

EUROBODALLA RURAL LANDS STRATEGY REPORT OF PUBLIC EXHIBITION

SUMMARY OF CONSULTATION, ANALYSIS
OF PUBLIC SUBMISSIONS AND
RECOMMENDATIONS TO COUNCIL TO
FINALISE THE RURAL LANDS STRATEGY

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For: EUROBODALLA COUNCIL

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1 INTRODUCTION

This is a report from the Consultants for the Eurobodalla Rural Lands Strategy, Garret Barry Planning Services.

The report is presented for the consideration of the Eurobodalla Rural Lands Strategy Committee and Councillors. The report summarises information assembled from the recent public consultation on the draft Eurobodalla Rural Lands Strategy and includes the Consultant's consideration of the issues raised in consultation and revised recommendations as to content for the final Strategy.

A draft of this report was considered by the Eurobodalla Rural Lands Strategy Committee at its meeting of 14 January 2016. The consultants have now reviewed committee feedback and produced a final report and revised strategy for Council's consideration of adoption.

Once Council has adopted a final Strategy, action will commence on the Strategy Implementation.

2 REPORT OF PUBLIC CONSULTATION

2.1 THE EXHIBITION

In accordance with the agreed consultation plan, the draft Eurobodalla Rural Lands Strategy was publicly exhibited from 16 October to 27 November 2015.

Copies of the strategy and background information were available online throughout the exhibition period and at Council's Office and the three Shire libraries during opening hours.

Council planning staff were available to answer questions throughout the exhibition during office hours.

2.2 CONSULTATION EVENTS

Seven consultation sessions were held during the exhibition period:

- A stall was staffed and information provided to the community at both the Moruya Farmers Market of 27 October and the Tilba Farmer's Market of 7 November.
- Community Information Meetings were held at Nelligen (28/10/15), Narooma (4/11/15) and Moruya (11/11/15).
- Two Rural Producers Workshops were held in Moruya. The first on 7 November and the second on 11 November.

2.2.1 The Market Stalls

These sessions were primarily information presentations to community members on a one on one basis. Many property owners took advantage of the opportunity to review the mapping relevant to their property and information was provided to all inquirers.

2.2.2 The Three Community Meetings

These three events involved an Open House format:

- The first hour was an informal discussion and provision of information to community members attending on a "one on one" basis.
- Then there was a formal presentation with questions and answers and with some feedback from participants on issues where they had a view.

- The third stage was again informal where people could talk with staff and Consultants about the strategy, their individual properties and generally gain further information.

Notes of each of the three Community Meetings are included in this report at Appendices 1-3.

The following is a summary of the participant feedback:

Attendances at Community Meetings by community members:

Nelligen:	26
Narooma:	45
Moruya:	36
Total:	107

(Note: Several participants attended more than one meeting and some participants may have not completed the attendance lists).

Main issues/points made by participants

These three community meetings were primarily aimed at making the community aware of the Strategy exhibition period, the Strategy content and the ability for people to make submissions or gain more information. But a range of views were expressed by participants and the Consultants endeavoured to summarise these comments in the notes.

- Generally, a majority at all 3 sessions favoured no E3 zoning and no overlays in the LEP.
- Mostly support for the additional permissible uses proposed in the Strategy and the proposal to permit extensive agriculture without consent in most rural zones.
- Some concerns at the complexity of the Strategy.
- Some participants (a majority at the Narooma and Moruya sessions) felt the opportunities for rural dwellings and subdivision needed to be increased – some considered substantially.
- There were people at each session with land where a dwelling was not permitted who were seeking an entitlement.
- The pros and cons of various lot sizes and of using various zones such as RU1, RU4 and E4 were explored and discussed.
- There were a range of views as to what constituted “commercial” scale of farms with some people considering smaller farms could still be profitable. Some people also questioned the merit in the strategy principle to conserve larger rural holdings.

- Some participants expressed a view that there were too many controls on rural land generally and that Council should be looking to reduce current controls.
- A majority of participants had concerns as to any increase in controls on land use for landscape protection.
- At the Moruya session, concerns were expressed as to the implications of bio-certification and bio-banking with a majority expressing the view they were opposed to use of those mechanisms.
- A majority at the Moruya session expressed the view there should be no minimum lot size for dwellings and all lots in the rural areas should be permissible for dwellings.
- A majority at the Moruya session considered all E zones should be removed from the LEP.

2.2.3 The Rural Producers Workshops

In designing the consultation strategy, the Consultants suggested there could be merit in a workshop involving rural producers to explore the future direction of agriculture in the Shire.

However, the majority of participants at the first Producers Workshop on 7 November wanted to focus on the subdivision, dwelling and environmental issues.

Therefore, a further workshop involving a sample of rural producers was conducted on 11 November to gain some local views on agricultural directions.

Notes of the two workshops are presented in Appendices 4 and 5.

2.2.3.1 The first Producers Workshop on 7 November 2015

This workshop focused on property rights, subdivision potential, dwelling entitlements and environmental controls.

The following feedback was received:

- A majority of participants wanted overlays removed from the LEP.
- A majority of participants wanted minimal controls on dwellings in the rural area.
- A majority considered there was too much regulation of rural lands and sought a reduction in restrictions.
- There was strong support for “right to farm” legislation.
- Some expressed concern at the complexity of the Strategy.
- A majority were concerned that in their view Council and the Consultant were not listening to past community feedback.

2.2.3.2 *The Additional Rural Producers Workshop held 11 November 2015*

This workshop explored agricultural direction. Representatives from commercial scale beef, dairy and oyster farming operations were present as were a range of horticultural producers from small part-time operations to full-time.

Overall, there was support for many of the conclusions of the Discussion Paper 2 on agriculture and for many of the recommendations on local food and rural tourism.

