planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones, and
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones.

Consistent. The planning proposal retains existing business zoning and does not reduce total potential floor space for employment and related uses. Improved access arrangements have been provided for through the issue of development consent for redesign of car parking and vehicular and pedestrian access.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject land is within the coastal zone but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal retains existing business zoning and does not reduce total potential floor space for employment and related uses. Improved access arrangements have been provided for through the issue of development consent for redesign of car parking and vehicular and pedestrian access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposal will have positive social and economic effects through the closure of a narrow and sight-restricted laneway and its replacement with safer and more convenient pedestrian access arrangements.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

While the planning proposal will result in the closure of a public laneway, it will be replaced with safer and more convenient pedestrian access arrangements.

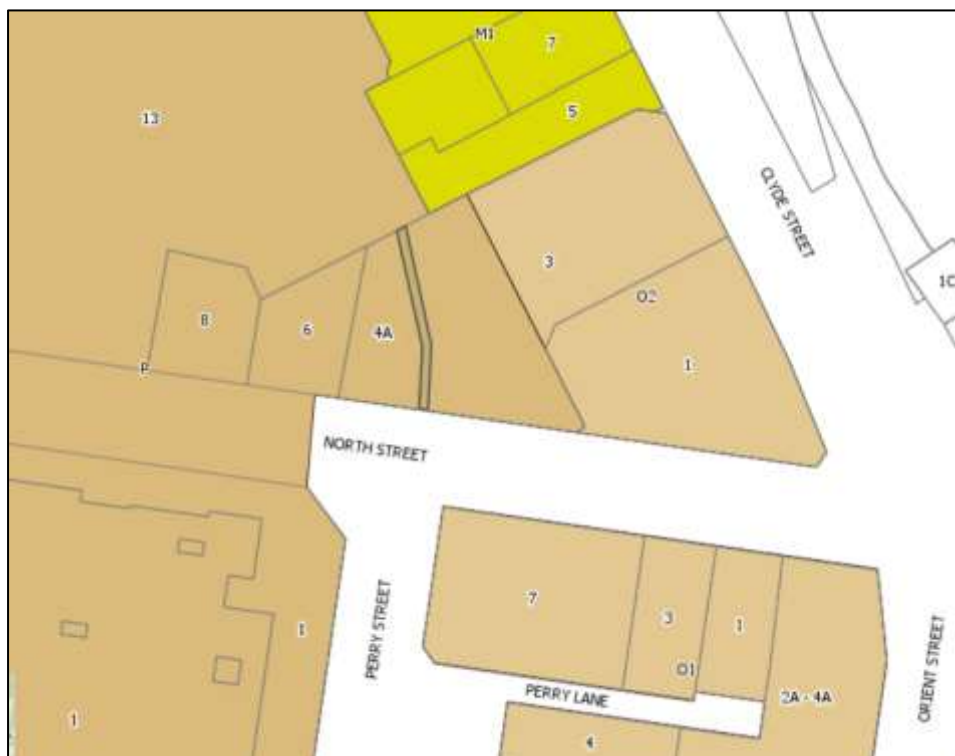
11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Figure 25-3 Existing Maximum Height of Buildings Map



Figure 25-4 Proposed Change to Maximum Height of Buildings Map



Appendix 26 – Justification for Item No. 26

Name of item	Intended Outcome
Amend Schedule 4, Land Zoning Map, Lot Size Map and Height of Buildings Map	Reclassify land at George Bass Drive, Malua Bay to operational, rezone the land R2 Low Density Residential, provide for a minimum lot size of 550m ² and a maximum building height of 8.5m.

For further details of the proposed reclassification, see the table below.

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed	Intention
Lot 574 DP 32008	George Bass Drive	Malua Bay	127m ²	No	Yes, public reserve purpose to be removed	To enable the sale of the land to an adjoining owner.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to a request from an adjoining land owner.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative means to achieve the objective of the planning proposal.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Community Strategic Plan by ensuring planning is responsive to the environment and community needs.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent See below.

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided below.

SEPP 71 – Coastal Protection

SEPP 71 provides the following matters for consideration for development in coastal areas:

- (m) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (p) likely impacts of development on the water quality of coastal waterbodies.

Consistent: The subject land is within the coastal zone but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions and Objectives	Consistency of Planning Proposal
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent See below.
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent See above.

An assessment of applicable s.117 Directions against the planning proposal is provided below.

2.1 Environment Protection Zones

This direction states that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, it states that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

Inconsistent, but of minor significance. While this planning proposal proposes the rezoning of a small corner of a public reserve currently zoned E2 Environmental Conservation to the R2 Low Density Residential zone, the subject area contains no native vegetation (see Figure 26-1). Rezoning the land will have no detrimental impacts on the natural environment and the inconsistency with the Ministerial Direction is considered justified on the grounds that it is minor in nature.

2.2 Coastal Protection

This Direction states that a planning proposal must include provisions that are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003* and the *NSW Coastline Management Manual 1990*.

Consistent. The subject land is within the coastal zone but is not in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal will have no detrimental impacts of housing choice, infrastructure and services or the environment. The planning proposal is considered consistent with this direction.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal will have no detrimental impacts of transport choice or accessibility. The planning proposal is considered consistent with this direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have no social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will have no impact on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

Mapping

Figure 26-1: Subject Land



Figure 26-2: Existing Zoning Map



Figure 26-3: Proposed Change to Zoning Map



Figure 26-4: Existing Minimum Lot Size Map



Figure 26-5: Proposed Change to Lot Size Map



Figure 26-6: Existing Maximum Height of Building Map



Figure 26-7: Proposed Change to Maximum Height of Building Map





Planning Proposal

Amendment No. 11 to ELEP 2012 and Repeal of RLEP 1987 to implement the recommendations of the Eurobodalla Rural Lands Strategy and address other matters.

Volume 2

Contents

AREA 1 – Kings Highway, Murrengenberg	5
AREA 1a – Kings Highway, Currowan	8
AREA 2 – Nelligen Creek Road, West Nelligen	11
AREA 3 – Old Bolaro Road (south), West Nelligen	16
AREA 3a – Old Bolaro Road (central), West Nelligen	20
AREA 4 – Currowan, Benandarah and East Lynne	24
AREA 4a – Princes Highway, Benandarah	31
AREA 4b – South Durras	36
AREA 4c – Maloneys Beach	39
AREA 5 – West Batemans Bay	42
AREA 6 – North and West Mogo	45
AREA 6a – Goba Lane, Mogo	50
AREA 7a – George Bass Drive (east), Malua Bay	53
AREA 7b – George Bass Drive (west), Malua Bay	57
AREA 8 – Dunns Creek Road (north), Woodlands	62
AREA 8a – Tomakin Road and Dunns Creek Road (south), Woodlands	66
AREA 8b – Tomakin Road, Mogo	71
AREA 9 – South Mogo	76
AREA 9a – Maulbrooks Road, Mogo	81
AREA 10 – Jeremadra Grove and Goldfields Drive, Jeremadra	85
AREA 10a – Springwater Road, Jeremadra and George Bass Drive, Broulee	90
AREA 11 – Broulee Road, Broulee	95
AREA 11a – Broulee Road, Bimbimbie and Broulee	100
AREA 12 – Tomakin, Rosedale and Guerilla Bay	105
AREA 12a – George Bass Drive, Mossy Point	109
AREA 13 – Clouts Road, Mogendoura	114
AREA 14 – Hawdons Road, Mogendoura	118
AREA 15 – North Moruya	123
AREA 16 – Meadows Road, Malabar Drive and Percy Davis Drive, North Moruya	127
AREA 17 – East Moruya	132
AREA 17a – South Head Road, Moruya Heads	137
AREA 17b – Congo Road, Moruya Heads	142
AREA 18 – Congo Road (North), Congo	148

AREA 18a – Berriman Drive, Congo	153
AREA 18b – Congo Road (South), Congo	156
AREA 18c – Meringo Road, Meringo.....	159
AREA 19 – Wamban Road (South), Wamban.....	164
AREA 20 – Bergalia	167
AREA 20a – Wamban Road (North), Wamban.....	172
AREA 21 – Bingie Road, Bingie	175
AREA 22 – Princes Highway (West), Coila and Turlinjah.....	180
AREA 22a – Princes Highway (East), Coila.....	185
AREA 22b – Kyla Park	188
AREA 22c – Princes Highway (East), Turlinjah	191
AREA 23 – Potato Point Road (South), Bodalla and Potato Point.....	196
AREA 24 – Princes Highway, South Bodalla	201
AREA 25 – Princes Highway, North Bodalla & Blackfellows Point Road, Bodalla	206
AREA 25a – Potato Point Road and Horse Island Road, Bodalla.....	211
AREA 26 – Bumbo Road (East) and Eurobodalla Road, Bodalla.....	216
AREA 26a – Bumbo Road (West), Bodalla.....	219
AREA 27 – North Narooma and Kianga.....	222
AREA 28 – South Narooma	227
AREA 29 – Wagonga Scenic Drive, Narooma & Tebbs Road, Corunna	232
AREA 30 – Wagonga Scenic Drive, Narooma	237
AREA 30a – Wagonga Scenic Drive, Narooma	241
AREA 30b – Wagonga Scenic Drive, Narooma	245
AREA 31 – Shingle Hut Road, Narooma	249
AREA 32 – Central Tilba and Surrounds	252
AREA 33 – Dignams Creek Road, Dignams Creek.....	259
AREA 34 – Eurobodalla Road, Eurobodalla, Cadgee, Nerrigundah and Tinpot	263
AREA 35 – Belowra.....	268
AREA 36 – Merricumbene and Deua	271
AREA 37a – Araluen Road (North), Deua River Valley	275
AREA 37b – Araluen Road (Central), Deua River Valley.....	278
AREA 37c – Araluen Road (South), Wamban and Kiora.....	282
AREA 38 – Runnyford and Buckenbowra.....	287
AREA 39 – South Moruya.....	292

AREA 40 – Turnbolls Lane, Moruya.....	295
AREA 41 – South Nelligen	298
AREA 42 – Hector McWilliam Drive, Tuross Head	301

NOTE: Refer to Volume 3 for mapping relating to each area in the Volume.

NOTE: Refer to Volume 4 for full draft LEP mapping relating to this planning proposal.

AREA 1 – Kings Highway, Murrengenberg

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 200ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This area is remote from settlement, surrounded by National Park and State Forest and is constrained by access, topography, vegetation and bushfire. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 200ha minimum lot size does not provide for further subdivision or new dwelling entitlements.</p> <p>Whilst it is not prime agricultural land, it is in a rural area and some rural activities could be undertaken. Rural tourism activities may be appropriate in this area. Forestry activities may also be appropriate.</p>

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	4	0
Dwellings	1	1*	1	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on sensitive environmental areas as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area (site 200 in OEH submission), the OEH recommendation is that the land is not suitable for additional development. As no additional subdivision or dwellings are proposed, the planning proposal is consistent with the recommendations of the OEH.

AREA 1a – Kings Highway, Currowan

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area is remote from settlement, surrounded by National Park and State Forest and is constrained by access, topography, vegetation and bushfire. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 40ha minimum lot size does not provide for further subdivision or new dwelling entitlements. Whilst it is not prime agricultural land, it is in a rural area and there are some small clearings where some rural activities could be undertaken. Rural tourism activities may be appropriate in this area. Forestry activities may also be appropriate.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	7	7*	7	0

* The table does not consider existing all dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on sensitive environmental areas as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area (site 59 in OEH submission), the OEH recommendation is that the land is not suitable for additional development. As no additional subdivision or dwellings are proposed, the planning proposal is consistent with the recommendations of the OEH.

AREA 2 – Nelligen Creek Road, West Nelligen

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 3 Dwellings: 3
Discussion:	This area adjoins rural residential areas to the east and extends into more remote lands surrounded by National Park and State Forest. The land is somewhat constrained by access, vegetation and bushfire. The land follows the Nelligen Creek Valley and contains some extensively cleared farming areas and some hillier vegetated areas. Minimal additional subdivision or dwelling yield is proposed, in addition to existing dwelling entitlements. A 40ha minimum lot size potentially provides for up to three new lots and dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	15	15	18	3
Dwellings	11	12*	15	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, it is known that at least one property is a vacant 1963 parcel with a dwelling entitlement.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative way to achieve the intended outcome of providing a zone and minimum lot size for the land.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class

4 and 5 agricultural lands. In this area the density of land would only potentially increase by up to three lots and dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area adjoins land containing a gravel pit which is zoned RU3 Forestry. While the planning proposal would permit three additional lots and dwellings in this area, the sites that benefit are not immediately adjoining the gravel pit site and any future dwellings in these locations would not cause land use conflict with the extractive industry.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only three more dwellings possible in an area of 11 existing dwellings, plus at least one existing dwelling entitlement. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. It is expected that development for the building of new dwellings and/or subdivision on this lot would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area.

Through road access is available on the Kings Highway via Old Bolaro Road and Nelligen River Road. Access to the Kings Highway is over 200 metres and alternate access to properties is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to the Kings Highway can be minimised by locating building sites closer to Old Bolaro Road. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the adjacent Monga National Park and Buckenbowra and Currowan State Forests.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would

not change or intensify existing land uses. Potential subdivision as a result of this planning proposal does not affect lots where threatened ecological communities are known or likely to occur.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats and woodland birds are likely to use this area as habitat or foraging from time to time. It is expected that habitat and foraging opportunities would still be available because remnant native vegetation patches and paddock trees would still be available and would connect with the adjacent National Park and State Forests. Further, additional potential clearing as a result of this planning proposal is minimal compared with what can be currently undertaken.

Properties in this area are generally already selectively cleared or fully vegetated. However, there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not increase the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area (site 199 in the OEH submission), the OEH recommendation is that the land is not suitable for increased subdivision potential. As the planning proposal provides a minimum lot size that would facilitate some subdivision to create up to 3 additional lots, it is inconsistent with the recommendations of the OEH. However, for the reasons outlined in Section 7 above, this inconsistency is considered to be justified.

AREA 3 – Old Bolaro Road (south), West Nelligen

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 3
Discussion:	This small area consists of 4 rural lots between 10 and 20ha in size. It is located to the south of an existing rural residential area. The land is partly cleared with a mix of class 4 and 5 agricultural land. No additional subdivision is anticipated, however there is potential for one additional lot to be created, and each existing lot will have a dwelling entitlement. A 10ha minimum lot size provides for up to three new dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	5	1
Dwellings	2	2*	5	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

Council's Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only three more dwellings possible. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to three dwellings and subdivision to create one additional lot would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural

residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Kings Highway via Old Bolaro Road. Access to the Kings Highway is over 200 metres and alternate access to properties is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to the Kings Highway can be minimised by locating building sites closer to Old Bolaro Road. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby Monga National Park and Buckenbowra and Currowan State Forests.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts threatened ecological communities that are known or likely to occur in this area such as River-flat Eucalypt Forest.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities would remain because remnant native vegetation patches and paddock trees would still be available and existing levels of wildlife connectivity can be retained. Opportunities to minimise clearing and to avoid high quality habitat (including riparian zones) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates one additional lots and three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area. The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 3a – Old Bolaro Road (central), West Nelligen

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 5ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 5
Discussion:	<p>This small area consists of 7 lots where a portion of 6 of these lots is currently zoned RU4 2ha (no change is proposed to the zoning or minimum lot size of those parts of each lot). It is proposed to extend the RU4 zone over the whole of these lots, with a 5ha minimum lot size over the currently deferred area, to minimize the number of additional lots that could be created. The land is mostly vegetated with some small clearings and is mostly class 5 agricultural land.</p> <p>The proposal could result in one additional lot and five additional dwellings in the subject area, however taking into account the total area of each lot and the 2ha minimum lot size on some portions of the lots, up to 7 lots and 8 dwellings could be achieved.</p>

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	8	1
Dwellings	1	2*	7	5

* The table does not consider existing all dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only four more dwellings possible. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to four dwellings and subdivision to create two additional lots would be achievable due to sufficient

space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Kings Highway via Old Bolaro Road. Access to the Kings Highway is over 200 metres and alternate access to properties is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to the Kings Highway can be minimised by locating building sites closer to Old Bolaro Road. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also more suitable habitat and options for wildlife connectivity in the nearby Monga National Park, Buckenbowra and Currowan State Forests.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts threatened ecological communities that are known or likely to occur in this area such as River-flat Eucalypt Forest.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities would remain because small remnant native vegetation patches and paddock trees would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high

quality habitat (including riparian zones) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates one additional lots and four additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area. The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 4 – Currowan, Benandarah and East Lynne

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E4 – 1ha (for Lot 29 DP 755933 and Lot 1 DP 119109) E4 – 1500m ² (for Lots 56, 57 and 58 DP 755933) E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 6
Discussion:	This area is remote from settlement, surrounded by State Forest and is constrained by access, topography, vegetation and bushfire. This area contains a mix of heavily forested and steep land with cleared agricultural lands along the Clyde River and Currowan and Cockwhy Creeks. A 40ha minimum lot size for this area is the most reflective of the existing subdivision pattern, however it does provide for some larger lots to be subdivided, creating up to four new 40ha minimum lots. In addition to up to six new dwellings being facilitated by this planning proposal, at least four existing vacant lots with dwelling entitlement will remain.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	205	205	209	4
Dwellings	70	74*	80	6

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, the properties on Windywoppa Road were subdivided for the purpose of enabling dwellings to be built. Three of these lots remain vacant and will continue to have the right to apply for development consent for a dwelling. A fourth lot on Bridge View Road, Nelligen is vacant and is known to have a dwelling entitlement.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for appropriate zones (RU1 and E4) and minimum lot sizes (40ha for RU1 portion and 1ha / 1500m² for E4 portions) which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy, with the exception that two small areas east of Nelligen are proposed to be zoned E4 Environmental Living.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Clyde River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Clyde River would be likely to occur.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture	Consistent See above.