But the following is a summary of additional feedback:

- Currently not many local producers see much potential for direct export initiatives.
- Canberra is a large potential market but needs resolution of transport scale for groups of smaller producers.
- Eurobodalla has many areas of prime agricultural land below 2 metres above sea level and if climate change predictions hold more of these areas may be lost or at least subject to regular saline inundation.
- Dairy:
 - Some prospects for subleasing as an economic form of expansion.
 - Use of larger tankers for fresh milk access to Sydney desirable.
 - In planning for further rural living, Council needs to maintain adequate buffers from existing dairy infrastructure.
- Water:
 - Council might seek for the State Government to develop a more sophisticated policy on farm dams.
 - Council might support approaches to State Government regarding easier policy on water allocations for small growers.
- Local food production is larger than the ABS statistics reveal. A SAGE survey estimates the Moruya markets alone have a turn-over of \$1.7 Million. The strategy should identify local food is re-emerging and is already a main scale player in the local agricultural economy.
- Council currently provides economic development assistance to things like a small new factory but should also support small farm start-ups, marketing and training as higher numbers of jobs are possible. There is particular potential for employment for younger people.
- Conserve the premium agricultural lands for horticulture.
- Some more supply of true potential small lot farms is desirable.
- State Government needs to expand the definitions of intensive livestock agriculture so small end operations and partially fed stock are allowed a simpler approvals process and/or exemptions.

- Need to both retain the current abattoir and look to options for more small species processing.
- There may be scope for closer liaison between Council's economic development section and producer groups.

2.3 COMMUNITY SUBMISSIONS

The community were invited to make submissions, and at the close of exhibition, 139 written submissions had been received. Of this total, 129 submissions were from the community, 9 from State Agencies and one from an adjoining council.

All written submissions received by Council in the exhibition period are listed in Appendix 6 of this report. The appendix also contains a comment column where the issues raised in submission are either commented on or referred to a topic assessment detailed in Section 3.

The following is a summary of the main issues raised in community submissions:

- Use of a vegetation overlay in the LEP:
 - 39 submissions formally opposed such an overlay;
 - 30 submissions formally supported such an overlay.
- 14 submissions included a request for an additional dwelling entitlement.
- 77 submissions included some request for rezoning or development opportunities greater than proposed in the exhibited draft Strategy.
- There were mixed views on the proposal in the draft Strategy not to use E3 zoning but it is felt a majority of submissions supported that view and that it was implied in the comment expressed on the use of environmental overlays.
- Mostly support for the additional permissible uses proposed in the Strategy and the proposal to permit extensive agriculture without consent in most rural zones. A few submissions suggest yet further uses be made permissible.
- Some concerns at the complexity of the Strategy.
- Many submissions express a view the opportunities for rural dwellings and subdivision needed to be increased beyond that in the exhibition draft – some considered substantial increases were required.
- Some participants expressed a view that there were too many controls on rural land generally and that Council should be looking to reduce current controls.
- Some submissions raise concerns as to any increase in controls on land use for landscape protection.
- Some concerns were expressed as to the implications of bio-certification and bio-banking with a majority expressing the view they were opposed to the use of those mechanisms.
- A small number of submissions considered all E zones should be removed from the LEP.
- General wide support for most of the local food and rural tourism strategy actions.
- Support for removal of the sunset clause on existing rural dwelling entitlements.
- Some submissions support the retention of agricultural lands in larger holdings and a few question the value of such action.

- Support for detached dual occupancy to be permissible in RU4, E4 and R5.
- Some additional actions suggested to address water supply for small lot farms.

2.4 STATE GOVERNMENT AGENCY SUBMISSIONS

Five State Agencies made submissions to Council on the exhibited draft Strategy.

2.4.1 Office of Environment and Heritage (Submission 23)

The Office of Environment and Heritage (OEH) provided a detailed submission including site specific mapping of 116 areas of land.

OEH provided the following comment:

- For most of the inland deferred areas they do not object to the proposed RU1 zoning provided a Terrestrial Biodiversity overlay including corridors and differentiation of Endangered Ecological Communities is retained in the LEP.
- For much on the mapped biodiversity lands predominantly in the coastal zone, OEH seek some form of environmental zoning and the retention of the overlay with corridor definition.
- OEH advise the corridors are based on regional survey data and represent potential key habitat linkages. As such they recommend them for inclusion in the LEP.
- OEH formally objects to the proposal in the draft Strategy to zone some areas formerly zoned for coastal protection and for wetland protection to RU1. It considers such action is inconsistent with the Section 117 Direction 2.1 Environmental Protection Zones.
- OEH consider it is important the Crown reserves and Council managed reserves with biodiversity values be zoned environmental.
- OEH are concerned as to whether sufficient investigation has been made into the impacts of the proposed increase in dwelling potential recommended in the Strategy on biodiversity and flooding.
- Some specific concern is raised over sites at South Durras, Mossy Point and Moruya Heads. OEH considers these sites require zoning such as E3.
- OEH objects to the proposal in the draft Strategy to make extensive agriculture permissible without consent in the E2 zone.
- OEH defines 116 sites it considers to be of particular environmental value and makes a range of recommendations for each site. The lands include Crown Lands, Council reserves and private rural lands.

Consultant comments:

- The recommendations from OEH for the inland deferred areas in the 2012 LEP are in line with the draft strategy recommendations and recommendations of this report which are to zone these areas RU1 Primary Production but retain a native vegetation overlay to identify that these lands have biodiversity constraints.

- OEH seeks that the native vegetation overlay also contain differentiation of areas such as Endangered Ecological Communities and corridors. The consultants recommend just a simple vegetation overlay be retained in the LEP that defines the mapped limits of extant native vegetation and that the evolving more detailed information on biodiversity be retained in Council's data base for access by potential developers and employment in development assessment by Council staff.
- The suggestions by OEH for environmental zoning of certain Crown Lands, Council owned land and private land that is currently zoned for environmental protection or coastal protection in a region mostly comprising the Coastal Zone and the detailed recommendations for specific sites, including public lands, warrant further consultation with OEH prior to preparing the Planning Proposal to implement the Rural Land Strategy. Council has resolved not to use E3 zoning but some areas recommended by OEH may justify other zoning such as E2 or E4. OEH has raised formal objection and intimated aspects of the proposals to zone most rural lands in the Coastal Zone RU1, may not meet 117 directions of the Minister. It is appropriate Council seek to clarify and where reasonable resolve these objections with OEH rather than face the potential of long delays in the other rezoning proposals recommended in the draft Strategy.
- The consultants consider the draft strategy adequately addresses the biodiversity constraints of the areas proposed for additional development. In the case of recommended rezonings to more intensive zones such as from RU1 to RU4, the strategy provides sufficient direction to justify proceeding to development of a Planning Proposal and as part of that Proposal some refinement of environmental controls for the specific area may be developed for example at DCP level in the form of site masterplanning.
- In the case of the modest increases in scattered rural dwellings as a result of the recommendations for a range of lot sizes in the draft Strategy, the consultants consider the scattered nature, low density and potential for assessment of impacts at DA stage ensure adequate protection of biodiversity and from flood impacts.
- The consultants, on reflection, accept the OEH argument that allowing extensive agriculture to be permissible without consent in E2 zoned land is undesirable and a detailed reasoning of the revised recommendation to allow "livestock grazing" as a use that would be exempt development in the E2 zone is presented in section 3.2.11.2.

Recommendation:

1. That the Strategy be amended to propose the E2 zone as a zone where "livestock grazing" is exempt development in Schedule 2 of the Eurobodalla LEP 2012.
2. That, as part of the Planning Proposal to implement this Strategy, Council effect further consultations with Office of Environment and Heritage to review in detail their concerns expressed for the specific parcels in their submission where OEH are concerned about the exhibited proposal to zone these lands RU1 Primary Production prior to the preparation of the Planning Proposal to implement the Rural Land Strategy. That the results of that consultation be the subject of a subsequent report to Council with recommendations for the specific areas.

2.4.2 Department of Primary Industries - Water (Submission 45)

DPI Water make a detailed submission where the major concern is the impact of further rural living development on available water resources.

DPI Water present concerns as outlined in the Submission Summary but in particular the impacts of rural living development on:

- Groundwater resources;
- Drawing rights from existing streams;
- Impacts of additional farm dams on catchment runoff; and
- Generally ensuring adequate water access for new living opportunities without creating unacceptable impacts on existing – possibly limited water resources.

Consultant's comments:

The Rural Producer's Workshops held as part of the draft Strategy consultation identified the following water policy aspects that Council might explore with DPI Water and State Government generally:

- The "one size fits all" water policy (the 10% rule) may be inappropriate for coastal streams where the environmental flows may be considerably more than inland streams. Given the shorter catchments of most Coastal Streams, there is less issue about downstream impacts on water flows. Some coastal streams may have less drawing of water before discharge to ocean, and in the case of Eurobodalla there are no major regulation devices on the streams and as such peak natural flows see considerable water discharge direct to ocean that might accommodate minor collection for storage and irrigation, with minimal adverse environmental impacts. As such, perhaps it is possible for a differential policy, including the following areas for investigation:
 - A higher percentage of catchment to be available for some coastal catchments than the current "10% rule" for farm dam collection.
 - Possibly more potential for small water licences during higher flows for small horticultural enterprises on coastal streams.
 - Similarly the impacts on groundwater in the short coastal water fields may be less and enable greater access?
- The concerns of DPI Water regarding the impacts of the Strategy proposal on water resources may be overstated given the small and scattered nature of the increase in rural living proposed.

Recommendation:

Neither the Consultants nor most of the participants in the Rural Producers Workshops are experts on water resources but it seems worthwhile to test the concept of a differential approach to coastal water resources, and as such, a further recommendation is made in Section 3.10.3 for Council to explore this potential for a differential water policy with DPI Water.

2.4.3 Department of Primary Industries Fisheries (Submission 63)

The Department's submission raises concerns as to the potential impact of further rural living on coastal catchment water quality and the habitat of fisheries and the Bateman's Marine Park.

Consultant's comments:

The majority of changes proposed in the draft Strategy with respect to increased rural dwellings are modest and mostly scattered with low impacts and much opportunity for buffers. But the Department's suggestion of a principle of "neutral impact" on water resource quality has applicability in the case of the more intense types of rural living such as new rural residential estates. As such, it is recommended Council add this principle to its requirements for new rural residential estates. (See Section 3.3.1).

Recommendation:

The Consultants recommend the suggestion of DPI Fisheries that the Fisheries Management Act also be identified in the core planning legislation of Section 3.2 of the Strategy.

2.4.4 Department of Industry – Mineral Resources (Submission 97)

This submission from the Geological Survey points to previous mapping provided by the Survey to Council of known State and regionally significant resources and the acknowledgement Council gave to protection on extractive resources in the Opportunities and Constraints Report.

The Survey supports the proposal for wide retention of RU1 zoning given it permits most extractive activity with consent. (Although it also notes the Mining SEPP permits extractive activities in most areas where agriculture is permissible).

The Survey advises Council of a range of online data that can be accessed to assist with development assessment and Planning Proposals relating to extractive resources.

Consultant's Comment:

The Geological Survey raised no objections to the draft Strategy. The Consultants were mindful of the constraints of known extractive resources in formulating the Strategy and the relatively modest proposals for additional dwellings will not impact on these deposits beyond existing residential development. The DA process will continue to assess proposals for adverse impacts on potential extractive resources.

Recommendation:

No change is recommended to the exhibited draft strategy with respect to extractive resources.

2.4.5 NSW Crown Lands Office (Submission 132)

Crown Lands have responsibility for Crown Land and some Crown Reserves in the Shire. Their submission summarises:

It is Lands opinion that the Native Vegetation overlay which is proposed to be retained at DA stage, other legal protections for EEC, and Lands own policies and procedures for Land management and Land Assessment are sufficient for protection of the high biodiversity values of these blocks regardless of the zoning.

Crown Lands also raised no objection to zoning of some specific Crown Lands E2 Environmental Conservation.

Consultant's comments:

The OEH submission raises a number of issues about other Crown lands – some of which may have some development opportunity and its recommendation is made for Council, OEH and Lands personnel to further discuss these areas before concluding final detailed recommendations.

Recommendation:

That staff liaise further with Crown Lands and OEH before concluding final detailed recommendations for zoning of Crown Lands in the rural areas of the Shire.

2.4.6 Roads and Maritime Services Submission (Submission 137)

RMS notes the principle in the draft Strategy of limiting additional rural development where there is poor road access that cannot be improved at developer's cost and supports that principle.

Some concern is raised at the proposal to allow additional roadside stalls unless such stalls can have suitable and safe access and parking arrangements that do not affect road use.

Where additional development is proposed that will access the Princes or Kings Highways, RMS suggests Council might include provisions in its S94 contributions plan to collect contributions to help fund the necessary upgrades of intersections of local roads with these highways.

Consultant's comment:

The DA process already has considerations to ensure access and parking comply to RMS standards on regional roads and highways.

The suggestion by RMS that Council review its contribution plan has been reviewed and it is noted the increased yields likely under the current provisions in the general rural area and under the changes recommended in this strategy are too modest to warrant such a plan amendment.