To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the majority of this area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3, 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land would potentially increase by up to four lots and six dwellings. This will facilitate some additional small-scale agricultural production opportunities that recognises the changing nature of agriculture in the region. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. This area contains two archaeological sites (a Ship Building site and a Starch Factory site). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the additional dwellings that could result from the planning proposal would not be on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only six more dwellings possible in an area of 70 existing dwellings. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to six dwellings and subdivision to create four additional lots would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on NSW Forestry roads that lead to the Princes Highway and the Kings Highway. Access to the Princes Highway and the Kings Highway is over 200 metres for most properties however alternate access to properties is available via the NSW Forestry road network in this area. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to dwellings can be minimised by locating building sites closer to roads (ie shorter internal access tracks). There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents and logging trucks in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby State Forests (Boyne, Currowan, South Brooman, Benandarah and Shallow Crossing).

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities that are known or likely to occur in this area such as River-flat Eucalypt Forest and Swamp Oak Floodplain Forest.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and white footed Dunnart are likely to use this area as habitat or foraging from time to time. Threatened orchids have also been recorded in the vicinity of these properties however are more likely to have a restricted distribution and therefore could be avoided if habitat or population is found on land with potential for development. Properties in this

area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities would remain because small remnant native vegetation patches and paddock trees would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands associated with the Clyde River adjacent to this area. The planning proposal would not change or intensify land uses in the area. Additional dwellings are not on lots in the vicinity of wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area, the OEH made specific recommendations for 15 separate locations, as outlined in the following table:

Site No. (from OEH submission)	OEH Recommendation	Strategy Recommendation	Comments and Planning Proposal Recommendation
26	Not suitable for subdivision. E zone recommended.	No change to current zoning.	Subject land is Crown Land and was recently rezoned to RE1 Public Recreation, consistent with the previous 6(a1) Public Open Space zone. No further change is proposed.
37, 38, 39	Not suitable for denser subdivision – Rural.	RU1 – 40ha	No further subdivision possible. Planning proposal is consistent with the OEH recommendation. Proceed with Strategy Recommendation.
40, 44, 46	Generally no suitable increased lot yield fronting Clyde River – Environmental Zone	RU1 – 40ha	The subject area is part of a larger rural lot used for agricultural purposes. Under the Strategy recommendation, the site is not large enough for further subdivision. Proceed with Strategy Recommendation.
41, 43, 45	Not suitable for further subdivision – Environmental zone	RU1 – 40ha	Subject land is mostly vegetated however is surrounded by cleared farmland and could be used for a number of rural activities, including rural tourism. Under the Strategy recommendation, the lots are not large enough for further subdivision. Proceed with Strategy Recommendation.
42	Not suitable for further subdivision. Crown lot within the river should be E2.	RU1 – 40ha	Subject land is mostly vegetated however is surrounded by cleared farmland and could be used for a number of rural activities, including rural tourism. Under the Strategy recommendation, the lots are not large enough for further subdivision. The Crown lot has a permissive occupancy for the purpose of grazing. For these reasons, proceed with Strategy Recommendation.
47	Not suitable for further subdivision – Environmental zone	RU1 – 40ha	Subject land was subdivided for the purpose of dwellings, with only a few remaining vacant lots. Under the Strategy Recommendation no further subdivision is permitted. Proceed with Strategy Recommendation.
48	Not suitable for further development. Areas of Crown Land along river surrounding SEPP 14 wetland and EEC should be E2.	RU1 – 40ha	Subject land is mostly vegetated and is not likely to be used for agricultural purposes, however rural tourism activities could be appropriate. Crown Lands have advised that there are Aboriginal Land Claims over the Crown reserves and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. On this basis, it is proposed to proceed with Strategy Recommendation.

49	Not suitable for further development as adjoins SEPP 14 wetland – E4.	RU1 – 40ha	Subject land, consisting of three lots, sits between land zone RU1 and E4. Two of the lots front Bridge View Road, one contains a dwelling and the other has a dwelling entitlement. E4 zoning of these lots, consistent with adjoining lots, is supported. A 1ha minimum lot size is proposed to prevent further subdivision. The third lot is in the same ownership as the adjoining rural property to the south and therefore an RU1 zoning of this lot is considered appropriate.
50	Not suitable, adjoining SEPP 14 wetland. Crown reserve should be zoned E2.	RU1 – 40ha	Subject land includes land addressed in site 26 above. Some other land in this area consists of a number of small Crown lots that are fully vegetated and three privately owned lots, two with dwellings. Crown Lands have advised that there are Aboriginal Land Claims over the Crown lots and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. On this basis, it is proposed to proceed with Strategy Recommendation for the Crown lands.

AREA 4a – Princes Highway, Benandarah

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 3
Discussion:	This area contains a total of 16 properties along the Princes Highway or with access to Durras Drive. The majority of properties are under 20ha in size and all but two contain a dwelling and/or other development. The land contains a mix of Class 4 and Class 5 agricultural land. The RU4 zone and a minimum lot size of 40ha enables the remaining two vacant lots to have dwelling entitlement and one lot to be subdivided into two, for a total of up to three new dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	15	15	16	1
Dwellings	13	13*	16	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land would potentially increase by up to one lot and up to three dwellings. This will facilitate some additional small-scale agricultural production opportunities that

recognises the changing nature of agriculture in the region. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. This area contains a number of heritage items (timber barn, sawmill, tram line, former school and cricket pitch and a residence). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only three more dwellings possible in an area of 13 existing dwellings. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to three dwellings and subdivision to create one additional lot would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Princes Highway which is within 200 metres of most properties. Four properties are further than 200 metres from the Princes Highway and alternate access is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads accessing the properties is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

12. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby Boyne and Benandarah State Forests and Murramarang National Park.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are no threatened ecological communities mapped in this area but potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts to native vegetation in any case.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats and woodland birds are likely to use this area as habitat or foraging from time to time. Threatened orchids have also been recorded in the vicinity of these properties however are more likely to have a restricted distribution and therefore could be avoided if habitat is found on land with potential for development. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation patches and paddock trees would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

8. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates one additional lot and three dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

9. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All lots currently have frontage or access to a Council maintained sealed road (Durras Drive) or the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

10. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified two specific sites in this area (sites 197 and 198), recommending that the land is not suitable for further development. As the planning proposal recommends the RU4 with a minimum lot size of 40ha, one additional lot could be created and three additional dwellings would be permissible. The planning is therefore inconsistent with the recommendations of the OEH, however, for the reasons outlined in Section 7 above, this inconsistency is considered to be justified.

AREA 4b – South Durras

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No minimum lot size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This land consists of some Crown lands north of Durras Drive and some portions of a private property south of Durras Drive. This land is environmentally sensitive and the majority of one of the subject lots is zoned E2 Environmental Conservation (this zoning is proposed to be retained). The RU1 zone with a 40ha minimum lot size and the proposed E2 zone do not enable any further subdivision or dwellings to be developed on the subject land.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	7	0
Dwellings	1	1*	1	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for appropriate zones (RU1 and E2) and minimum lot sizes (40ha for RU1 portion) which result in no additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy, with the exception of the zoning of some Crown Land to E2 Environmental Conservation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land and will therefore have no negative social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified one specific site in this area (site 33), recommending that the land is not suitable for further development and should be zoned E2. The submission from Crown Lands supported an E2 zoning for the subject land. The planning proposal provides for no additional lots or dwellings in this area and subject to zoning the Crown Land within this area E2, the planning proposal is consistent with the recommendations of the OEH.

AREA 4c – Maloneys Beach

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 4 lots to the north of Maloneys Beach and to the east of Long Beach. The land also adjoins the Murramarang National Park. The land is heavily vegetated and contains a SEPP 14 wetland that is zoned E2. The RU1 zone with a 100ha minimum lot size does not enable any further subdivision or dwellings in the area. However, it should be noted that the two larger lots in this area already have dwelling entitlement.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	4	0
Dwellings	1	3*	3	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, both of the existing lots that are larger than the proposed minimum lot size already have dwelling entitlement and are currently vacant.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in no additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.1 Environment Protection Zones

Inconsistent but of minor significance. This area contains a small area of 7(a) zoning that is beyond the boundaries of the SEPP 14 wetland that is currently zoned E2 Environmental Conservation. This area is proposed to be zoned RU1 Primary Production. In this area, no additional development will be facilitated by the planning proposal. Given the E2 zoning of the SEPP 14 wetland, the small area of additional 7(a) zoning adjoining the mapped SEPP 14 wetland and that no additional development potential is being facilitated on the subject lot, the inconsistency with the Ministerial Direction is considered to be justified in this instance.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified one specific site in this area (site 9), recommending that the current 7(a) zoning be replaced with the equivalent E2 zoning. This applies to land immediately adjoining the SEPP 14 wetlands which are zoned E2 Environmental Conservation. Given the current E2 zoning is equivalent to the boundary of the SEPP 14 wetland, and given the planning proposal does not provide for additional lots or dwellings in this area, the proposed RU1 zoning of the land is considered appropriate notwithstanding the inconsistency with the OEH recommendation.

AREA 5 – West Batemans Bay

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area is located to the north, west and south of the Batemans Bay Town Centre and is surrounded by the Clyde River, National Park and State Forest. Much of this area is used to access oyster leases in the Clyde River estuary. The RU1 zone with a 100ha minimum lot size does not enable any further subdivision or dwellings in the area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	27	27	27	0
Dwellings	4	4*	4	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in no additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified several sites in this area (sites 22, 31 and 95 to 100), recommending that the land is not suitable for further subdivision and should have an E zoning. Two specific sites were recommended for an E2 zone, being Budd Island outside the oyster sheds (site 97) and a portion of Crown land (site 96). All of the lots within this area are currently zoned Rural 1(a) under the Rural LEP 1987. The equivalent zone under LEP 2012 is RU1 Primary Production. As no additional subdivision or dwellings are proposed, the planning proposal is considered appropriate notwithstanding the inconsistency with the OEH recommendation on the two specific sites.

AREA 6 – North and West Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha RU3 – No Minimum Lot Size (for Lot 7309 DP 1156554)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 7
Discussion:	This area is located north and west of Mogo and includes one small rural property north of Mogo on Runnyford Road. The land is surrounded by State Forest. The majority of lots are under 1ha in size but a small number are larger than 5ha. The RU4 zone reflects the existing small rural nature of the majority of lots and enables a dwelling to be permissible on each lot, resulting in up to seven new dwellings. The 20ha minimum lot size does not enable any further subdivision.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	39	39	39	0
Dwellings	30	30*	37	7

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in in up to seven additional dwellings in this area which adjoins Mogo Village. The planning proposal provides for a significant number of potential additional small lot rural businesses with dwelling entitlement, that can support the role of Mogo in serving the surrounding community, and given this is not an urban expansion of the village, it also preserves the character, scale, cultural heritage and social values of Mogo. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is generally consistent with Council’s Rural Lands Strategy. However, area 6 in the Rural Lands Strategy was slightly larger than in this planning proposal. During the preparation of this planning proposal, the results of a flood study have become available identifying that some lots along Mogo Creek are within a floodway or are not of a size suitable to accommodate on-site sewage management. Further, some lots along Princes Highway are in a location where the road speed limits and sight distances would prevent access to dwellings. For these reasons, that part of this area as shown in the Rural Lands Strategy is now proposed to be zoned RU1 with a minimum lot size of 40ha and has therefore been included with area 6a.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land	Consistent

To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4 and 5 agricultural lands. While the planning proposal does not facilitate any additional lots in this area, up to seven dwellings could result from this planning proposal. It is considered that this will facilitate an increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this place (Former Gold Counting House). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. However, for all of the affected lots there are ample opportunities to achieve the development yield away from the flood affected areas.

4.4 Planning for Bushfire Protection

Consistent. No subdivision would result from the planning proposal in this area however it could result in up to seven dwellings. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to seven dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on lots with the potential for dwellings in this area. The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway which is within 200 metres of most properties. Where properties are not within 200 metres there is possible alternate access available via the power easement to the west. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

12. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby Mogo State Forest.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are no threatened ecological communities mapped in this area (although there is potential for River Flat Eucalypt Forest). Potential new dwellings as a result of this planning proposal would be able to minimise direct impacts to native vegetation through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats and woodland birds are likely to use this area as habitat or foraging from time to time. Some properties in this area are selectively cleared or fully vegetated but there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas on most lots.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed zoning in this area but could result in up to seven dwellings which would provide for settlement and housing that would contribute to the social and economic welfare of the rural community in this area.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

The majority of lots that will obtain a dwelling entitlement as a result of the planning proposal have frontage to a Council maintained sealed road, or to a potential extension of such road. As the lots will be retained in a rural zone, on site sewer and water supply is likely to continue to be appropriate, as it is not Council's practice to service rural areas with reticulated water and sewer infrastructure.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified two specific sites in this area (sites 93 and 94), recommending that the land is not suitable for large scale expansion, with an environmental zoning recommended for the vegetated areas. As the planning proposal recommends the RU4 with a minimum lot size of 20ha, no additional lots could be created but up to two new dwellings in site 93 and one new dwelling in site 94 would be permissible. This is not considered to be a "large scale expansion" and the planning proposal is therefore considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas.

AREA 6a – Goba Lane, Mogo

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area immediately adjoins the existing Mogo village and includes land fronting the Princes Highway north of Mogo. The RU1 zone reflects the current situation and existing constraints (vegetation, topography, flooding) where no further subdivision or dwellings are permitted. More detailed investigations as part of a separate planning proposal is required to investigate the potential for additional development of this land.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	41	41	41	0
Dwellings	4	4*	4	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in no additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is generally consistent with Council's Rural Lands Strategy. However, area 6a in this planning proposal has been slightly enlarged compared to what was identified in the Rural Lands Strategy. During the preparation of this planning proposal, the results of a flood study have become available identifying that the land between Mogo Creek and the Princes Highway is a floodway. For this reason, that part of area 6 as shown in the Rural Lands Strategy is now proposed to be zoned RU1 with a minimum lot size of 40ha and has therefore been included with area 6a.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (site 93), recommending that the land is not suitable for large scale expansion, with an environmental zoning recommended for the vegetated areas. As the planning proposal recommends the RU1 with a minimum lot size of 40ha, no additional lots or dwellings are possible in this area. On this basis, the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas.