Council may create new rural residential areas with more significant traffic generation as part of the proposed 5 year review and as such a specific area contribution for highway intersection improvements may be warranted at that time.

Recommendation:

That Council advise the RMS that, in relation to the suggestion for Council to levy Section 94 contributions from rural development for highway intersection improvements, as the subdivision potential generated by the Strategy is minor, the contribution yield would be

minimal and as such any S94 proposal be deferred if and until a new development area with a significant traffic impact is proposed.

2.4.7 Rural Fire Service (Submission 138)

The most significant issue raised in the RFS submission that may not be readily resolved in the exhibited draft Strategy work so far relates to the potential of the recommended additional rural living opportunities to reasonably comply with 117 Direction 4.4 Planning for Bushfire Protection.

The RFS will need to be consulted as part of any Planning Proposal that might come forward to expand rural living opportunities and will be seeking to ensure there is reasonable compliance with that Direction. The Consultants were mindful of this requirement in framing the recommendations for additional areas and have not supported numerous localities that are deemed to be “rural isolated locations” where the access is poor, the vegetation of high risk types and the terrain steep.

The RFS has still flagged it has concerns over some of these areas proposed in the exhibited draft Strategy – particularly with regard to access and potential impacts on High Conservation Value Land.

Consultant’s comments:

In most of the proposals in the draft Strategy for additional opportunities, there already exists a level of established residential activity. In many cases, the minor increase in dwellings proposed in the exhibited draft may not significantly increase the risk and demands on areas already posing some bushfire protection limitations. In other recommended areas there may be some prospects through new development works to improve on access and develop fire protection facilities such as perimeter roads.

Detailed site fire planning of each area recommended in the Strategy for minor increases in living opportunities is beyond the scope of the Consultant’s brief. But it is clear RFS will require a reasonable level of satisfaction of 117 Direction 4.4 to be achieved, should Council accept the draft Strategy recommendations and proceed to a Planning Proposal to create the additional rural living supply. In the development of a planning proposal, Council should undertake a preliminary bushfire assessment of areas where minor increases in living opportunities in bushfire prone areas are provided for, in order to address the S117 Direction.

The Eurobodalla Rural Lands Committee and a majority of public submissions on the draft Strategy have requested further supply of rural living opportunities beyond that of the exhibited draft. An assessment of suitable locations and quantities of further supply has been undertaken and is presented in sections 3.8 and 3.9. While supply may be further expanded in some areas and meet the requirements of Planning for Bushfire Protection, some areas are considered by the Consultants to have major challenges and cannot be recommended for increased supply. The Consultants do recommend some minor further additions to the exhibited supply but only to the extent we feel will not trigger non-compliance with the Minister’s Section 117 Direction 4.4.

Recommendation:

That Council note the submission on the Draft Rural Lands Strategy from NSW Rural Fire Service and that the issues raised in that submission can be reasonably addressed in the Planning Proposals that will need to be developed for each area proposed for additional residential development.

2.4.8 Office of Environment and Heritage - Heritage Branch (Submission 86)

This submission focuses on the role and protection of State listed heritage items and makes three points:

- Lists 4 heritage items of State Significance.
- Reminds Council approval of OEH is needed for development affecting State listed items.
- State listed items in the strategy mapping might be separately identified.

Consultant's comment:

These matters do not indicate a need to make alterations to the exhibited strategy beyond a possible need to reiterate the importance of State Heritage Items. Two of the referenced State Items are in urban areas (not part of this strategy) and Montague Island is fully protected under existing zoning and management that is not proposed to be changed.

The remaining State item is of rural significance so the following recommendation is made:

Recommendation:

That Council note the submission on the Draft Rural Lands Strategy from the NSW Office of Environment and Heritage , Heritage Division and that Map 8 of the Strategy mapping be amended to depict the State Listed Item "Lakeview Homestead Complex".

2.4.9 South East Local Lands Service (Submission 139)

The South East Local Land Service (SELLS) has previously supplied valuable statistics on rural livestock production that assisted in the exhibition draft research.

In its submission, the SELLS makes the following points:

- There are challenges in balancing the needs of commercial agriculture, hobby farming, rural residential living, the natural environment and needs of tourism.
- The SELLS has a local strategic plan and detail is discussed below.
- The SELLS consider the Council Strategy needs to place greater emphasis on the biosecurity issues relating to increasing hobby farming and rural residential living.
- The SELLS administers the Native Vegetation Act and points out the issue of the potential for greater cumulative impacts on clearing that can flow from rural residential zone expansion. The initial zoning and development of roads has some impact but by the time all likely development including housing and related use is in place the percentage of the new zone cleared can be substantial. An example of the increasing

rate of clearing of a rural residential area in Eurobodalla over a 15 year period is presented- depicting an area initially substantially vegetated progressing to about 80% of developed lots being substantially cleared.

- The SELLS supports the use of overlays and environmental zones for biodiversity protection.
- The SELLS opposes the exhibited proposal to allow extensive agriculture to be permissible without consent in the E2 zone.

The SELLS makes six formal recommendations:

1. *The South East Local Land Services Local Strategic Plan and the NSW Biosecurity Strategy 2013-2021 should be considered in the Eurobodalla Rural Lands Strategy.*

Consultant's comment:

The SELLS suggest Council add two objectives Council should consider in the strategy:

"...Goal 2 is for "Biosecure, profitable, productive and sustainable primary industries". Outcomes to achieve this goal include regional agricultural values protected; shared responsibility for biosecurity threats and natural resources that support primary production; no establishment of new pest, plant or animal diseases incursions that threaten market access and improved resilience to natural disasters and seasonable variability.

Goal 3 is for "Healthy, diverse, connected natural environments". Outcomes to achieve this goal include healthy productive soils, used within their capabilities, clean water, healthy aquatic and terrestrial ecosystems, a biodiverse landscape, priority landscape corridors under active management and landscape amenity and aesthetics maintained..."

The principles of these goals would likely be supported by most people. The issue relates more to the implementation.

The exhibited Strategy at Section 2.1 identifies four broad goals that were developed with the Committee and which were generally not objected to in the public submissions. The consultants feel these exhibited goals are suitable for the task of the rural strategy.