AREA 7a – George Bass Drive (east), Malua Bay

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f1) - No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	E4 – 10ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains a total of 10 properties along George Bass Drive to the south of the existing Malua Bay urban area. The majority of properties are under 20ha in size and all but two contain a dwelling. The land is Class 5 agricultural land. The E4 zone reflects the environmental attributes of the land and facilitates a dwelling entitlement on all of the lots. One of the vacant lots already has dwelling entitlement, so the planning proposal results in one additional dwelling in this area. The 10ha minimum lot size does not facilitate any additional subdivision of this land.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	8	9*	10	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area it is known that one existing vacant lot was subdivided for the purpose of a dwelling.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.1 Environment Protection Zones

Consistent. This majority of this area is currently zoned 7(f1), which is an environmental protection zone for coastal lands. In this area, an E4 Environmental Living zone is proposed and is therefore consistent with the Ministerial Direction.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the one additional dwelling that could result from the planning proposal is not on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. No subdivision would result from the planning proposal in this area however it could result in one dwelling. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on George Bass Drive which is within 200 metres of all lots. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Swamp Oak Floodplain Forest and Bangalay Sand Forest). Threatened ecological communities are not mapped on the lot that could build a dwelling as a result of this planning proposal potential new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-Headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Building sites could easily avoid potential habitat. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Most properties in this area are largely vegetated but there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal (due to one

additional dwelling) however it is considered minimal compared with what can be currently undertaken. Further, a dwelling would not result in the entire lot being cleared and so potential habitat (if found) would be able to be retained.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land E4, one additional dwelling could be developed, providing for additional supply of rural residential opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. All lots in this area have frontage to a Council maintained sealed road (George Bass Drive). The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (site 1), recommending that the current 7(f1) zoning be replaced with the equivalent E zoning. The OEH also advise that the land currently zoned Rural 1(a) warrants an E zone. As the planning proposal provides for an E4 zoning for the whole of this area, it is consistent with the OEH recommendation.

AREA 7b – George Bass Drive (west), Malua Bay

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	This area contains four lots on the western side of George Bass Drive to the south of the existing Malua Bay urban area and small portions of three additional lots (the remaining portions of which are included in the Rosedale Urban Release Area). One of the lots is currently used for extractive industry. The land is a mix of lass 4 and Class 5 agricultural land. The RU1 zone reflects the existing zoning and use of the land. The 40ha minimum lot size facilitates the potential for one lot to be subdivided into two, each with a dwelling entitlement. This is the lot that contains the extractive industry, so it is unlikely that a subdivision would occur until the existing extractive industry operations cease.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	8	1
Dwellings	1	1*	3	2

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area and the density of land would not significantly increase with potential for only one additional lot. Two dwellings could result from this planning proposal which would not adversely impact on the agricultural production value of the land. The planning proposal would facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and two additional dwellings in this location, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in one additional lot and two additional dwellings in this area. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on George Bass Drive which is within 200 metres of all lots with potential for future dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would

not change or intensify existing land uses. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest). Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-Headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Building sites could easily avoid potential habitat. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. The lot that would be subdivided and dwellings built on in this area is largely vegetated. There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Further, a dwelling would not result in the entire lot being cleared so potential habitat and foraging opportunities for threatened species would remain. Remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a one additional lots and two dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The developable lots in this area have access to a Council maintained sealed road (George Bass Drive).

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (site 1), advising that the land currently zoned Rural 1(a) warrants an E zone. As the planning proposal recommends the RU1 zone with a minimum lot size of 40ha, only a small number of additional lots and dwellings are provided for in this area. On this basis, the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH suggestion regarding zoning.

AREA 8 – Dunns Creek Road (north), Woodlands

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 6
Discussion:	This area is a section of existing larger lots and holdings fronting Dunns Creek Road at Woodlands. Some of the land is used for agricultural activities and is a mix of Class 4 and Class 5 agricultural land. The RU4 zones facilitates continued and additional small lot rural activities on the land. Given the existing lot sizes in this area, no additional lots can be created with a 20ha minimum lot size, however there is potential for the largest holding to be re-formed into smaller holdings that might result in up to 6 new dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	11	11	11	0
Dwellings	5	5*	11	6

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4 and 5 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but up to six dwellings could result from the planning proposal. It is considered that this will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in six additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning*

for Bush Fire Protection 2006. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Dunns Creek Road which is within 200 metres of all lots with potential for future dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal and there are cleared areas already available on some lots. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest). New dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Building sites could easily avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. All existing lots have frontage to Dunns Creek Road which is a Council maintained sealed road. The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 92), recommending that the land is not suitable for large scale expansions and an environmental zoning for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 20ha, a small number of additional dwellings are provided for in this area. On this basis, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 8a – Tomakin Road and Dunns Creek Road (south), Woodlands

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	This area is a section of existing smaller (10ha) lots fronting Dunns Creek Road and Tomakin Road at Woodlands. Some of the land is used for small-scale agricultural activities and is a mix of Class 4 and Class 5 agricultural land. All but one of the existing lots contains a dwelling. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for one lot to be subdivided into two and with one existing vacant lot, the total potential additional dwellings in this area is 2.

Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	29	29	30	1
Dwellings	28	28*	30	2

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are five lots adjacent to the Tomaga River which contains Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils	Consistent

To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The density of land would only potentially increase by one lot and up to two dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Directions, it is considered to be consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the one additional lot and two dwelling that could result from the planning proposal are not on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in one additional lot and up to two additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Dunns Creek Road and Tomakin Road which is within 200 metres of all lots with potential for future subdivision or dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal and the lots with potential for subdivision or new dwellings are already largely cleared. There are opportunities available for development to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest). New dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection in already cleared areas.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Building sites could easily avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Remnant native vegetation would still be available and existing levels of wildlife connectivity can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to five lots in this area (within the Tomaga River). The planning proposal would not change the existing land uses or intensify land uses in the area. The lots with potential for subdivision or additional dwellings in the area are not adjacent to the river. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates one additional lot and two dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All existing lots have access to Dunns Creek Road or Tomakin Road which are both Council maintained sealed roads. The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 90 and 92), recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, a small number of additional dwellings are provided for in this area. On this basis, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 8b – Tomakin Road, Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 3 Dwellings: 3
Discussion:	This area contains three larger lots on the southern side of Tomakin Road at Mogo. Two of the lots are fully vegetated, while the other is partly cleared for agricultural purposes. The land is class 5 agricultural land. The RU4 zone enables continued and additional small lot rural activities on the land. The 20ha minimum lot size facilitates up to three additional lots and dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	7	3
Dwellings	4	4*	7	3

* The table does not consider all existing dwelling entitlements that be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There lots are adjacent to the Tomaga River which contains Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent

4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The density of land would only potentially increase by up to three lots and up to three dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Directions, it is considered to be consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, including one lot that would have potential for subdivision resulting in up to two additional lots. This is not considered a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to three additional lots and up to three additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Tomakin Road which is within 200 metres of all lots. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (Swamp Oak Floodplain Forest). Any subdivision or new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots, zoned E2 in one location and could be avoided. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Remnant native vegetation would still be available and adequate levels of wildlife connectivity can be retained for this area. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. There is enough space for dwellings to be sited away from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All existing lots in this area have access to Tomakin Road which is a Council maintained sealed road. The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 90), recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 20ha, a small number of additional lots and dwellings are provided for in this area. On this basis, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 9 – South Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	<p>This area is mostly good quality agricultural land to the south of the Mogo Village. One of the lots is currently used for extractive industry. The land is a mix of Class 2, 3 and 4 agricultural land.</p> <p>The RU1 zone reflects the existing zoning and use of the land. The 40ha minimum lot size facilitates one additional lot in this area and with one vacant lot larger than 40ha, a total of two additional dwellings could be provided. The vacant lot is the lot that contains the extractive industry, so it is unlikely that a dwelling will be proposed until the existing extractive industry operations cease.</p>

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	18	1
Dwellings	10	10*	12	2

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below.
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent See below.

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There lots are adjacent to the Tomaga River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent

2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. 40ha is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 3-5 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but up to two new dwellings could result. This will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and two additional dwellings in this location, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling on a lot identified as flood prone land however this is not considered a significant increase in the development of that land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to two additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire).

Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Tomakin Road and the Princes Highway which is within 200 metres of most lots. Where the distance to a through road is greater than 200 metres there is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, River Flat Eucalypt Forest and Saltmarsh). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. There is enough space for potential future dwellings to be sited where they will not be likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates additional supply of one lot for agricultural purposes.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. All existing lots in this area have access to a Council maintained sealed road (Tomakin Road) or to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 9a – Maulbrooks Road, Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area includes five small rural properties to the west of the Princes Highway along Maulbrooks Road. Some of the land is used for small-scale agricultural activities and is a mix of Class 4 and 5 agricultural land. Three lots contain a dwelling and one has an existing dwelling entitlement. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size does not provide for subdivision in this area but there is potential for 1 additional dwelling.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	5	5	5	0
Dwellings	3	4*	5	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, it is known that one existing vacant lot has a dwelling entitlement.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4-5 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but could result in one additional dwelling. This will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in one additional dwelling in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning*

for *Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway, via Maulbrooks Road. The through road access is over 200 metres from the potential new dwelling. There is enough cleared land already available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the lot is already cleared.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. There is enough space for potential future dwellings to be sited away from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed zone facilitates one additional dwelling providing for additional supply of rural residential.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 105) recommending that the site is not suitable for further subdivision or dwellings. The lot the subject of this recommendation already has a dwelling entitlement and no further subdivision is proposed by the planning proposal. On this basis, the planning proposal is consistent with the OEH recommendation.

AREA 10 – Jeremadra Grove and Goldfields Drive, Jeremadra

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(c) - 2ha (RLEP 1987 and DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 7 Dwelling: 7
Discussion:	This area is a section of existing smaller (10 to 20ha) lots fronting Old Mossy Point Road, Jeremadra Grove and Goldfields Drive, Jeremadra. Some of the land is used for small-scale agricultural activities and is a mix of Class 3, 4 and 5 agricultural land. All but six of the existing lots contain a dwelling, but those six have existing dwelling entitlement. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for seven lots to be subdivided into two and a potential for seven additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	34	34	41	7
Dwellings	28	34*	41	7

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, the existing vacant lots were subdivided for the purpose of a dwelling, therefore up to 6 additional dwellings are possible under current planning rules.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Tomaga River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils	Consistent

To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up to seven lots and dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone than what is already permitted.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to seven lots and dwellings in this area, which already has 28 dwellings. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway which is over 200 metres from most lots and alternate access is not available. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide some wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are two threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest and River Flat Eucalypt Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Brush-tailed Phascogale could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal are not on lots adjacent to the Tomaga River. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the increase in lot and dwelling yield in this planning proposal. All existing and proposed lots in this area will have access to a Council maintained sealed road or a good quality unsealed road. The additional development is unlikely to result in an increase in level of maintenance of the roads through this area. The proposed minimum lot size is large enough to facilitate on site sewerage management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 88) recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, a small number of additional lots and dwellings are provided for in this area. As 10ha is the current predominant lot size in this area, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 10a – Springwater Road, Jeremadra and George Bass Drive, Broulee

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 100ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 3
Discussion:	This area contains 16 lots of various sizes between the Princes Hwy and George Bass Drive in Jeremadra and Broulee. One of the lots is used for extractive industry and significant areas of wetland exist in this area (the wetlands are zoned E2 and no change to this zoning is proposed). The RU1 zone reflects existing zoning and land use and the 40ha minimum lot size limits additional potential development to one new lot and up to three new dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	16	16	17	1
Dwellings	8	8*	11	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy, with the exception of a small part of a parcel of land north of Broulee to be zoned E2 Environmental Conservation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Tomaga River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.

2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up one lot and up to three dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and three additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.1 Environment Protection Zones

Consistent. This area contains a small area of 7(a) zoning that is beyond the boundaries of the SEPP 14 wetland that is currently zoned E2 Environmental Conservation. This area is proposed to be zoned E2 Environmental Conservation and is therefore consistent with the Ministerial Direction.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling to be built on flood prone land than what is already permitted which is not considered a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to one lot and up to three dwellings in this area. The area already has about eight dwellings. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire*

Protection 2006. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway via Old Mossy Point Road or George Bass Drive. Access which is over 200 metres from most lots and alternate access is not available. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide adequate wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, River Flat Eucalypt Forest and Bangalay Sand Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of Tall Knotweed and Waterwheel Plant. Both plants are generally associated with Swamp Oak Floodplain Forest, riparian zones or wetlands in this area. Habitat in this area has been zoned E2 and would not be adversely impacted by the proposed reduced lot size of RU1 zoned land in this area.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to this area. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal could be located at least 100 metres from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates one additional lot and three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 88, 89 and 90), recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU1 zone with a minimum lot size of 40ha, a small number of additional lots and dwellings are provided for in this area. This is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning of the vegetated areas.

AREA 11 – Broulee Road, Broulee

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 2
Discussion:	This area is a section of existing smaller (2 to 30ha) lots on the southern side of Broulee Road, Broulee. Some of the land is used for small-scale agricultural activities and is a mix of Class 3 and 5 agricultural land. All but four of the existing lots contain a dwelling, with three of those having dwelling entitlement. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for one lot to be subdivided into three and a potential for 2 additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	8	8	10	2
Dwellings	6	8*	10	2

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, it is known that three vacant lots were subdivided for the purpose of a dwelling.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up to two lots and up to two dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on flood prone land than what is already permitted. This is not considered to be a significance increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to two lots and up to three dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Broulee Road which within 200 metres of all. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

12. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide adequate wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in

this area (Freshwater Wetlands). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Long-nosed Potoroo and Brush-tailed Phascogale could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with the Freshwater Wetlands. Freshwater Wetlands are on the edges of some lots. Development would be able to avoid any direct or indirect impacts to Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there are already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are SEPP14 wetlands adjacent to this area and zoned E2. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal could be located at least 100 metres from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The subject area is on a Council maintained sealed road (Broulee Road) and the proposed minimum lot size is large enough to facilitate on site sewerage management.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 87), recommending that the land is not suitable for large scale increase in the number of lots and that an environmental zone is essential for much of the area. While the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, no additional lots can be created in site 87 and the three smaller lots in this area already have dwelling entitlement. As the planning proposal does not result in any increase in the number of lots in site 87, it is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning of the area.

AREA 11a – Broulee Road, Bimbimbie and Broulee

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No Minimum Lot Size (for Council land, Lots 12 and 70 DP 831111).
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 1
Discussion:	This area consists of a number of large rural lots with some significant areas of wetland. Three of the lots are used for agricultural activities and one lot is used for extractive industry. The RU1 zone reflects existing zoning and land use and the 100ha minimum lot size minimises potential subdivision to one additional lot and dwelling.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	12	12	13	1
Dwellings	8	8*	9	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, one lot is known to have a dwelling entitlement and development consent has been granted for a dwelling.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy, with the exception of the zoning of some Council land to E2 Environmental Conservation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3, 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up to one lot and one dwelling. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and one additional dwelling in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. This area contains one heritage item (Mount Oldrey Homestead) and part of an Aboriginal Heritage Conservation Area (Bengello Creek). The planning proposal does not change the existing heritage provisions in ELP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to three additional dwellings to be built on flood prone land than what is already permitted. This is not considered to be a significance increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to one lot and up to three dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Broulee Road, the Princes Highway and George Bass Drive which within 200 metres of all lots with potential for future subdivision or new dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide adequate wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are six threatened ecological communities mapped in this area (Freshwater Wetlands, River-flat Eucalypt Forest, Bangalay Sand Forest, Swamp Oak Floodplain Forest, Lowland Grassy Woodland and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection except on two lots. Only one of these lots would have potential for a future dwelling as a result of this planning proposal but it is likely to impact on Bangalay Sand Forest. An assessment of significance in accordance with Section 5A of the EP&A Act would be required when the development footprint is known and as part of the development application process. This lot is over 100 hectares and clearing for a dwelling, APZ, access and fencing would be approximately 3 hectares. Any required offsetting of impacts is likely to be able to be accommodated on the same site.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Long-nosed Potoroo and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with the Freshwater Wetlands or riparian zones. Freshwater Wetlands are on the edges of some lots. Development would be able to avoid any direct or indirect impacts to Freshwater Wetlands and riparian zones.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there are already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

Some Council owned land in this area is included within a biobank site and is proposed to be zoned E2 consistent with the recommendations of the Office of Environment and Heritage.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to this area and zoned E2. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal could be located at least 100 metres from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates one additional lot and one additional dwelling providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The subject area has access to Council maintained sealed roads (Broulee Road and George Bass Drive) and the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 12 and 87). In relation to site 12, the OEH note that the land is not able to be developed in accordance with the terms of the biocertification agreement for Broulee and recommend that the land be zoned E2. For this land, which is owned by Eurobodalla Shire Council, there is a biobanking agreement over the site which protects the land from development. A part of this site is currently zoned E2. While the biocertification agreement or the biobanking agreement do not require the land to be zoned E2, no objection is raised to zoning the remainder of the land E2, so the whole of the biobank site is consistently zoned.