But the topic of biosecurity was not given emphasis. So a recommendation is made below to address this issue:

Recommendation:

That the Discussion Paper 2 Commercial Scale Agricultural Direction be amended to include a small section on the need to encourage biosecurity practices in agriculture and rural subdivision in Eurobodalla and to reference the South East Local Land Services Local Strategic Plan and the NSW Biosecurity Strategy 2013-2021.

2. *The value of agricultural lands is considered within the Strategy, particularly within the context of viability and sustainability of agricultural industries within the Eurobodalla.*

Consultant comments:

It is considered this issue is well covered in the discussion papers and the draft strategy. The recommendations for additional supply of small lot farming are targeted at areas where the impacts on commercial agriculture would be minimal.

3. *Subdivision and changes to lot sizes should be considered in relation to the cumulative impacts of clearing intact native vegetation.*

Consultant's comments:

It is considered the exhibited Strategy addresses these requirements, areas recommended in the strategy for additional development are either low key yield increases where impacts would be minor or where the necessary DA assessment will set aside those areas warranting protection.

4. *In the absence of utilising E zones, possible adoption of the Native Vegetation overlay with consideration given to ensuring EECs, including but not limited to grassy ecosystems, are adequately assessed in development applications and implications of removing the bio-corridors layer is adequately addressed.*

Consultant's comments:

The Consultant's recommend the retention of a native vegetation overlay in the LEP. The issue of corridors and additional protection of native grasses would seem to need further research and strategy development before meaningful overlays might be developed to address these two issues.

5. *All overlays should be available online and easily searched using street address and Lot and DP's.*

Consultant's Comments:

The concept of all possible planning data being transparently available to the public is sound within practical limitations. To provide a data base where people could log in to view, say, the native vegetation mapped for their land by using street address could be misleading as street addresses do not cover all of a rural property- just the point of entry. Searching by lot and DP would be definitive but possibly costly for Council to set up for public access to that precision and detail.

Whether Council selects the overlay to go in the LEP or DCP, mapping should be available on line to the best affordable accuracy. One attraction of the LEP option is that the mapping is maintained free on the state government legislation website.

6. *Potential impacts of allowing new extensive agriculture uses to be permissible without consent in E2 zones (particularly wetland areas) should be addressed.*

Consultant's comments:

The proposal to allow extensive agriculture without consent in the E2 zone has been reconsidered and the Consultants have changed that recommendation. It is now recommended that the use "extensive agriculture" be listed in the Eurobodalla LEP 2012 as a use that requires development consent.

2.5 EUROBODALLA RURAL LANDS STEERING COMMITTEE MEETINGS OF 7 DECEMBER 2015 AND 14 JANUARY 2016

2.5.1 Committee meeting of 7 December 2015

At the Steering Committee meeting of 7 December 2015, the Committee adopted four motions for consideration by the Consultants in the report on the exhibition. These motions are presented below along with Consultant's comments.

1) RURAL LANDSCAPES

That the Rural Lands Strategy Steering Committee recommends that the Scenic Landscape Code proposed by the Consultant be developed in consultation with members of the Rural Lands Steering Committee and the broader community and that it be developed in a manner that is as flexible as possible.

Consultant's comments:

The Consultants support the motion. As expressed in Discussion Paper 5, a code to assist staff with the required DA assessment for impacts on the landscape has merit but more formal controls such as in the DCP or LEP could be counter-productive and subjective.

Landscape assessment is a subjective process but almost all people accept the landscapes of Eurobodalla are of very high quality. Council is required in the assessment of DAs to try to protect the important elements of these landscapes. As such a code, developed with community input, is a practical action by Council to guide development assessment and consideration of issues, to reasonably address its statutory requirements, without imposing more formal and inflexible controls.

Recommendation:

Action 14 of the exhibited strategy has been amended to reflect the above motion intent. (See Section 3.3.2 of this Report).

2) OVERLAYS

That the Rural Lands Strategy Steering Committee recommends that all overlay maps including the proposed vegetation overlay, that are not legislatively required to be in the LEP, are not formally placed in the LEP (in line with Council Motion 14/175). The Rural Lands Strategy Steering Committee recommends that these overlays be placed in a Eurobodalla Development Control Plan.

Consultant's comments:

In accordance with the Council resolution of 22 July 2014, which required the Committee to consider options for the appropriate alternative use of overlays, a detailed analysis of the alternatives is provided in Section 3.2.6 of this report.

Recommendation:

The Consultants recommend retention of the overlays in the LEP for the reasons presented in Section 3.2.6 of this Report.

3) BIODIVERSITY AND OFFSETS

That the Rural Lands Strategy Steering Committee recommends that the 'recommended action' on biodiversity under Volume 1, 5.4.1, 4th dot point, page 30 be removed from the Rural Lands Strategy and replaced with the following: "That Council rely on primary legislation when considering the use of planning agreements and offsets when planning new estate style developments".

Consultant's comments and recommendation:

The consultant's raise no issue with the recommended change and will amend the draft Strategy accordingly.

4) LOT SIZES

That the Rural Lands Strategy Steering Committee recommends that further consideration be given to:

- *Providing additional smaller lot sizes in suitable locations for people seeking affordable lifestyle blocks from which they can commute to work or from which they can establish a business.*
- *Further consideration be given to using non-viable agricultural areas on larger farms for lifestyle blocks.*
- *Providing greater flexibility for housing entitlements where the farm enterprise requires the operator to be close to the enterprise e.g. vegetable production and where detached dual occupancies are required for retirement.*

Consultant comment and recommendation:

The Consultants support the principles of the above resolution and offer a revised set of lot size mapping as part of Sections 3.8 and 3.9 of this Report and in the revised Strategy.

2.5.2 Committee meeting of 14 January 2016

At the Steering Committee Meeting of 14 January 2016, further consideration was given by the committee to the following:

Additional areas for supply of dwelling opportunities

Council staff and the consultants presented ideas for some further supply of small lot farms and rural residential land. The committee resolved:

THAT the Committee endorse the proposed changes to the zoning and lot size maps as presented at the Rural Lands Strategy Steering Committee meeting held on 14 January 2016, subject to the changes identified in the motions below, with the areas proposed for no change from the draft Strategy to be reconsidered as part of the next Rural Lands Strategy process.

- *THAT in relation to land along the eastern portion of Potato Point Road, the Committee recommends that the area currently proposed to have a minimum lot size of 100ha be reduced to 40ha so that there is a consistent approach in this area and given there is minimal additional lot or dwelling yield generated.*
- *THAT in relation to land along the western portion of Potato Point Road, the Committee agrees to change the minimum lot size from 40ha to 20ha, to provide*

some additional subdivision and dwelling entitlement in a location with an existing sealed road and where there will be minimal environmental impacts.

- *THAT in relation to land South of Moruya, the Committee recommends that the existing R5 zoned land be rezoned to RU4, as this is an area which is more rural in nature and the RU4 zone will facilitate additional rural activities. The minimum lot size in this area to remain at 2ha pending a later and separate review.*

Character of the R5 zoned land at South Moruya.

This matter was raised by the committee to the effect RU4 zoning was more appropriate than R5 for this area. The Consultants supported that change.

Extensive agriculture in the E2 zone

The committee resolved that extensive agriculture be made permissible without consent in the E2 zone. The Consultants do not support that position and favour grazing of livestock to be exempt development in the E2 zone as addressed later in this report.

Other wording changes to the draft Strategy

The Committee suggested a number of other wording changes to the draft Strategy which were agreed by the consultant in relation to the following:

- maintaining the quality of downstream waters
- development of a local food production policy with relevant stakeholders
- development of a policy on rural tourism with relevant stakeholders
- reference to the minimal additional yield proposed in the Strategy that will not generate significant contributions for upgrades to classified roads.

Overlays

The committee confirmed its previous position recommending overlays be housed in the Eurobodalla DCP and not the LEP. A discussion paper was tabled by several committee members in support of that position and will be supplied to Council.

For the reasons detailed in section 3.2.6, the consultants recommend the Native Vegetation Overlay remain in the LEP.

3 ANALYSIS OF PUBLIC SUBMISSIONS AND RECOMMENDATIONS FOR ALTERATIONS TO EXHIBITED STRATEGY ACTIONS

3.1 HOW THIS SECTION WORKS

In this Section, the Consultants review the community and State Government agency submissions and the feedback from consultation events.

Where the feedback relates to a numbered action in the exhibited Strategy, the analysis is effected under that action number.

Where the feedback relates to a new issue or a matter not covered by one of the 54 actions listed in the exhibition draft Strategy, the matter is assessed as a new issue as part of Section 3.10.

In the revised strategy it has been necessary to reallocate Action numbers to ensure topics are located in the relevant sections. To assist readers of this report, reference is made to both the exhibited Action number and the revised action number.

3.2 ANALYSIS OF SUBMISSIONS RELATING TO THE ZONING ACTIONS IN THE EXHIBITED DRAFT STRATEGY (ACTIONS 1 TO 12)

3.2.1 Exhibited Action 1: That Council not utilise the E3 (Environmental Management) Zone in the general rural areas of Eurobodalla.

A number of submissions identified that the E3 zone is an appropriate zone to use for rural land that has environmental constraints. Other submissions reiterated previous calls for the E3 zone (or any E zone) to not be used in the LEP.

Consultant's comment:

The use of the E3 zone is not proposed in the exhibited draft Strategy.

Council has previously resolved not to use E3 in the rural areas. OEH raises concerns and objections to some of the current proposals in the exhibited draft to zone all deferred areas in the eastern section of the Shire, RU1 Primary Production. But OEH does not oppose most of the deferred areas in the centre and west of the Shire being zoned RU1 if the Terrestrial Biodiversity overlay is retained in the LEP. (See Section 2.4.1 for discussion on the OEH submission)

The Consultants note many coastal councils utilise E3 in regions exposed to higher development pressures such as coastal sections and urban fringes of their Areas to denote those rural lands with more significant environmental constraints and hence steer the pressure for growth to the less constrained rural land in these regions.

Such use of E3 could have merit in limited coastal sections of Eurobodalla Shire but the consultants oppose such use in the majority of the agricultural areas of the Shire for the reasons developed in Section 2.4.1.

Council's preference for no E3 zone seems supportable but only on the basis a vegetation overlay is retained in the LEP. (See discussions in Sections 2.4.1 and 3.2.6.)

Recommendation:

That Council not include any E3 Environmental Management zoning in the Eurobodalla LEP at this time, but include the recommended Vegetation Overlay to ensure appropriate identification of environmentally constrained rural land.

3.2.2 Exhibited Action 2: That Council continue to use the E2 (Environmental Conservation) Zone as presented in the 2012 LEP.

A small number of submissions and some attendees at the Moruya consultation session recommend no use of any E zone in the Shire. But in the main there was not major opposition to the current use of E2 which predominantly relates to wetland areas.

The OEH and Crown Lands submissions support further expansion of E2 over some highly sensitive vegetation and habitat areas which are mostly public lands. This has been recommended for a process of additional consultation with these agencies.

As recommended in section 2.4.1, these sites should be the subject of further consultation with OEH prior to completion of the Planning Proposal to implement the Rural Land Strategy.

Consultant's recommendation:

In the meantime, the Strategy recommendation remains to retain the current E2 zones.

3.2.3 Exhibited Action 3: That Council retain the RU1 Primary Production Zone as the zone to cover the bulk of the general rural area outside of the rural residential zones. That the current deferred areas not proposed for rural residential zoning, be zoned RU1.

There was relatively little outright objection in submissions and strong support expressed at most consultation events to the proposals in the draft strategy for the majority of the deferred areas to be zoned RU1.

A small number of submissions do object and insist E3 zoning is required for most deferred areas. A larger group accept RU1 if a Native vegetation overlay is retained in the LEP and a larger group again support RU1 but without any native vegetation overlay in the LEP. A small number of submissions call for no E zones at all.

Consultant's comment and recommendation:

Action 3 is still recommended but the consultants also recommend the further consultation with OEH on its submission as detailed in section 2.4.1. There may be some lands in the coastal region of the Shire that warrant E2 zoning and finalisation of a Planning Proposal for rezoning of the deferred areas should await that further consultation and report.

3.2.4 Exhibited Action 4: (Revised Action 5) That Council continue to use the current zones for rural residential development.

The exhibited draft Strategy recommended retention of the three current rural residential zones with the following emphasis:

- Zone R5 Large Lot Residential: as a zone to define small lot areas for predominantly rural living with very small if any agricultural use.
- Zone E4 Environmental Living: as a zone to distinguish environmental living in bushland areas with low emphasis on agricultural use.
- Zone RU4 Primary Production Small Lots: as a zone to depict small lot rural residential scale farming, usually comprising lands of reasonable agricultural quality.