In relation to site 87, the OEH recommend that the land is not suitable for large scale increase in the number of lots and that an environmental zone is essential for much of the area. The planning proposal recommendation for this site (excluding the existing E2 zoned wetland) is RU1 with a minimum lot size of 100ha, providing for no additional lots. The subject site has dwelling entitlement and consent has recently been granted for a dwelling. The planning proposal facilitates no additional dwellings.

AREA 12 – Tomakin, Rosedale and Guerilla Bay

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(c) – 2ha (RLEP 1987 and DCP 156) 7(f1) - No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 10 – Subdivision and development considered on merit having regard to impact on environment and consideration of access, servicing and other matters.
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No minimum lot size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains a total of 17 properties along George Bass Drive between Guerilla Bay and Tomakin. The majority of properties are under 20ha in size and all but six contain a dwelling or other development. The land is Class 5 agricultural land. The RU1 zone with a 40ha minimum lot size generally reflects the existing zoning and does not provide for any additional lots or dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	17	0
Dwellings	10	10*	10	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which result in no additional lots or dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy, with the exception of the zoning of some Council land to E2 Environmental Conservation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.1 Environment Protection Zones

Inconsistent but of minor significance. Much of this area is currently zoned 7(f1), which is an environmental protection zone for coastal lands. In this area, the 7(f1) zoned area is proposed to be zoned RU1 Primary Production which would result in no additional lots or dwellings being facilitated. The E4 zoning was not considered appropriate for this area as this would facilitate an additional four dwellings on existing vacant lots and potentially raise expectations for future subdivision similar to the adjoining E4 zoned land at Guerilla Bay. The planning proposal is considered appropriate notwithstanding the inconsistency with the Ministerial Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (sites 2 and 91). For site 2, EOH recommends an E zone equivalent to the 7(f1) zone. For site 91, OEH recommend that this area is not suitable for large scale expansion of cleared area and an environmental zone is recommended for the vegetated areas.

The planning proposal provides for the RU1 zone with a 40ha minimum lot size for both sites, resulting in no additional lots or dwellings. The current 7(f1) zone is similar to the RU1 zone with respect to the limits on dwellings to existing entitlements. This is considered more appropriate than using the E4 zone which would facilitate additional dwellings in this sensitive environmental area. One parcel of

land owned by Council adjoins another Council lot that is currently zoned E2 and no objection is raised to extending the E2 zone over this parcel.

Given the above, the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas.

AREA 12a – George Bass Drive, Mossy Point

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(c) – 2ha (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	E4 – 1000m ² E2 – No minimum lot size
Potential Additional Lots and/or Dwellings	Lots: 19 Dwellings: 20
Discussion:	This area consists of a single lot adjoining George Bass Drive at Mossy Point. The lot contains a large area of an endangered ecological community and a smaller area of non-endangered vegetation. A development proposal is being considered by the land owner for a number of residential lots of approximately 1000m ² in size in the area that does not contain the EEC. The E4 zone facilitates the development proposal and the E2 zone protects the area of EEC.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	20	19
Dwellings	0	0*	20	20

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for the bulk of the subject land, which contains EEC, to be zoned E2 and a small portion of land that does not contain EEC to be zoned E4. An appropriate minimum lot size is proposed for the E4 zone to allow development consistent with adjoining land in Mossy Point. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Consistent. This direction does not prevent a planning proposal from rezoning land from a rural zone to an environmental zone. As this planning proposal proposes the E4 and E2 zones for this area, it is

consistent with the Direction. While the land is currently zoned rural, it is not agricultural land. The minimum lot size of 1000m² for the E4 area is appropriate as it is generally consistent with adjoining E4 land in Mossy Point. Rezoning to E4 and E2 provides for some additional housing opportunities and the protection of a significant area of endangered vegetation.

In this area the density of land could increase by up to 19 lots and up to 20 dwellings. The reduced lot size reflects the nature of existing holdings in this area. This land is within the Mossy Point/Tomakin community area and immediately adjacent to the residential area of Mossy Point. Increasing the density of land is considered consistent with the Direction because it is within an existing town or village.

2.1 Environment Protection Zones

Consistent. This area contains a small area of 7(a) zoning that is beyond the boundaries of the SEPP 14 wetland that is currently zoned E2 Environmental Conservation. This area is proposed to be zoned E2 Environmental Conservation and is therefore consistent with the Ministerial Direction.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to 20 additional dwellings to be built on land identified as flood prone. However, the part of the lot that has the potential for subdivision is upslope and has a lower flood risk. The additional development is not a significant increase compared to what already exists in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to 19 lots and up to 20 dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on George Bass Drive which is within 200 metres of future potential lots and dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because development in this area would not directly impact a threatened ecological community. It is adjacent to threatened Sand Bangalay Forest however any indirect impacts could be avoided and/or minimised. The adjacent Sand Bangalay Forest is proposed to be zoned E2 and the planning proposal does not result in development potential on that part of the lot.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because direct impacts would be avoided. There are two threatened ecological communities mapped in this area (Bangalay Sand Forest and Swamp Oak Floodplain Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities as the area proposed to be zoned E4 is restricted to the area that does not contain the threatened ecological communities and is dominated by Spotted Gum.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Southern Brown Bandicoot, Spotted-tailed Quoll and Brush-tailed Phascogale could use this area as habitat or foraging from time to time. There is potential habitat for the Leafless Tongue orchid in the area however there are no records on this land. There are records within 10km of threatened plants that are generally associated with the Freshwater Wetlands or riparian zones which are not found in close proximity to this land.

Opportunities to minimise clearing and avoid high quality habitat would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to this area. Potential future dwellings as a result of this planning proposal would be over 100 metres from the SEPP14 wetland. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed zoning in this area but could result in up to 20 dwellings which would provide for settlement and housing that would contribute to the social and economic welfare of the community in this area.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Development of the subject land proposed to be zoned E4 will necessitate extending existing public infrastructure, including roads, water and sewer. Such extensions would likely be required as a condition of any development consent to subdivide the land.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 10 and 35). In relation to site 10, the OEH recommend an E2 zone equivalent to the current 7(a) zone. The Strategy proposes an E2 zone for this land and is therefore consistent with the OEH recommendation.

In relation to site 35, the OEH recommend that the land is not suitable for further subdivision or dwellings and if subdivision was to be pursued, a biocertification process should be undertaken. As noted in Section 7, potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities as the area proposed to be zoned E4 is restricted to the area that does not contain the threatened ecological communities. Further, the area that does contain the threatened ecological community is proposed to be zoned E2. The planning proposal is considered appropriate notwithstanding the OEH recommendation.

AREA 13 – Clouts Road, Mogendoura

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 2
Discussion:	This area consists of four rural holdings over 100ha in size and five smaller rural lots. This area is extensively used for agricultural activities and contains a mix of Class 3 and Class 5 agricultural lands. The land is mostly surrounded by State Forest. The RU1 zoning reflects existing zoning and land use and the 100ha minimum lot size minimises additional potential development to up to two new dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	41	41	41	0
Dwellings	8	8*	10	2

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to two dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to two additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable

bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots with potential for subdivision and new dwellings and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Larry's Mountain Road which is potentially over 200 metres from lots with subdivision potential and alternate access to properties is not available. Depending on how properties are subdivided, at least one new lot could be within 200 metres of Larry's Mountain Road. The distance of new dwellings can be minimised by locating building sites closer to Clouts Road and Meadow Road.

There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat as most of the area is already cleared.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are two threatened ecological communities mapped in this area (River Flat Eucalypt Forest and Lowland Grassy Woodland). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll could use this area as habitat or foraging from time to time. There are also records within 10km of Chef's Cap Corree which is usually associated with forests around riparian zones. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 85) recommending that this area is not suitable for increased subdivision potential and that a rural zone should be applied. As no additional lots are facilitated, the planning proposal is consistent with the OEH recommendation.

AREA 14 – Hawdons Road, Mogendoura

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 6
Discussion:	This area consists of a mix of cleared agricultural land and bush lots of varying size. There is a mix of Class 3, 4 and 5 agricultural land across this area. To the west of the land is State Forest. The RU1 zone reflects the existing zone and land uses and the 40ha minimum lot size facilitates some additional small rural lot development. Two existing holdings are large enough to be re-formed and/or subdivided into a number of 40ha lots. A total of four additional lots could be created in this area and up to six additional dwellings would be possible.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	21	4
Dwellings	13	13*	19	6

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in up to four additional lots and six additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to four lots and up to six dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains an identified extraction resource. While the planning proposal would permit up to four additional lots and six additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with an extractive industry.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to one additional dwelling to be built on land identified as flood prone. This is not a significant increase compared to what already exists in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to four additional lots and six additional dwellings in this area. Two of the potential new dwellings would be able to take advantage of already cleared areas and would be within 200 metres of Larry's Mountain Road, which is a through road. Compliance with *Planning for Bush Fire Protection 2006* would be achievable for this location.

The other lot with subdivision potential could result in up to three additional lots. To achieve the full potential of three additional lots and four dwellings, further assessment would be required to ensure *Planning for Bush Fire Protection 2006* can be complied with. The actual subdivision potential may be less than what the minimum lot size permits once further assessment is undertaken.

Through road access is available on Hawdons Road however it is likely dwellings would be greater than 200 metres away and alternate access to properties is not available. The distance of new dwellings from a through road can be minimised by locating building sites closer to Hawdons Road. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones and siting of future dwellings away from ridge tops and steep slopes is possible in this area however it may be difficult to do so for all four potential additional dwellings. Deciding on an appropriate number of additional lots and dwellings and the

combination of other bushfire protection measures would be part of the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat especially where land is already cleared.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Swamp Oak Floodplain Forest and Lowland Grassy Woodland). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll are likely to use this area as habitat or foraging from time to time. There are also records within 10km of Chef's Cap Corra which is usually associated with forests around riparian zones. Development could avoid potential habitat (if found). There is habitat also available in the adjacent Wandera State Forest.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there are some areas already cleared that could be used. Opportunities to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands on Mogendoura Creek near the Moruya River in this area. The planning proposal would not change or intensify land uses in the area. The lots with potential for subdivision or additional dwellings in the area are not adjacent to the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent,

providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 84) recommending that this area is not suitable for increased subdivision potential and that a rural zone should be applied. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha. While the planning proposal provides for up to four additional lots and six additional dwellings in this area, it will remain a rural area and is considered to be appropriate notwithstanding the OEH recommendation.

AREA 15 – North Moruya

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No minimum lot size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area consists of prime agricultural land, including the Mullenderee Flat, some large bush lots and significant areas of wetland. Also in this area is a large number of very small lots located on the Princes Highway near the Moruya Bridge, containing a mix of residential, commercial and agricultural activities. The majority of this area is flood prone and it contains a mix of Class 1, 2, 3, 4 and 5 agricultural land. The RU1 zone reflects the existing zone and the predominant land use and the 100ha minimum lot size does not provide for any additional lots or dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	187	187	187	0
Dwellings	78	78*	78	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy, with the exception of the zoning of some Crown and Council land to E2 Environmental Conservation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent

4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 13, 34 and 86). For site 13, the OEHL note that the land is not able to be developed in accordance with the terms of the biocertification agreement for Broulee and recommend that the land be zoned E2. For this land, which is owned by Eurobodalla Shire Council, there is a biobanking agreement over the site which protects the land from development. While the biocertification agreement or the biobanking agreement do not require the land to be zoned E2, as other lands in the biobank agreement are currently zoned E2, no objection is raised to zoning the subject land E2, so the whole of the biobank area is consistently zoned.

For site 34, OEH recommend that the land is not suitable for further development and should be zoned E2, except for the heritage quarry and cleared land. As Crown Lands have indicated support for zoning this land E2, no objection is raised. The area of RU1 zoning includes all of the potential quarry resource.

For site 86, OEH recommend an environmental zoning for the land outside the existing small lot subdivisions. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha which does not provide for any additional lots or dwellings in this area. Therefore, the planning proposal is considered to be appropriate, notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 16 – Meadows Road, Malabar Drive and Percy Davis Drive, North Moruya

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 6 Dwellings: 7
Discussion:	This area includes three areas of existing smaller (10ha) lots to the North of Moruya, including land fronting Meadows Road, Malabar Drive and Percy Davis Drive. Some of the land is used for small-scale agricultural activities, but there are also a significant number of bush blocks. The land is a mix of Class 3 and Class 5 agricultural land. All but eleven of the existing lots contain a dwelling, with nine of those having dwelling entitlement. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for four lots to be subdivided and a potential for seven additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	92	92	98	6
Dwellings	82	91*	98	7

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, the existing vacant lots in this area were subdivided for the purpose of a dwelling, therefore up to nine additional dwellings are possible under current planning rules.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils	Consistent

To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to six lots and up to seven dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in three additional dwellings to be built on land identified as flood prone. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to six additional lots and up to seven additional dwellings. To achieve the full potential, further assessment would be required to ensure *Planning for Bush Fire Protection 2006* can be complied with. The actual subdivision potential may be less than what the minimum lot size permits once further assessment is undertaken. It is considered that at least some of the potential future development on each lot would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones and siting of future dwellings away from ridge tops and steep slopes is possible in this area however it may be difficult to do so for all potential additional dwellings. There is space to incorporate APZs and other suitable bushfire protection measures that would achieve bushfire protection. Deciding on an appropriate number of additional lots and dwellings and the combination of other bushfire protection measures would be part of the development assessment process.

Through road access is available on Larry's Mountain Road or the Princes Highway which over 200 metres from potential new lots/dwellings and alternate access to properties is not available. The

capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are six threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Lowland Grassy Woodland, Saltmarsh, Bangalay Sand Forest, Freshwater Wetlands and Swamp Oak Floodplain Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection as the threatened ecological communities are only on a small portion of each lot.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. The lots with potential for subdivision or additional dwellings in the area are not adjacent to the wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All of the lots in this area have access to Council maintained and mostly sealed roads. The additional development is unlikely to result in an increase in level of maintenance of roads through this area. The minimum lot size is sufficient to facilitate on site sewer management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 85 and 86). For both sites, OEH recommend that the land is not suitable for increased subdivision potential. As the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, a small number of additional lots and dwellings are provided for in this area. As 10ha is the current predominant lot size in this area, the planning proposal is not considered to result in increased subdivision potential that is inconsistent with the existing subdivision pattern. The planning proposal is therefore considered to be consistent with the OEH recommendation.

AREA 17 – East Moruya

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size Correct boundary between R2 and RU1 zones at Braemar Estate (for further discussion see Volume 1 Appendix 24).
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 5
Discussion:	This area consists of 150 lots of varying sizes up to about 60ha that are generally being used for primary production and some extractive industry. Class 1 agricultural lands are found in the north of this area, adjacent to the Moruya River, and Class 3-5 agricultural lands elsewhere. There are some constraints due to wetlands and acid sulfate soils in this area. An RU1 zoning and minimum lot size of 40ha does not change the lot yield but would allow up to 5 additional dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	150	150	150	0
Dwellings	53	53*	58	5

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of the realignment of the R2 and RU1 zone boundary along the eastern edge of the Braemar residential estate.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 1 agricultural lands to the north (adjacent to the Moruya River) and Class 3-5 agricultural lands elsewhere in this area. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to five dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit five additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result five additional dwellings to be built on land identified as flood prone however this is not considered to be a significant increase in the development of the land in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with up to five more dwellings possible. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is

sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on lots with potential for future dwellings in this area including some areas that are already cleared. Through road access is available on Noads Drive, Congo Road and the Princes Highway and lots with subdivision potential would be able to site new dwellings within 200 metres.

The siting of future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are seven threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Lowland Grassy Woodland, Saltmarsh, Bangalay Sand Forest, Freshwater Wetlands, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could use vegetated areas as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would not impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional dwellings providing for additional potential for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of land in this area has access to a Council maintained sealed road or to the Princes Highway. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 17a – South Head Road, Moruya Heads

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 10 – Subdivision and development considered on merit having regard to impact on environment and consideration of access, servicing and other matters.
Proposed Zone and Minimum Lot Size:	RU4 – 40ha E4 – 40ha (for part of Lot 114 DP 752151) E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This small area consists of 10 rural lots that are about 20ha in size or less. It is located near existing rural residential and residential areas. The land is largely vegetated, Class 5 agricultural land. No additional subdivision is anticipated, however rezoning to RU4 provides for one additional dwelling to be permissible with consent in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	8	8*	9	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in up to one dwelling in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone the majority of this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given that only one additional dwelling could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent

2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (quarry, tree, shipyard site and wharf remnant). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on land identified as flood prone however this is not considered to be a significant increase in the development of the land in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with one more dwellings possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on the lot with potential for a future dwelling. There is also enough land available to incorporate an appropriate combination of other

bushfire protection measures and these would be assessed as part the development assessment process.