Consultant's comment:

No objection to the above use and emphasis for R5 and RU4 was received through the exhibition processes. A few submissions and attendees at the Moruya information session objected to any E zones. The issues with other E zones are addressed elsewhere but E4 retention on the basis of the principles above is recommended. The distinction between small farm lots (RU4 and small lot sizes in RU1) and areas where the primary emphasis is environmental living is worth retaining and a real difference that is favoured by many seeking rural environmental living lifestyles. The difference also enables better protection of the environmental values of E4 areas while focusing those that want small farming options to the areas physically best suited for small lot agriculture.

Recommendation:

That exhibited Action 4 of the draft Strategy be retained as exhibited. (Revised Action 5)

3.2.5 Exhibited Action 5: (Revised Action 6) That over the coming 5 years, Council effect a review to identify further rural residential estate options and possible further reduction of lot sizing in some of the identified areas in Section Two of Volume Three of this Strategy.

Some submissions argue a need for more supply of rural living options that offered in the exhibition draft of the Strategy. Some of these comments relate to a view that more formal rural residential zones are required now but many seem to be referring to just an adjustment to the lot sizing in the RU1 which is the subject of other recommendations.

Consultant's comment and recommendation:

The principles of exhibited Action 5 remain recommended. Some variations to mapping are developed in Section 3.2.6 and have been incorporated in the revised draft Strategy. The recent annual review of Council's land monitor again confirmed a healthy supply of most types of rural residential and hobby scale lot for at least 5 to 10 years. See: <http://www.esc.nsw.gov.au/living-in/about/community-profile-and-population-forecasts> for monitor detail.

Some remaining areas currently zoned for rural residential and hobby farm development have constraints but the only shorter term potential shortage seems to be in small lot farming and the lot size variations suggested in the draft Strategy for RU1 (as further expanded in Section 3.2.7 of this Report) are considered to comfortably address any demand until such reviews are effected over the coming 5 to 10 years.

Recommendation:

That Council limit immediate action on supply of more land for zones R5, RU4 and E4 to the proposals in the draft strategy and retain Action 5 as recommended in the exhibition draft Strategy. (Revised Action 6)

3.2.6 Exhibited Action 6: (Revised Action 7) That Council retain a Native Vegetation overlay in the LEP but limit it to definition of extant native vegetation.

The issue of a native vegetation overlay in the Eurobodalla LEP remains controversial.

This section attempts a full overview of the issue.

Council's current resolution

On 22 July 2014, Council resolved:

1. The Rural Lands Strategy recommends that overlays not be included in the Local Environmental Plan (LEP).
2. Council advises the Minister for Planning that the E3 zone is not an appropriate zone for rural lands and therefore will not be seeking to apply it in the LEP.
3. Council requests that the Rural Lands Committee gives further consideration to the remaining E zones and the options for the appropriate alternative use of overlays. This should be done in consultation with the department advisors that currently sit on the Rural Lands Committee. Their findings should be reported back to Council as soon as is practical.

The current resolution of the Rural Lands Committee:

At its meeting of 7 December 2015, the Eurobodalla Rural Lands Steering Committee resolved "...that the Rural Lands Strategy Steering Committee recommends that all overlay maps including the proposed vegetation overlay, that are not legislatively required to be in the LEP, are not formally placed in the LEP (in line with Council Motion 14/175). The Rural Lands Strategy Steering Committee recommends that these overlays be placed in a Eurobodalla Development Control Plan". One of the Committee members voted against this motion. At the Committee's meeting of 14 January, the Committee reaffirmed that overlays be placed in the DCP.

State Agency views

Department of Planning and Environment

The draft minutes of the Rural Lands Steering Committee of 7 December 2015 record the following advice from the representative of the NSW Department of planning and Environment:

That the outcomes of the Northern Councils E-Zone review included no requirement for a vegetation overlay, but that Councils could choose to include an overlay in the LEP if there has been a verification process... that a DCP has weight in terms of the assessment of development applications, but less weight than an LEP. However, in preparing an LEP, Council must address the requirements of S117 Ministerial Directions, including the Environmental Protection Zones direction that states an LEP must facilitate the protection and conservation of environmentally sensitive areas and cannot reduce the environmental standards that apply to land. In terms of transparency, that both an LEP and a DCP are available on Councils website and will soon also be available on the Department's Planning Portal.

Office of Environment and Heritage

The position of the NSW Office of Environment and Heritage is that the Terrestrial Biodiversity overlay currently in the LEP should be retained subject to the several refinements effected over the Shire by OEH and several Consultants since the completion of the 2012 version.

Crown Lands, Rural Fires Service and Local Lands Service

NSW Crown Lands Office supports the retention of a Native Vegetation overlay as does the NSW Rural Fire Service and the Local Lands Service.

Issues raised in submissions

A clear majority of those attending the public consultations opposed any native vegetation overlay in the LEP and many opposed any overlays being in the LEP at all.

The summary of public submissions on the draft Strategy has identified 39 submissions expressly opposed to an overlay and 30 expressly supporting a Native Vegetation overlay being in the LEP.

Consultant's comments and analysis:

Council has previously resolved to not use the E3 zone in the LEP and recommended that the LEP also not include environmental overlays.

While GBPS, as Strategy Consultants, are mindful of Council's resolution, we are also mindful of our professional duty and requirement to give independent advice to the Council on rural land use issues.

Following a careful review of all the issues surrounding the topic of a Native Vegetation overlay, GBPS supports its retention in the LEP for the reasons summarised below.

The summary of the GBPS rationale for the recommendation to retain a Native Vegetation overlay in the LEP is as follows:

- It is the most common approach of coastal rural Councils in NSW as the planning vehicle for transparent display of lands likely to face additional constraints to development because of existing biodiversity values. Of those coastal Councils without a Terrestrial Biodiversity overlay, most have some other overlay such as corridors, wetlands and riparian lands and/or have a range of environmental zones.
- To the extent there is community concern over the implications of the overlay, we feel it is misdirected. Such an overlay merely is a translation of the current impacts on rural land of the following legislation:
 - The *Native Vegetation Act 2003* which requires consent from State level for most proposals involving disturbance to native vegetation on private rural land in NSW.
 - The *Environmental Planning and Assessment Act 1979* which sets the land use planning framework that Council has to work within, which includes assessment of specified development applications in the rural areas such as applications for consent for dwellings and subdivision.
 - As part of the assessment requirements of both of the above existing planning legislation, the approval bodies are required to assess the impacts on threatened

species and their habitat given the application of the *Threatened Species Conservation Act 1995*.