Through road access is available on the Princes Highway which is over 200 metres away from the potential future dwelling and alternate access is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (Lowland Grassy Woodland, Saltmarsh, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). The potential new dwelling as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could use vegetated areas as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would not impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. There are no additional dwellings in the vicinity of the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. The lots in this area have access to a Council maintained sealed roads (South Head Road).

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 36 and 107). For site 36, OEH recommend that the land is not suitable for development and recommends a zone similar to E3 for the land. As the subject site already contains a dwelling and is less than 40ha in size, the planning proposal does not facilitate any additional subdivision or dwellings on the land. The proposed RU4 zone is considered to be appropriate notwithstanding the OEH recommendation.

For site 107, OEH recommend that the land is not suitable for development as it is flood prone. The planning proposal recommends the RU4 and E4 zones with a minimum lot size of 40ha in this area. The proposed E4 lot is part of a larger holding already zoned E4, which has a current development application with Council that proposes the implementation of a Property Vegetation Plan over the site identified by OEH. On this basis, it is considered that the E4 zone is appropriate and is considered to be consistent with the OEH recommendation.

AREA 17b – Congo Road, Moruya Heads

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f2) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 1
Discussion:	This area contains 10 lots ranging from about 1ha up to about 230 ha to the west of Congo. The land mostly vegetated Class 5 agricultural land. The 100ha minimum lot size facilitates one additional lot in this area and one additional dwelling. This facilitates a small increase in opportunities for rural housing without adverse impacts to the environmental values of the area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	11	1
Dwellings	5	5*	6	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in up to one additional lot and dwelling in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation	Consistent

To conserve items, areas, objects and places of environmental and indigenous heritage significance.	
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area and proposes a minimum lot size of 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and one dwelling, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.1 Environment Protection Zones

Inconsistent but of minor significance. This area contains some small areas of 7(a) zoning that are beyond the boundaries of the SEPP 14 wetlands that are currently zoned E2 Environmental Conservation. These areas are proposed to be zoned RU1 Primary Production. In these areas, no additional development will be facilitated by the planning proposal. Given the E2 zoning of the SEPP 14 wetlands, the small size of additional 7(a) zoning adjoining the mapped SEPP 14 wetlands and that no additional development potential is being facilitated on the subject lot, the inconsistency with the Ministerial Direction is considered to be justified in this instance.

This area also contains some land zoned 7(f2), a coastal lands acquisition zone that seeks to maintain land as rural pending its acquisition by the State. The subject land has not been acquired by the NSW Government and was not proposed to identified on the Land Acquisition Map in LEP 2012 for acquisition (the Draft LEP Maps exhibited in 2011 did not include this land). On this basis it is considered appropriate to zone this land RU1. Such zoning does not prevent the NSW Government from negotiating with the current land owner to acquire the subject land at a future date. The planning proposal is considered appropriate notwithstanding the inconsistency with the Ministerial Direction.

2.3 Heritage Conservation

Consistent. This area contains an Aboriginal Heritage Conservation Area (Pedro Swamp). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to

heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling to be built on land identified as flood prone however is likely to be able to be avoided. It is not considered to be a significant increase in the development of the land in this area in any case. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only one more dwelling possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on Congo Road which is within 200 metres of the lot with potential for subdivision and additional dwelling.

The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part of the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (Lowland Grassy Woodland, Bangalay Sand Forest, Freshwater Wetlands, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo

could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. The potential additional dwelling in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The lots in this area have access to a Council maintain and mostly sealed road (Congo Road).

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 3, 8 and 108). For site 3 (which is a small part of site 108), OEH recommend an E zone equivalent to the current 7(f2) zone. The 7(f2) zone under the Rural LEP 1987 requires land to be maintained as rural pending potential acquisition by the State Government. As the planning proposal proposes the RU1 zone, consistent with the remainder of the subject lot (excluding the E2 zone for the wetland), the planning proposal is considered appropriate notwithstanding the OEH recommendation regarding zoning. It should be noted that the site is not identified for acquisition on the LEP 2012 Land

Reservation Acquisition Map. For the remainder of the subject land (site 108), OEH recommend that the land is not suitable for further subdivision and an E zone is recommended. The planning proposal recommends a 100ha minimum lot size for this area which provides for one additional lot to be created on the subject site. It is not considered that one extra lot in this area will have significant impacts on the wetland and is considered appropriate notwithstanding the OEH recommendation.

For site 8, OEH recommend the E2 zone be applied, equivalent to the current 7(a) zone. This applies to land immediately adjoining the SEPP 14 wetlands. Given the current E2 zoning is equivalent to the boundary of the SEPP 14 wetland, and given the one additional lot and dwelling facilitated by the planning proposal does not relate to the lots with the 7(a) zoning, the proposed RU1 zoning of the land is considered appropriate notwithstanding the inconsistency with the OEH recommendation.

AREA 18 – Congo Road (North), Congo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 4
Discussion:	This area contains a total of 11 properties immediately west of Congo. The majority of properties are under 20ha in size but one is about 109ha. The land contains a mix of Class 3 and Class 5 agricultural land and there are biodiversity constraints. The RU1 zone and a minimum lot size of 40ha enables one lot to be subdivided into two, with up to four new dwellings possible.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	11	1
Dwellings	3	3*	7	4

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in up to one additional lot and up to four dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class

3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to one additional lot and up to four additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to four additional dwellings to be built on land identified as flood prone. This is not considered to be a significant increase in the development of the land in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with up to four more dwellings possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on Congo Road which likely to be within 200 metres of two of the potential new dwellings. The other two potential new dwellings would be over 200 metres from Congo road and alternate access is not available.

The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak

Floodplain Forest and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The lots in this area have access to a Council maintained sealed road (Congo Road).

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 106) recommending that the land is not suitable for further subdivision and an E zone is recommended. Of the additional lots and dwellings provided for in this area, all may be able to be achieved outside of site 106. It is therefore considered that the planning proposal is appropriate notwithstanding the OEHL recommendation regarding zoning.

AREA 18a – Berriman Drive, Congo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains one lot of about 16ha. An RU4 zoning and 10ha minimum lot size provides for a dwelling to be permissible with consent. The proposed zoning and a minimum lot size is consistent with adjacent properties in the vicinity of this area. It does not result in any subdivision potential.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	1	0
Dwellings	0	0*	1	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional dwelling in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 3 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but could result in one additional dwelling. This will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The one additional dwelling that could result from the planning proposal in this area is on flood prone land but not be in a floodway area. Further, the development is unlikely to result in significant flood impacts to other properties. Measures to mitigate flood impacts to the dwelling and surrounding areas would be considered at the development assessment stage. One additional dwelling is not a significant increase in the development of this land in this area and it would not result in government spending on flood mitigation measures.

4.4 Planning for Bushfire Protection

Consistent. While the planning proposal results in one additional dwelling being permissible in this area, there is sufficient existing cleared land to provide for a dwelling house with a suitable asset protection zone.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. While the planning proposal provides for one additional dwelling in this area, there is sufficient existing cleared land to provide for a dwelling with no likely impact on critical habitat or threatened species, populations of ecological communities.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. While the planning proposal provides for one additional dwelling in this area, there is sufficient existing cleared land to provide for a dwelling with no likely other environmental effects.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

The subject area does not currently have direct access to a Council maintained sealed road, however is part of a larger site that could be further developed for small lot rural purposes. Any development application for a small lot rural subdivision would be required to demonstrate adequate access arrangements.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 18b – Congo Road (South), Congo

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains one lot of about 16ha. An RU4 zoning provides for a dwelling to be permissible with consent. The proposed zoning and a minimum lot size is consistent with properties in the vicinity of this area. It does not result in any subdivision potential.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	1	0
Dwellings	0	0*	1	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional dwelling in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

Council's Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

4.4 Planning for Bushfire Protection

Consistent. While the planning proposal results in one additional dwelling being permissible in this area, there is sufficient existing cleared land to provide for a dwelling house with a suitable asset protection zone.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal could result in a new dwelling on a lot with threatened ecological community (Lowland Grassy Woodland) present. However, there is sufficient existing cleared land on

the lot that would be suitable for a dwelling and there would be no direct impacts to the threatened ecological community. There are no likely impacts on critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of the planning proposal however an assessment under Part 5A of the EP&A Act would be undertaken at the development assessment stage.

7. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

The subject area does not currently have direct access to a Council maintained sealed road, however is part of a larger site that could be further developed for small lot rural purposes. Any development application would be required to demonstrate adequate access arrangements.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 106) recommending that the land is not suitable for further subdivision and an E zone is recommended. For this area an RU4 zone is proposed with a minimum lot size of 10ha, facilitating one new dwelling on a part of site 106 and no further subdivision. There is a small portion of this site that is not identified as having EEC on which a dwelling could be provided, subject to an impact assessment. It is therefore considered that the planning proposal is appropriate notwithstanding the OEH recommendation.

AREA 18c – Meringo Road, Meringo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E4 – 1500m ² (for Lots 1 to 14 DP 24080) E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 1
Discussion:	This area contains 24 lots of various sizes off Meringo Road with a mixture of Class 3 and 5 agricultural lands. The RU1 and E4 zones reflect existing zoning and land use and the 40ha / 1500m ² minimum lot sizes limit additional potential development to one new lot and one new dwelling. There are biodiversity constraints in this area that would not be impacted by the proposed zoning and minimum lot size as development potential is in cleared areas.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	24	24	25	1
Dwellings	19	19*	20	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional lot and one dwelling in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of the zoning of some land along Meringo Drive to E4 Environmental Living.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and one additional dwelling, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.1 Environment Protection Zones

Consistent. This area contains a number of lots zoned 7(f1), which is an environmental protection zone for coastal lands. In this area, the land zoned 7(f1) is a row of residential sized lots along Meringo Road, all but one of which has a dwelling. This land was identified in the Rural Lands Strategy to be zoned RU1 along with the surrounding rural land, however it is considered more appropriate to zone this land E4 Environmental Living. The planning proposal is therefore consistent with the Ministerial Direction in relation to this area.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with up to two more dwellings possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas for one of the potential dwellings.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on Congo Road which is over 200 metres from potential new dwellings and alternate access is not available. The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high

quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Saltmarsh). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

7. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area.

8. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 4 and 106). For site 4, OEH recommend an E zone equivalent to the 7(f1) zone. This site is a row of residential sized blocks on Meringo Road. The planning proposal proposes the E4 zone with a minimum lot size of 1500m² which does not facilitate any further lots or dwellings in this area, beyond any existing dwelling entitlements. The planning proposal is consistent with the OEH recommendation.

For site 106, OEH recommend that the land is not suitable for further subdivision and an E zone is recommended. For this area an RU1 zone is proposed with a minimum lot size of 40ha, which prevents further subdivision. The subject lots together form a holding that has dwelling entitlement and development consent for a dwelling has recently been granted. The planning proposal facilitates no further dwellings. It is therefore considered that the planning proposal is appropriate, notwithstanding the OEH recommendation regarding zoning.

AREA 19 – Wamban Road (South), Wamban

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area is remote from settlement, surrounded by National Park and is constrained by access, topography, vegetation and bushfire. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 500ha minimum lot size does not provide for further subdivision or new dwelling entitlements. Whilst it is not prime agricultural land, it is in a rural area and some rural activities could be undertaken. Rural tourism activities may be appropriate in this area. Forestry activities may also be appropriate.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	16	16	16	0
Dwellings	0	0*	0	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 122 and 123) supporting the proposed rural zone and recommending that the land is not suitable for further subdivision. As the planning proposal does not facilitate further subdivision of this land, it is consistent with the OEH recommendation.

AREA 20 – Bergalia

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 8
Discussion:	This area is mostly good quality agricultural land to the south of Moruya. The land is a mix of Class 3, 4 and 5 agricultural land. The RU1 zone reflects the existing zoning and use of the land. The 100ha minimum lot size facilitates one additional lot in this area and with two vacant lots larger than 100ha, three additional dwellings could be provided. There is potential for another 5 dwellings (up to eight dwellings in total) through amalgamating adjacent lots in the same ownership.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	237	237	238	1
Dwellings	47	47*	55	8

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional lot and a relatively small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to one additional lot and up to eight additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and eight additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (Former Cheese Factory, Bergalia General Store, and a War Memorial in a road reserve). The planning proposal does not change the existing heritage provisions in ELP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one dwelling to be built on land identified as flood prone. This is not considered to be a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas. The existing lots over 100ha that would get building entitlement as a result of this planning proposal are in largely cleared areas. The other potential new dwellings would only be possible through amalgamating adjoining properties in the same ownership. The amalgamated lots all would include some cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and would take advantage of existing cleared areas.

Through road access is available on the Princes Highway which is over 200 metres from all potential new dwellings (except one) and alternate access is not available. The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

10. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are six threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest and Saltmarsh). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. The Bodalla Pomaderris has been recorded within 10km of this area however this species has a restricted distribution and any known populations or habitat (if found) would be able to be avoided.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There is a SEPP14 wetland adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 104, 117, 118 and 119) recommending the land is not suitable for further subdivision. For site 117, OEH recommended an E zone and for sites 118 and 199, a rural zoning was considered acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for the whole area. Almost all of the potential for new lots and dwellings can be achieved in the cleared parts of this area, avoiding potential impacts on the vegetated hinterlands. The land in site 104 is not of sufficient size to facilitate any further subdivision or dwellings. The planning proposal is consistent with the OEH recommendations for sites 104, 118 and 119, and is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 20a – Wamban Road (North), Wamban

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 17 lots with limited access. Seven lots have existing dwellings. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 100ha minimum lot size does not provide for further subdivision or new dwelling entitlements.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	17	0
Dwellings	7	7*	7	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 120 and 121) supporting the proposed rural zone and recommending that the land is not suitable for further subdivision. As the planning proposal does not facilitate further subdivision of this land, it is consistent with the OEH recommendation.

AREA 21 – Bingie Road, Bingie

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 15
Discussion:	This area contains 35 properties north of Coila Lake. RU4 zoning with a 20ha minimum lot size would allow one subdivision (thus one additional lot) and up to 15 additional dwellings in this area. The 20 ha minimum lot size provides suitable area to conserve the environmental values of the area while allowing for some rural housing opportunities.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	34	34	35	1
Dwellings	20	20*	35	15

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional lot and up to 15 additional dwellings in this area. This area is considered suitable for small-scale agricultural activities and it is considered that the provision of additional dwellings will increase

the likelihood of small scale agriculture being undertaken. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to 15

additional dwellings, which would facilitate an appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There is one State listed heritage item in this area (Lakeview Homestead) and one locally listed item (Bingie Farm). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas on most lots. Eight lots in this area would potentially need to clear native vegetation to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and would take advantage of existing cleared areas.

Through road access is available on the Princes Highway via Bingie Road which is over 200 metres from the majority of new dwellings and alternate access is not available. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access however access to some lots would need to form part of the development application (eg three properties at the southern extent of this area).

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas where possible. There is no declared critical habitat in this area.

There are five threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Saltmarsh). Most potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect

impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

Three lots in the southern extent of this area would not be able to avoid impacts to threatened ecological communities. In order to provide access, dwelling footprint and suitable APZ, about seven hectares in total over the three properties could be cleared for the purposes of a dwelling.

Even after avoiding and minimising impacts, Sand Bangalay Forest is likely to be directly impacted on all three lots and offsets may be required. Alternatively, as the three properties are in the one ownership, there is an opportunity for minimum lot averaging to allow a subdivision pattern that would better conserve the environmental values on these lots. Minimum lot averaging does not currently apply to the RU4 zone, however it is proposed as part of this planning proposal and justified in Appendix 2.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll could use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. The Bodalla Pomaderris has been recorded within 10km of this area however this species has a restricted distribution and any known populations or habitat (if found) would be able to be avoided.

For all lots in this area, there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Except for the three lots at the southern extent of this area (described above) additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken and/or areas that are already cleared could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

By zoning the land RU4, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates additional dwellings providing for additional supply of rural land for small-scale rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the increase in lot and dwelling yield in this planning proposal. The majority of lots in this area have access to a Council maintained and mostly sealed road (Bingie Road and Kelly Road).

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 109 and 110) recommending the land is not suitable for further subdivision and an E zoning for the vegetated areas. For this area, a RU4 zoning is proposed with a minimum lot size of 20ha. While this only facilitates one additional lot, it does provide for up to 15 additional dwellings. There is opportunity to minimise impact on vegetated areas in this area through the use of the minimum averaging provision which is proposed to be enabled for the RU4 zone. On this basis, the planning proposal is considered appropriate notwithstanding the OEH recommendation.

AREA 22 – Princes Highway (West), Coila and Turlinjah

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 5
Discussion:	This area contains 44 properties surrounding the Turlinjah Village. Most lots are under 20ha and partly cleared. The RU1 zoning and minimum lots size of 20ha allows four additional lots and up to five additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	45	45	49	4
Dwellings	31	31*	36	5

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Tuross Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Tuross Lake would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection	Consistent

To protect life, property and the environment from bush fire hazards.	See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to four additional lots and up to five additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (Grain Silo). The planning proposal does not change the existing heritage provisions in ELP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas on most lots. One lot in this area would potentially need to clear native vegetation to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and would take advantage of existing cleared areas where possible.

Through road access is available on the Princes Highway via Coila Creek Road or directly. The two lots on Coila Creek Road are over 200 metres the Princes Highway and alternate access is unlikely (although a potential alternate access could use the power easement and Mill Road to the south). The

capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas where possible. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (River-flat Eucalypt Forest and Swamp Oak Floodplain Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. The Bodalla Pomaderris has been recorded within 10km of this area however this species has a restricted distribution and any known populations or habitat (if found) would be able to be avoided.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken and/or areas that are already cleared could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There is a SEPP14 wetland adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area

would be able to be located at least 100 metres from the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of lots in this area have access to a Council maintained rural road (Coila Creek Road) and the Princes Highway. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area. Any additional access points to the Princes Highway will require the approval of the Road and Maritime Services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 117) recommending the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area. This would facilitate potentially 3 additional lots and dwellings in a part of site 117. For two of the lots that could be subdivided, there is sufficient existing cleared land to accommodate a new dwelling. For the third, a relatively small clearing would need to be provided. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 22a – Princes Highway (East), Coila

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E4 – 2ha (ELEP 2012) E2 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains ten lots adjacent to Coila Lake and SEPP 14 wetland. The RU1 zoning and minimum lot size of 40ha maintains existing lot and dwelling yield and continues to conserve the environmental values of this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	6	6*	6	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 22b – Kyla Park

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(c) - 2ha (RLEP 1987 and DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 6 properties that are cleared agricultural lands between Coila and Tuross Lakes. Two larger properties in this area are community lands (Kyle Park Grazing Lands). An RU1 zone with a minimum lot size maintains the existing lot and dwelling yield which conserves the agricultural production and heritage values of the land.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	6	6	6	0
Dwellings	2	2*	2	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 111) recommending the land is not suitable for further subdivision. As the planning proposal does not facilitate subdivision, it is consistent with the OEH recommendation.

AREA 22c – Princes Highway (East), Turlinjah

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains nine lots adjacent to Tuross Lake and SEPP14 wetlands. The area is mostly vegetated and characterised by Class 5 agricultural lands. An RU1 zone and 40ha minimum lot size would maintain existing lot yield and allow one dwelling in this area. This provides for a small increase in housing opportunities while conserving environmental values.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	9	9	9	0
Dwellings	2	2*	3	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional dwelling in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Tuross Lake and within 10km of Priority Oyster Aquaculture Areas. Given that only one additional dwelling could result from this planning proposal, no adverse impacts on oyster aquaculture in Tuross Lake would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 5 agricultural lands. The planning proposal could result in one additional dwelling, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. No subdivision would result from the planning proposal in this area however it could result in one dwelling. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on The Princes Highway which is within 200 metres of the potential new dwelling. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat and existing connectivity on private property can be maintained.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it can be avoided. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest).

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and Grey-Headed Flying Fox could use this area as

habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with saltmarsh. There would be no impacts to saltmarsh as a result of the potential for one dwelling. Most properties in this area are largely vegetated but there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal (due to one additional dwelling) however it is considered minimal compared with what can be currently undertaken. Further, a dwelling would not result in the entire lot being cleared and so potential habitat (if found) would be able to be retained.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There is a SEPP14 wetland adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The lots in this area have access to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Road and Maritime Services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 117) recommending the land is not suitable for further subdivision and the use of an E zone. The

planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate potentially one additional dwelling. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 23 – Potato Point Road (South), Bodalla and Potato Point

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f2) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 6(a) – No minimum lot size (RLEP 1987)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 4
Discussion:	This area contains nine properties along Potato Point Road. While it is not prime agricultural land, it is in a rural area. An RU1 zone and a minimum lots size of 40ha would allow up to two additional lots and up to four additional dwellings. The proposed 40ha lot size reflects the existing nature of the majority of holdings in this area with most properties between about 10 and 50ha but also provides enough area to conserve ecological values in the area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	9	9	11	2
Dwellings	3	3*	7	4

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes a minimum lot size of 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to two additional lots and up to four additional dwellings. There are three areas in the vicinity of Potato Point Road identified by this planning proposal (Areas 23, 25 and 25a)

with a total of 64 existing lots. The number of potential new lots across all three areas combined is up to ten which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.1 Environment Protection Zones

Inconsistent but of minor significance. This area contains some land zoned 7(f2), a coastal lands acquisition zone that seeks to maintain land as rural pending its acquisition by the State. The subject land has not been acquired by the NSW Government and was not proposed to identified on the Land Acquisition Map in LEP 2012 for acquisition (the Draft LEP Maps exhibited in 2011 did not include this land). On this basis it is considered appropriate to zone this land RU1. Such zoning does not prevent the NSW Government from negotiating with the current land owner to acquire the subject land at a future date. The planning proposal is considered appropriate notwithstanding the inconsistency with the Ministerial Direction.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation would need to be cleared to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway via Potato Point Road Road. The Princes Highway is over 200 metres away from all potential additional dwellings and alternate access is unlikely. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access however an access road may need to be part of the development application for at least one potential new dwelling.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There is one threatened ecological community mapped in this area (Swamp Oak Floodplain Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of forty hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of properties in this area have access to a Council maintained sealed road (Potato Point Road).

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 6, 14, 128 and 129). For site 6, OEH recommend an equivalent E zone to the current 7(f2) zone. The 7(f2) zone under the Rural LEP 1987 requires land to be maintained as rural pending potential acquisition by the State Government. As the planning proposal proposes the RU1 zone, consistent with the remainder of the subject area, the planning proposal is considered appropriate notwithstanding the OEH recommendation regarding zoning. It should be noted that the site is not identified for acquisition on the LEP 2012 Land Reservation Acquisition Map.

For the other sites, OEH recommend the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate up to 2 additional lots (on one existing large lot) and 4 dwellings in this area. For the lot that could be subdivided, relatively small clearings would be required for the two additional dwellings and given the extensive frontage to Potato Point Road, these new clearings could easily be located close to the road. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 24 – Princes Highway, South Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 6(a) – No minimum lot size (RLEP 1987)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 4
Discussion:	This area is adjacent to the Princes Highway, south of Bodalla. It consists of generally larger holdings that are partly agricultural and partly forested. An RU1 zoning and minimum lot size of 100ha results in up to two additional lots and up to four additional dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	15	15	17	2
Dwellings	5	5*	9	4

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to two additional lots and up to four additional dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit two additional lots and four additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (Brou House site) and part of an Aboriginal Heritage Conservation Area (Stony Creek – Brou Lake). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway which is within 200 metres of most lots with potential for a new dwelling. One lot is over 200 metres away and alternate access is unlikely. This lot does not currently meet the minimum lot size requirements for a dwelling however adjacent lots are in a single ownership. Together these lots could undergo boundary adjustments that could allow a dwelling in the future. It is possible to locate the potential future dwelling within 200 metres of the Princes Highway depending on the shape of the new lots created and this would be assessed as part of the development application. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are five threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh, Freshwater Wetlands, River-flat Eucalypt Forest and Lowland Grassy Woodland). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of 100 hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of properties in this area have access to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 14, 20 and 130) recommending the land is not suitable for further subdivision and the use of an E zone, except for cleared areas. Part of site 20 is a Crown Reserve and for this land OEH recommend the E2 zone. Crown Lands have advised that the subject site is a travelling stock reserve and that it would not be appropriate to zone travelling stock reserves E2 until Local Land Services have finalised their review of such lands. For this reason, the proposed RU1 zoning is proposed to be retained.

For the remainder of the area, the proposed RU1 zone with a minimum lot size of 20ha for this area would facilitate up to two additional lots and four dwellings. For two of the lots that could be subdivided, there is sufficient existing cleared land to accommodate a new dwelling. For the third, a relatively small clearing would need to be provided. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 25 – Princes Highway, North Bodalla & Blackfellows Point Road, Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 5
Discussion:	This area contains some partially cleared and some largely vegetated properties near Bodalla and adjacent to Tuross Lake. The land characterised by Class 3-5 agricultural lands. An RU1 zoning and minimum lot size of 40ha facilitates one additional lot and up to five additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	21	21	22	1
Dwellings	7	7*	12	5

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Tuross Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Tuross Lake would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to five additional dwellings. There are three areas in the vicinity of Potato Point Road identified by this planning proposal (Areas 23, 25 and 25a) with a total of 64 existing lots. The number of potential new lots across all three areas combined is up to nine which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in additional dwellings to be built on land identified as flood prone however it is likely to be avoided on all but one potential new lot.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation would need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway via Potato Point Road. The Princes Highway is over 200 metres away from all potential additional dwellings and there is no alternate access. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access however access may need to be part of the development application for at least one potential new dwelling.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh and Swamp Sclerophyll Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of forty hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to six lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. No future potential dwellings as a result of this planning proposal would be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 128 and 129) recommending the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate one additional lot and five dwellings in this area. The lot that could be subdivided is located outside of the sites identified by OEH. Only three of the five potential new dwellings in this area are within the OEH sites. Minimal clearing for a house and related infrastructure would be required. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 25a – Potato Point Road and Horse Island Road, Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 6 Dwellings: 10
Discussion:	This area consists of 34 lots that are generally under 40ha. The area is east of Bodalla and adjacent to Tuross Lake. An RU1 zoning with a 20ha minimum lot size would facilitate a dwelling on most lots in this area. The proposal allows up to six additional lots and up to ten additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	34	34	40	6
Dwellings	26	26*	36	10

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Borang Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Borang Lake would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to six additional lots and up to ten additional dwellings in this area. This provides for a small, appropriate increase in agricultural and rural living opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on land identified as flood prone, however development would not be within a floodway or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation would need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway via Potato Point Road, Horse Island Road, and Borang Lake Road. The Princes Highway is over 200 metres away from all potential additional dwellings and there is no alternate access. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible

is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh and Lowland Grassy Woodland). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of forty hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to one lot in this area and in the vicinity of about six others. The planning proposal would not change the existing land uses or intensify land uses in the area. No future potential dwellings as a result of this planning proposal would be within 100 metres of the wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of properties in this area that have subdivision or dwelling potential have access to a Council maintained sealed road (Potato Point Road). The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 128 and 129) recommending the land is not suitable for further subdivision and the use of an E zone would be the best fit. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area. This would facilitate potentially six additional lots and ten dwellings across sites 128 and 129. Five of the properties that could be subdivided directly front Potato Point Road or the Princes Highway and have capacity for an additional house site with minimal or no clearing. The sixth lot that could potentially be subdivided into two lots is a property that is currently separated by Horse Island Road and could logically be subdivided along the road boundary. Clearing on this site for house sites and associated infrastructure could be minimised. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the E zoning of site 128 and 129.

AREA 26 – Bumbo Road (East) and Eurobodalla Road, Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 200ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains some significant agricultural lands in larger holdings within the Bodalla Valley. An RU1 zoning and minimum lot size of 200ha does not provide for further subdivision or new dwelling entitlements in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	157	157	157	0
Dwellings	45	45*	45	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal ensures this prime agricultural land is retained for agricultural uses, and facilitates additional rural tourism activities, providing potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 124, 125, 126, 159, 160, 161, 163 and 165). For sites 124, 125 and 126 OEH recommending the land is not suitable for further subdivision and the use of an E zone. For the remainder of the sites, OEH state that a rural zoning is acceptable, but that no further development is suitable. The planning proposal proposes the RU1 zone with a minimum lot size of 200ha for this area, which does not facilitate any additional lots or dwellings in this area. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of sites 124, 125 and 126.

AREA 26a – Bumbo Road (West), Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This small area contains eight lots all of which have an existing dwelling. This area consists of relatively small rural lots that are mostly vegetated with some small clearings for rural activities. The proposal does not provide for further subdivision in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	8	8	8	0
Dwellings	4	4*	4	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 27 – North Narooma and Kianga

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 6 Dwellings: 7
Discussion:	This area contains 70 lots that generally have low agricultural value due to vegetation and slope constraints. The area is north and west of Narooma and adjacent to the Wagonga Inlet. The RU1 zoning and minimum lot size of 40ha would facilitate up to six additional lots and up to seven additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	70	70	76	6
Dwellings	43	45*	52	7

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Wagonga Inlet and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Wagonga Inlet would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent

2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to six additional lots and up to seven additional dwellings (in an area with 70 existing lots) which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area adjoins land containing a gravel pit which is zoned RU3 Forestry. While the planning proposal would permit six additional lots and seven additional dwellings in this area, the sites that benefit are not immediately adjoining the gravel pit site any future dwellings in these locations would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area, including log ramps and a mine site. The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to three additional dwellings to be built on land identified as flood prone, however development would not be within a floodway or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Native vegetation would need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible. There are also some small areas that are already cleared and most potential dwelling sites are adjacent to existing access roads. Some lots may require access roads to be built or potentially improved as part of the development application. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Through road access is available on Wagonga Scenic Drive and Riverview Road which connect to the Princes Highway. Through road access is likely to be over 200 metres away from all potential additional dwellings and there is no alternate access for most properties.

There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are six threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh, Lowland Grassy Woodland, Littoral Rainforest, River-flat Eucalypt Forest and Swamp Sclerophyll Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Long-nosed Potoroo, Grey-headed Flying Fox, Bushtone Curlew and Eastern Pygmy-possum are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands near to lots adjacent to Wagonga Inlet in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Future potential dwellings as a result of this planning proposal would not need to be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 16, 18, 131, 132, 133, 134 and 135). For site 16, OEH recommend an E zoning. This site is Council managed Crown Land and was recently rezoned to RE1 Public Recreation. No further zone change for this property is considered necessary.

For sites 18, 131, 132, 133 and 135, OEH recommend the land is not suitable for further subdivision and the use of an E zone. For site 134, the OEH suggest part of the site is not suitable for development and a split zoning was suggested. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate potentially six additional lots and seven dwellings in this area. For some of the lots that could be subdivided, there is sufficient existing cleared land to accommodate a new dwelling. For lots that are currently fully vegetated, relatively small clearings would need to be provided and such clearing is likely to have minimal impacts on the overall quality of the vegetation in the area. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding zoning.

AREA 28 – South Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 6(a) – No minimum lot size (RLEP 1987) 7(f1) - No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 7 Dwellings: 6
Discussion:	This area consists of 43 lots either side of the Princes Highway and surrounds Nangundga Lake south of Narooma. An RU1 zoning and 20ha minimum lot size facilitates up to 7 additional lots and up to 6 additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	43	43	50	7
Dwellings	37	37*	43	9

* The table does not consider all existing dwelling entitlements that be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to seven additional lots and up to six additional dwellings (in an area with 43 existing lots) which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (Ruins of residence) and the area adjoins a heritage cemetery. The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Only one property with potential for subdivision and/or additional dwellings would require native vegetation to be cleared to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary on all existing and potential new lots. All other lots have existing cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Through road access is available on the Princes Highway and within 200 metres of most potential new dwellings. Through road access is likely to be over 200 metres away from three potential additional dwellings and there is no alternate access. There is enough land available to incorporate an appropriate combination of other bushfire protection measures, including large areas already cleared, and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is negligible on most lots. It is likely only one lot with potential for subdivision and/or additional dwellings would require vegetation removal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are four threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Bangalay Sand Forest and Saltmarsh). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Southern Brown Bandicoot could use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh or Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Warty Zieria have been recorded within 10km however there are no known populations within this area. Opportunities to minimise clearing and to avoid high quality habitat (if found) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands near to lots adjacent to Nangudga Lake in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Future potential dwellings as a result of this planning proposal would not need to be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area. Some lots in this area have access to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 29 – Wagonga Scenic Drive, Narooma & Tebbs Road, Corunna

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	This area consists of mostly vegetated lots that are generally less than 50ha. There is a small area of Class 2 agricultural lands over two existing lots, one of which could be subdivided. The reduced lot size reflects the nature of existing agricultural holdings in this area. An RU1 zoning with a minimum lot size of 40ha could result in one additional lot and up to two additional dwellings (in an area with 44 existing lots).

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	44	44	45	1
Dwellings	33	33*	35	2

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Wagonga Inlet and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Wagonga Inlet would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land	Consistent

To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 4-5 agricultural lands. There is a small area of Class 2 agricultural lands over two existing lots, one of which could be subdivided. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to two additional dwellings (in an area with 44 existing lots) which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There are two heritage items in this area (Log Ramps, Wagonga Wharf site). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on land identified as flood prone, however this is not considered to be a significant increase in the development of the land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Only one property with potential for a new dwelling would require native vegetation to be cleared to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary. There are existing cleared areas suitable for the other potential dwelling in this area.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of one potential future dwellings may be near a ridge top and sloping land however there is enough land available to incorporate an appropriate combination of other bushfire protection measures, including large areas already cleared, and these would be assessed as part the development assessment process.

Through road access is available on the Wagonga Scenic Drive which is within 200 metres of only one of the potential new dwellings new dwellings. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

12. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is negligible. It is likely only one lot with potential for an additional dwellings would require vegetation removal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are four threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Swamp Sclerophyll, River-flat Eucalypt Forest and Saltmarsh). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh or Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Opportunities to minimise clearing and to avoid habitat (if found) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are SEPP14 wetlands near lots adjacent to Wagonga Inlet in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Future potential dwellings as a result of this planning proposal would not need to be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 136, 137, 139 and 140). For sites 136, 137 and 139, OEH recommend the land is not suitable for further subdivision and the use of an E zone. For site 140, the OEH suggest part of the site is not suitable for development and a split zoning was suggested. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate potentially 1 additional lots and 2 dwellings in this area. The one lot that could be subdivided in this area has sufficient cleared land to accommodate any new house site with no additional clearing. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 30 – Wagonga Scenic Drive, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 5ha
Potential Additional Lots and/or Dwellings	Lots: 11 Dwellings: 17
Discussion:	This area consists of seven existing lots and one dwelling fronting Wagonga Scenic Drive, south of Narooma. The area is adjacent to current RU4 zoned land. An RU4 zoning and 5ha minimum lot size would facilitate up to 11 additional lots and up to 17 additional dwellings. This provides for an appropriate increase in small-scale agricultural and rural lifestyle opportunities in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	18	11
Dwellings	1	1*	18	17

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in up to 11 additional lots and up to 17 additional dwellings in this area. This area is considered suitable for

small-scale agricultural activities and it is considered that the provision of additional dwellings will increase the likelihood of small scale agriculture being undertaken. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 5ha. Five hectares is considered an appropriate lot size for rural living and small-scale agricultural production in this location. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. There is sufficient land cleared already to achieve a suitable APZ entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Through road access is available on the Wagonga Scenic Road which is likely to be over 200 metres of most potential new dwellings, and there is no alternate access. There is enough land available to incorporate an appropriate combination of other bushfire protection measures, including large areas already cleared, and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is negligible most lots. It is unlikely subdivision and/or additional dwellings would require vegetation removal. There are opportunities available for development to minimise and avoid impacts to habitat if found. There are no threatened ecological communities or declared critical habitat in this area.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox could use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh or Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Warty Zieria have been recorded within 10km however there are no known populations within this area. Opportunities to minimise clearing and to avoid high quality habitat (if found) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed minimum lot size facilitates 11 additional lots and 17 additional dwellings providing for additional supply of rural land for small-scale rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Any development application for subdivision of land in this area to achieve the potential yield resulting from this planning proposal will need to consider the extension of existing road infrastructure to the land. The proposed lot size is sufficient to accommodate on-site sewer management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any site in this area.

AREA 30a – Wagonga Scenic Drive, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 2ha
Potential Additional Lots and/or Dwellings	Lots: 7 Dwellings: 8
Discussion:	This area consists of one existing vacant lot fronting Wagonga Scenic Drive, south of Narooma. The area is adjacent to current RU4 zoned land. An RU4 zoning and 2ha minimum lot size would facilitate up to 7 additional lots and up to 8 additional dwellings. This provides for an appropriate increase in small-scale agricultural and rural lifestyle opportunities in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	8	7
Dwellings	0	0*	8	8

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in up to seven additional lots and up to eight additional dwellings in this area. This area is considered suitable for small-scale agricultural activities and it is considered that the provision of additional dwellings will

increase the likelihood of small scale agriculture being undertaken. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for this area however proposes to reduce the minimum lot size from 100ha to 2ha, consistent with adjoining land to the north, east and south. Two hectares is considered an appropriate lot size for rural living and small-scale agricultural production in this location which is characterised by Class 3 agricultural lands. In this area the density of land would potentially increase by up to seven lots and up to eight dwellings. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is relatively small with eight more dwellings possible. This area is adjacent to about 40 existing dwellings.

Any future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to eight dwellings would be achievable due to sufficient space to

incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Old Highway via Wagonga Scenic Drive. Access to a through road is likely to be over 200 metres and alternate access to properties is not available. There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. Further, the capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development to avoid and minimise impacts to existing native vegetation.

There are no threatened ecological communities or declared critical habitat in this area.

Threatened species such as gliders, microbats and birds could use habitat on this lot from time to time for foraging. It is unlikely a population of threatened plants would be found on the lot. It is expected that similar habitat and foraging opportunities would largely remain because there are opportunities to minimise clearing. If required, assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed minimum lot size facilitates up to seven additional lots and up to eight additional dwellings providing for additional supply of rural land for small-scale rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

Any development application for subdivision of land in this area to achieve the potential yield resulting from this planning proposal will need to consider the extension of existing road infrastructure to the land. The proposed lot size is sufficient to accommodate on-site sewer management.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 30b – Wagonga Scenic Drive, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 3
Discussion:	This small area consists of four lots that front Wagonga Scenic Drive South of Narooma. An RU4 zoning with a minimum lot size of 10ha would facilitate up to two additional lots and up to three additional dwellings in this area.

Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	6	2
Dwellings	3	3*	6	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for this area however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. In this area the density of land would potentially increase by up to two lots and up to three dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is relatively small with three more dwellings possible. Any future subdivision or development of this lot would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to three dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. The area is already largely cleared.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all potential new lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Old Highway via Wagonga Scenic Drive. Access to a through road is likely to be over 200 metres and alternate access to properties is not available. There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. Further, the capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development to avoid and minimise impacts to existing native vegetation.

There are no threatened ecological communities or declared critical habitat in this area.

Threatened species such as gliders, microbats and birds could use habitat on this lot from time to time for foraging. It is expected that similar habitat and foraging opportunities would largely remain because there are opportunities to minimise clearing. If required, assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Any development application for subdivision of land in this area to achieve the potential yield resulting from this planning proposal will need to consider the extension of existing road infrastructure to the land. The proposed lot size is sufficient to accommodate on-site sewer management.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 31 – Shingle Hut Road, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area is an agricultural valley south-west of Wagonga Inlet and is surrounded by State Forest. Apart from one large holding, all lots are under 25ha. An RU1 zoning and 100ha minimum lot size could result in one additional dwelling if adjacent lots, which are currently in the same ownership, were amalgamated. There is no potential for further subdivision in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	22	22	22	0
Dwellings	10	10*	11	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. 100ha is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The planning proposal provides for one additional dwelling, facilitating a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. The APZ can be achieved entirely within the property boundary for the potential new dwelling and there is already cleared areas that could be incorporated into APZs.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural

residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of a future dwelling away from ridge tops and steep slopes is possible and could take advantage of land already cleared.

Through road access is available Wagonga Scenic Drive which is further than 200 metres from the potential additional dwelling and there is not alternate access. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot yield and only one additional dwelling that could be built in an already cleared area, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot yield and only one additional lot in an already cleared area, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 164) recommending the land is not suitable for further subdivision and that a rural zoning is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for this area. This would facilitate potentially one additional dwelling in this area. The planning proposal is therefore considered to be consistent with the OEH recommendation.

AREA 32 – Central Tilba and Surrounds

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 6(a) – No minimum lot size (RLEP 1987)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha RE1 – no minimum lot size (for Council land Lot 228 DP 752155) E2 – No minimum lot size E1 – No minimum lot size (for Lot 1 DP 591024 and Lot 16 DP 807992)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 4
Discussion:	This is a large area that contains good agricultural lands in mid-sized holdings. An RU1 zoning and minimum lot size of 100ha would facilitate up to four additional dwellings if adjacent lots in the same ownership are amalgamated. There is no potential for further subdivision in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	260	260	260	0
Dwellings	134	141*	145	4

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, three lots obtained a dwelling entitlement as a result of the “sealed road” clause in ELEP 2012 and there is at least one known “1987 holding” larger than 100ha that has a dwelling entitlement.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of a small area of land south of Little Lake proposed to be zoned E2 Environmental Conservation and the zoning of the Mystery Bay campground to RE1 Public Recreation.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Wallaga Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Wallaga Lake would be likely to occur.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture	Consistent See above.

To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Partly Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to up to four dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.1 Environment Protection Zones

Partly Inconsistent but of minor significance. This area contains a number of lots that are fully or partly zoned 7(f1), which is an environmental protection zone for coastal lands. This land was identified in the Rural Lands Strategy to be zoned RU1 along with the surrounding rural land. Other former 7(f1) zoned lands in this area were zoned RU1 when ELEG 2012 was made. The majority of these lands are privately owned and the prime use of the lands is rural. For one lot, the land owner has agreed to a part E2 Environmental Conservation zone. One lot, also on the southern side of Little Lake is Crown Land and is also proposed to be zoned E2, consistent with the current 7(f1) zoning. For these areas, the planning proposal is consistent with the Ministerial Direction.

The remaining areas currently zoned 7(f1), to the north of Little Lake are proposed to be zoned RU1 Primary Production, consistent with the approach used in the making of ELEG 2012 and consistent with the Rural Lands Strategy. Given the planning proposal does not facilitate any additional dwellings

or subdivision on the subject lots, and as the existing 7(f1) zoning permits extensive agriculture without consent, there is no substantial change to potential land use resulting from the proposed RU1 zoning. While the planning proposal is inconsistent with the Ministerial Direction as it relates to these lots, the inconsistency is considered minor in nature.

2.3 Heritage Conservation

Consistent. There are many heritage items in this area and this area contains the Tilba Conservation Area and the Najanuka Aboriginal Heritage Conservation Area. The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in two additional dwellings to be built on land identified as flood prone, however this is not considered to be a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is relatively small with four more dwellings possible (in an area with 134 existing dwellings). Any future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to four dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. The area is already largely cleared.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and could take advantage of areas that have already been cleared in some locations.

Through road access is available on the Princes Highway and is within 200 metres for most potential new dwellings. For one potential dwelling in the north of this area, access to a through road is over 200 metres and alternate access to properties is unlikely. There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development to avoid and minimise impacts to existing native vegetation including taking advantage of areas already cleared.

There is no declared critical habitat in this area. There are four threatened ecological communities in this area (Brogo Wet Vine Forest, Saltmarsh, Bangalay Sand Forest and River-flat Eucalypt Forest). Threatened ecological communities would not be directly or indirectly impacted as a result of this planning proposal.

Threatened species such as gliders, microbats and birds could use habitat on this lot from time to time for foraging. There are threatened plants associated with Saltmarsh recorded in the area however it is unlikely there would be impacts to Saltmarsh due to potential development as a result of this planning proposal. Warty Zieria habitat or individuals could be found in the vicinity of potential future dwellings however habitat is likely to be able to be avoided (if found). Further, siting for dwellings would take advantage of already disturbed areas which reduces the likelihood of potential impacts. It is expected that similar habitat and foraging opportunities would largely remain because there are opportunities to minimise clearing. If required, assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands adjacent to three lots in this area (within Tilba Tilba Lake). The planning proposal would not change the existing land uses or intensify land uses in the area. Additional dwellings could be sited over 100 metres from the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 5, 7, 15, 18, 24, 140 to 149, 151, 152 and 154). For sites 5 and 7, OEH recommend the E2 zone equivalent to the current 7(f1) zone.

Site 5 contains some private land, some Crown Land and land that forms part of Little Lake and some of the dune and beach area at the mouth of the lake. In this area, the Crown Land and the land within and at the mouth of the lake should be zoned E2. Further, for a portion of the private land to the south of Little Lake that contains dunes and beachfront, the land owner has agreed to an E2 zoning. The remainder of the land, to the north of Little Lake is proposed to be zoned RU1. It is noted that, as part of the making of ELEP 2012, other former 7(f1) zoned lands in this area were zoned RU1.

Site 7 is entirely surrounded by land currently zoned RU1 (some of which was rezoned from the 7(f1) when the ELEP was notified in 2012). The subject site is no different in environmental and rural character from the adjoining land and therefore for consistency reasons, the proposed RU1 zone, which does not facilitate any subdivision or additional dwellings, is considered appropriate notwithstanding the OEH recommendation.

For site 15, OEH recommend the land is not suitable for subdivision and an E zone should be applied. Site 15 is the Council owned Mystery Bay primitive campground which is currently zoned 6(a) Public Open Space. The equivalent zone under the Standard Instrument for LEPs is RE1 Public Recreation. It is proposed to zone this land RE1.

Site 18 adjoins Corunna Lake and is currently zoned 6(a) Public Open Space. The subject land is not in public ownership and therefore applying the equivalent zone of RE1 Public Recreation is not considered appropriate. As the land is not currently in an environmental zone, applying the E2 zone is also not considered appropriate. The most appropriate zone, having regard to the existing and proposed zoning of adjoining land, is RU1 Primary Production.

For site 24, OEH recommend the land is not suitable for subdivision and an E zone should be applied. Site 24 consists of two Crown lots reserved for the preservation of trees and one Council lot. Crown Lands have advised that there are Aboriginal Land Claims over these lots and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. The small Council lot adjoining the Crown lots should be zoned consistent with the surrounding land. On this basis, it is proposed to proceed with the Strategy recommendation of RU1.

For sites 141 to 145, 151 and 152, OEH recommend that land is not suitable for development and an E zoning is recommended. For sites 140, 147, 148, 149 and 154, OEH recommend that the bushland areas should have an E zone. The planning proposal would not result in any additional development potential on sites 140 to 145, 148, 149, 151, 152 or 154. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for this area. There are already at least two dwellings on site 147 and any clearing (if necessary) would be minimal if the lot was subdivided. For site 146, OEH recommend that the low lying flood prone areas adjoining the wetland should have an E zone. The planning proposal would not result in any further potential development on site 146.

The planning proposal is considered appropriate because it would not result in any (or only very limited) potential development on sites 140 to 149, 151, 152, and 154, notwithstanding the OEH recommendation regarding the zoning of these sites.

AREA 33 – Dignams Creek Road, Dignams Creek

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 6
Discussion:	This area consists of mostly vegetated lots up to about 40ha along Dignams Creek. A RU1 zoning with a minimum lot size of 40ha would facilitate up to six additional dwellings, providing additional small-scale agricultural and rural lifestyle opportunities in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	42	42	42	0
Dwellings	17	17*	23	6

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which facilitates a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 4 and 5 agricultural lands. Two lots have Class 2 agricultural lands on them however the proposed change in minimum lot size would not result in subdivision or additional dwellings on these properties.

The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to six additional dwellings which would provide for a small, appropriate increase in agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (former post office). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in

the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation may need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots. Most lots have areas cleared that could be incorporated into APZs.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and could take advantage of land already cleared.

Through road access is available on Reedy Creek Road and Dignams Creek Road which connect to the Princes Highway to the south and Wild Horse Creek Road to the north. Through road access is unlikely to be within 200 metres of potential additional lots and dwellings and there is not alternate access. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is more suitable habitat and options for wildlife connectivity available in the adjacent Kooraban and Gulaga National Parks. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (Freshwater Wetlands and River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Long-nosed Potoroo, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh and Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh and

Freshwater Wetlands. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides for up to six additional dwellings in this area. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites, 153 to 157) recommending the land is not suitable for further subdivision and that the bushland areas should have an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate up to six additional dwellings in the area. There are already a number of dwellings in this area and large cleared areas on those lands that have potential for additional dwellings. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning.

AREA 34 – Eurobodalla Road, Eurobodalla, Cadgee, Nerrigundah and Tinpot

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 12
Discussion:	This area consists of 265 lots of a variety of sizes in the Nerrigundah Valley. An RU1 zoning and 100ha minimum lot size would facilitate up to 12 additional dwellings in this area, mostly through adjacent lots in the same ownership being amalgamated. There is no further subdivision potential in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	246	246	246	0
Dwellings	92	92*	104	12

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 3-5 agricultural lands. One lot has some Class 2 agricultural lands and there would be no change to this lot as a result of this planning proposal (it cannot be subdivided and it already has a dwelling).

The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land will not change however it could result in up to 12 additional dwellings that would provide a small, appropriate increase in agricultural opportunities. While the planning proposal is therefore in consistent with the terms of this Direction, it is considered to be consistent with it's objectives.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit twelve additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There are numerous heritage items in this area (including stock routes, water race, former factories, former church, Old Cadgee homestead and former schools). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation may need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all lots. Most lots have areas cleared that could be incorporated into APZs.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Through road access is within 200 metres of potential additional dwellings on Wattlegrove Road, Reedy Creek Road, Tinpot Road and other State Forest Roads. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high

quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is likely to be suitable habitat and options for wildlife connectivity available in the adjacent Dampier and Bodalla State Forests. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (Lowland Grassy Woodland and River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Eastern Pygmy Possum, Long-nosed Potoroo, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh and Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh and Freshwater Wetlands. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed minimum lot size facilitates a relatively small number of additional dwellings providing additional opportunities for rural activities and potential social and economic benefits to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 28, 158, 162 and 165 to 185). Part of site 28 is a Crown Reserve and OEH recommend that the land is not suitable for subdivision and the E2 zone should be applied, consistent with the reservation purpose of the land. Crown Lands have advised that the subject site is a travelling stock reserve and that it would not be appropriate to zone travelling stock reserves E2 until Local Land Services have finalised their review of such lands. For this reason, the proposed RU1 zoning is proposed to be retained.

For the remaining sites, OEH recommend the land is not suitable for further development and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for this area. This does not facilitate any further subdivision in this area, however it could result in up to 12 additional dwellings. The lots that could accommodate dwellings would be able to build on already cleared land or the amount of potential clearing would be minimal. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 35 – Belowra

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area consists larger holdings of good agricultural land in Belowra, west of Bodalla. The area is surrounded by National Park and State Forest. An RU1 zoning and minimum lot size of 500ha would maintain the current lot and dwelling yield.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	72	72	72	0
Dwellings	8	8*	8	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no changes to the number of lots or dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 19, 25, 186, 187 and 188). For sites 19 and 25, which are Crown Reserves, OEH recommend that the land is not suitable for subdivision and the E2 zone should be applied, consistent with the reservation purpose of the land. Crown Lands have advised that the subject sites are travelling stock reserves and that it would not be appropriate to zone travelling stock reserves E2 until Local Land Services have finalised their review of such lands. For this reason, the proposed RU1 zoning is proposed to be retained.

For the remaining sites, OEH recommend the land is not suitable for further development and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 500ha for this area which maintains the existing lot and dwelling yield. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 36 – Merricumbene and Deua

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 7 Dwellings: 6
Discussion:	This area is remote from settlement, surrounded by National Park and is constrained by access, topography, vegetation and bushfire. This area contains a mix of heavily forested and steep land with some cleared agricultural lands along the Deua River. This area consists of 199 lots and includes some very large holdings in the west of the Shire at Merricumbene. A 500ha minimum lot size would facilitate up to seven additional lots and up to six additional dwellings.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	194	196	203	7
Dwellings	36	42*	48	6

* The table does not consider all existing dwelling entitlements that may apply be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, two existing lots/ownerships are large enough to be subdivided under current rules, creating up to six additional dwelling entitlements.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 500ha. Five hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 3-5 agricultural lands. Some lots that have some Class 2 agricultural lands but there would be no changes on these lots as a result of the planning proposal. In this area the density of land would potentially increase by up to seven lots and up to eight dwellings. This will facilitate some additional

agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There are two heritage items in this area (Alpine Homestead, Woola Homestead). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared.

Araluen Road is the nearest through road however this is over 200 metres from lots on Neringla Road and there is not alternate access. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is more suitable habitat and options for wildlife connectivity available in the adjacent Deua and Monga National Parks. There is no declared critical habitat in this area.

There are three threatened ecological communities mapped in this area (Lowland Grassy Woodland, Araluen Scarp Forest and River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Eastern Pygmy Possum, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are no known populations of threatened plants in the area however any habitat (if found) could be avoided.

Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to seven additional lots and up to eight additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 61, 62 and 63) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 500ha for this area. By virtue of the very large size of one of the holdings in this area (over 4300ha), the 500ha minimum lot size facilitates up to seven lots and eight dwellings in this area. However, the current 1000ha minimum lot size also facilitated some subdivision of this holding. Any potential development would result in minimal clearing in addition to what is already permissible and would be able to avoid high quality habitat and high conservation value vegetation in site 61. Any development in site 62 would avoid impacts to existing native vegetation because there are already cleared areas. Site 63 would not have any further development potential as a result of this planning proposal. The planning proposal is considered to be appropriate notwithstanding the OEH recommendations.

AREA 37a – Araluen Road (North), Deua River Valley

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 1
Discussion:	This area consists of 132 generally smaller lots in the upper Deua River Valley. The area has poor access and is surrounded by National Park. An RU1 zoning with a 40ha minimum lot size could result in one additional lot and one additional dwelling which is not a significant change to this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	132	132	133	1
Dwellings	43	43*	44	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised mostly by Class 3-5 agricultural lands. In this area the density of land will not change significantly. The planning proposal is therefore considered to be consistent with this Direction.

4.4 Planning for Bushfire Protection

Consistent. There is potential for one additional lot and dwelling in this area as a result of the planning proposal which is not a significant increase in the number of people residing in this area.

Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural

residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of any future dwellings away from ridge tops and steep slopes is possible.

Araluen Road is the nearest through road and is within 200 metres of the potential new dwelling. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal could result in one lot and dwelling which would require minimal vegetation removal in comparison to what can already be undertaken in this area. There are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 64 to 70) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area, facilitating one additional lot and dwelling in this area. The lot that could be subdivided could require some native vegetation removal to build a dwelling however this is considered minimal in comparison to what can already be undertaken (in accordance with the NV Act). Any potential clearing would be able to avoid high quality habitat (if found) and maintain adequate wildlife connectivity in this area. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 37b – Araluen Road (Central), Deua River Valley

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 3
Discussion:	This small area in the Deua River Valley consists of 22 lots that are generally about 20ha and characterised by Class 3-5 agricultural lands. An RU1 zoning and minimum lot size of 20ha would provide for up to three additional dwellings. There is no further subdivision potential in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	22	22	22	0
Dwellings	15	15*	18	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The planning proposal could result in up to three additional dwellings in this area which would facilitate some agricultural production opportunities.

While the planning proposal is inconsistent with the terms of this Direction it is considered to be consistent with the Direction's objective.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire).

Space to provide adequate asset protection zones is available including already cleared areas on some lots.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared.

Araluen Road is the nearest through road and is within 200 metres of all potential additional lots. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is likely to be suitable habitat and options for wildlife connectivity available in the adjacent Deua National Park and Wandera State Forest. There is no declared critical habitat in this area.

There is one threatened ecological community mapped in this area (River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and Grey-headed Flying Fox are likely to use some of this area as habitat or foraging from time to time. There records of threatened plants in the area however they are unlikely to occur in the locations that would be suitable for dwellings and any habitat (if found) could be avoided. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 71 to 76) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area. This does not facilitate any further subdivision in this area, however up to three additional dwellings could be provided. The lots that could accommodate dwellings are not within the sites identified by OEH. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 37c – Araluen Road (South), Wamban and Kiora

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No Minimum Lot Size
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 10
Discussion:	This area consists of 93 lots of a variety of sizes to the west of Moruya. The area includes some good agricultural land that would not be able to be subdivided as a result of the planning proposal. Up to four additional lots and up to ten additional dwellings would be permissible in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	93	93	97	4
Dwellings	57	57*	67	10

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. This is considered to be an appropriate increase in agricultural opportunities in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is consistent with Council's Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 1-5 agricultural lands. Areas that have some Class 1 or 2 agricultural lands would not increase in density as a result of this planning proposal.

In this area the density of land would potentially increase by up to four lots and up to ten dwellings (in an area with 93 existing lots). This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (Kiora Homestead, Kiora Cemetery, Former Cheese Factory, Residence). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared.

Araluen Road is the nearest through road which is within 200 metres from most potential future dwellings as a result of this planning proposal. Three future potential dwellings would be greater than 200 metres from a through road and there is not alternate access. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

6. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is more suitable habitat and options for wildlife connectivity available in the adjacent Deua National Parks and there is some habitat and wildlife connectivity in the adjacent Wandera State Forest. There is no declared critical habitat in this area.

There are four threatened ecological communities mapped in this area (Lowland Grassy Woodland, Swamp Oak Floodplain Forest, Swamp Schlerophyll Forest and River-flat Eucalypt Forest). Potential new dwellings as a result of this planning proposal are likely to be able to avoid impacts to threatened ecological communities through site selection. Access may impact on threatened ecological communities however this would be minimised. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at the development assessment stage if impacts are unavoidable.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Eastern Pygmy Possum, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are records of Large-leafed Monotaxis (a threatened plant) in the area however any habitat (if found) could be avoided. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to four additional lots and up to ten additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 77 to 83) recommending the land is not suitable for further subdivision and that a rural zone is

acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This facilitates up to four additional lots and ten additional dwellings in this area. There is no additional development potential on site 77-82. There is one lot with potential for subdivision and potentially two new dwellings on site 83. The area that may need to be cleared would be minimal compared to what can already be undertaken (in accordance with the NV Act. It would not impact on high quality habitat or high conservation vegetation and adequate wildlife connectivity would be maintained. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 38 – Runnyford and Buckenbowra

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) E2 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(c) – 2ha (RLEP 1987 & DCP 56)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha RU4 – 2ha E2 – No Minimum Lot Size E1 – No Minimum Lots Size (for Lot 7310 DP 1155485 which is part of the Clyde River National Park)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 3
Discussion:	This area is relatively remote from settlement, surrounded by State Forest and National Park. An RU1 zoning and 500ha minimum lot size for this area would provide for up to three new dwellings. There is no further subdivision potential in this area.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	156	156	156	0
Dwellings	25	25*	28	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.*

The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of a small part of the Clyde River National Park which is proposed to be zoned E1 National Parks and Nature Reserves.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Clyde River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Clyde River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent

2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 500ha. Five hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands.

In this area the density of land would potentially increase by up to three dwellings, facilitating some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (Hut and Stockyard Memorial, Graves, Runnyford Homestead). The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling on a lot identified as flood prone land however this is not considered a significant increase in the development of that land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available including already cleared areas on some lots.

The siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared for some potential dwellings.

The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access. Most potential new dwellings would be within 200 metres of a through road (e.g. Quartpot Road and Buckenbowra Road). The Kings Highway is the nearest through road (via Old Bolaro Road) for the potential new dwelling in the north of this area which is not within 200 metres of the potential dwelling. There is enough land available to incorporate an appropriate combination of other bushfire protection measures on all lots and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

6. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is likely to be some habitat and options for wildlife connectivity available in the adjacent Bolaro, Buckenbowra, Wandera and Mogo State Forests and Duea National Park. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (River-flat Eucalypt Forest and Lowland Grassy Woodland). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and Grey-headed Flying Fox are likely to use some of this area as habitat or foraging from time to time. There records of threatened plants in the area however it is unlikely be impacted because habitat (if found) is likely to be avoidable due to the large lot size and options available for dwelling sites. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands within this area in the vicinity of Tuross Lakes. The planning proposal would not change or intensify land uses in the area. No additional dwellings would be on lots where wetlands occur. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 21, 32, 51 to 58, 60, 101, 102 and 103). For sites 21 and 32, as they are Crown Reserves, OEH recommend that the land is not suitable for subdivision and the E2 zone should be applied, consistent with the reservation purpose of the land. Crown Lands have advised that there are Aboriginal Land Claims over these lots and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. On this basis, it is proposed to proceed with the Strategy recommendation of RU1.

Sites 51 to 58 and 60 are areas of bushland on private properties that have some form of agricultural use. For these lands, the primary use is considered rural and therefore the Strategy recommendation of RU1 zoning is considered appropriate. OEH have advised that a rural zoning is appropriate but that the land is not suitable for further subdivision. No further subdivision of this land is facilitated by the planning proposal, however three additional dwellings are provided for.

For sites 101, 102 and 103, OEH recommend the land is not suitable for development and that an E zone should be applied. There is no additional development potential possible as a result of this planning proposal on sites 101-103.

AREA 39 – South Moruya

Current Zone and Minimum Lot Size:	R5 – 2ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 2ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 224 small rural lots south of Moruya. Only the zoning is proposed to be changed as RU4 better reflects the existing rural nature of the land use in this area. This does not change the lot or dwelling yield.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal changes the zoning from R5 Large Lot Residential to RU4 Primary Production Small Lots. The minimum lot size would not change. This maintains the existing potential lot and dwelling yield.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Changing the zone to RU4 is the best means of achieving the intended outcome of the area being recognised as a rural area and permitting small scale agricultural activities. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal does not change the density of land in this area. Changing the zoning from R5 to RU4 does not change the current opportunities for housing types or affect access to infrastructure and services.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal changes the zoning in this area from residential (large lot) to rural (small lot). The change in zoning would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural and tourist activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 40 – Turnbolls Lane, Moruya

Current Zone and Minimum Lot Size:	R5 – 5ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 5ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains five small rural lots south of Moruya. Only the zoning is proposed to be changed as RU4 better reflects the existing rural nature of the land use in this area. This does not change the lot or dwelling yield.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal changes the zoning from R5 Large Lot Residential to RU4 Primary Production Small Lots. The minimum lot size would not change. This maintains the existing potential lot and dwelling yield.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The minimum lot size for the land is not changed in this area. The zone change from R5 to RU4 is the best means of achieving the intended outcome of allowing some additional rural activities to occur in this area. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no change to potential additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008	Consistent

To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	
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For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal does not change the density of land in this area. Changing the zoning from R5 to RU4 does not change the current opportunities for housing types or affect access to infrastructure and services.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal changes the zoning in this area from residential (large lot) to rural (small lot). The change in zoning would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural and tourist activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 41 – South Nelligen

Current Zone and Minimum Lot Size:	1(c) – 2ha (RLEP 1987 and DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 2ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This is a small area to the south of the Nelligen Village that currently has a rural residential zone. An RU4 zoning with a minimum lot size of 2ha would maintain the current lot and dwelling yield.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	2	4	4	0
Dwellings	2	4*	4	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

Council's Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides no changes to potential development outcomes for the land.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 42 – Hector McWilliam Drive, Tuross Head

Current Zone and Minimum Lot Size:	E2 – 1000ha (ELEP 2012) RE1 – No Minimum Lot Size (ELEP 2012) 1(c) – 2ha (RLEP 1987 and DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha E2 – No Minimum Lot Size RE1 – No Minimum Lot Size (for part of Council land Lot 77 DP 260321)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	The land is owned by Eurobodalla Shire Council and is classified as community land. A private dwelling cannot be built on community land thus there is no potential for dwellings in this area as a result of this planning proposal.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	3	3	3	0
Dwellings	0	0*	0	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South East and Tablelands Regional Plan includes the following action:

- “Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans”.

The planning proposal provides for an appropriate zone and minimum lot size for this area. There is no potential for subdivision or dwellings because the land is classified as community land. The planning proposal is considered to be consistent with the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal implements Council's Rural Lands Strategy, with the exception of a small part of Council land adjoining the Kyla Park oval to be zoned RE1 Public Recreation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government's coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
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1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.10 Implementation of Regional Plans To give legal effect to regional plans.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (site 111) recommending the land is not suitable for further subdivision. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area, which does not facilitate further subdivision of the land. The planning proposal is consistent with the OEH recommendation.