- The State Government has the above legislation under review as part of its Biodiversity review. There is strong feeling in sections of the rural community to the effect the current biodiversity legislation is too stringent and onerous on rural land owners. The issues relate to:
 - General concerns that environmental controls have continued to expand over private rural lands over the past few decades.
 - Concerns as to the very limited exemptions to the need for approvals associated with regular agricultural activities in biodiversity areas.
 - Queries as to accuracy and interpretation of biodiversity data.
 - Concerns that some rural landholders may be being required to conserve nature on their properties on behalf of the wider community but with minimal compensation where that conservation constrains real development potential.
 - Views appear to range from those who feel the legislation merely requires minor refinement to those seeking minimal controls over private land clearing and development.
- The appropriate focus for those concerned at what they consider is increasing or unreasonable restriction on private rural land use is the review mechanisms for the above legislation. Removing overlays from the LEP does not remove any legislative requirements on landholders. Should the State Government biodiversity review change the current requirements then the public mechanisms for laying out the rules such as overlays may need adjustment or removal. But on current indications from the State Government discussion papers released so far regarding the review, there seems to be a strong indication the requirement for approval to effect any significant clearing of native vegetation is likely to stay, and similarly, a requirement for Councils to continue to assess biodiversity impacts as part of development application assessments.
- Action 41 of the exhibited draft Strategy details a number of measures Council might advocate in submissions to the State Government once a final discussion paper is released on biodiversity. The Consultants consider these measures go a significant way towards addressing the genuine concerns of rural landowners about the current function of the biodiversity legislation and should be the focus rather than whether or not an overlay that merely reflects the current biodiversity requirements is in the LEP or someplace else.
- It is important the planning requirements be transparent especially to purchasers and prospective developers of rural land. A Native Vegetation overlay in the LEP is readily discovered at time of land purchase or preparation of a development application and adds certainty to identification of constrained and less constrained land to allow informed choices.
- Council has a legal responsibility to use the best available data to base its assessments of development applications upon. The overlay mapping has some limitations but is the best current data available. So Council is obliged to apply this overlay whether it is publicly available in the planning system or “under the counter”.

- The overlay does signal a constraint but not a prohibition. It merely flags land where the existing legislation already places additional requirements on developers to prove impacts on biodiversity are acceptable. A distinct advantage for areas mapped as not having such vegetation is that they face less assessment and offer the landowner higher surety of approval and less assessment costs.
- The consultants view is Council electing to have no E3 zones, zone all deferred areas RU1 **and** no overlay relating to terrestrial biodiversity will be inconsistent with the Minister's S117 Direction 2.1 Environmental Protection Zones in that Council will be reducing current provisions applying to environmentally sensitive lands. Some of the deferred areas (a small proportion) are zoned for some type of environmental protection under LEP 1987 (eg 7(f1)) and the bulk of the remainder are zoned 1(a) Rural (Environmental constraints and agriculture) and 1(a1) Rural (Environmental constraints, water catchment and agricultural) zone) which are zones with greater environmental emphasis in the objectives and provisions than the RU1 zone that is proposed to replace it. The consultants accept this is a professional opinion and open to interpretation by the Department of Environment and Planning.
- Similarly, the Minister's S117 direction 5.1 Implementation of Regional Strategies requires Councils to not be inconsistent with Regional Strategies. Having no formal LEP environmental controls or overlays on the current deferred areas is considered by the consultants to be inconsistent with that direction in that the current South Coast Regional Strategy requires a range of measures to protect both lands of high conservation value and general native vegetation and references the South Coast Regional Conservation Plan that details a range of constraints applicable to some of the deferred lands. A new Regional Plan is expected shortly for the far south coast based on the style of the Illawarra Plan- which includes overlay of high conservation value lands. Again this is a professional opinion and open to review.
- Not having overlays transparent and discoverable by the community at recognised sites such as the state legislation web site (which contains all LEPs), increases the risk people will advance down the preparation of DAs only to find they have not assessed the biodiversity impacts and waste time and money.
- A literal interpretation of Council's current resolution is that there are to be no overlays **at all** in the LEP but the consultants question if that was Council's real intent as there are a wide range of urban and rural overlays that are not related to the natural environment such as building heights, heritage items, floor space ratios ...etc. There seems to be no controversy in the Shire expressed about these types of overlay that have been in LEP provisions of one sort or another for decades. Many such as building heights are valued as a surety for residents that their views will not be built out and such like and to revoke them from the LEP would be to go back to pure merit assessment and more risk of wider variations in decisions.

The Rural Lands Committee and some public input to the exhibition process recommends no rural overlays in the LEP. There are currently three environmental overlays in the LEP that apply to rural lands:

- The Terrestrial Biodiversity Map;
- The Acid Sulphate Soils Map;

- The Wetland, Riparian lands and Watercourses Map.

For similar reasons to the above analysis on terrestrial biodiversity, the consultants support the retention of the Acid Sulphate and Riparian overlays. Both identify lands with environmental constraints to which various legislation applies and for which Council needs to have regard when assessing DAs.

What is the full range of options open to Council with respect to overlay data?

The option of no overlays at all

This would see no public display of or access to the overlay data. But Council is obliged to apply the best available data to the assessment of DAs that it has responsibility to determine. As such, the overlay would move to being a back room tool that people find out about after DA lodgement. It is understood the State level may still include some biodiversity mapping in its Regional Plans (see above).

Place the overlay or overlays in a DCP

This is the majority recommendation of the Eurobodalla Rural Lands Strategy Committee. Instead of being in the LEP, the mapping would move to being housed in a DCP. It has the advantage over the option of no public disclosure at all, of being able to be found if Council's website detail is searched. But it would not disclose as readily as if it was in the LEP and formed one of the core maps referenced in planning certificates and available on the State wide legislation web page. According to the DPE they may move to including DCPs in their Planning Portal but currently development of that site is moving very slowly and has inaccuracies. Only the NSW Legislation site is maintained currently to full accuracy re current LEPs and does not contain DCPs as they are now not considered to be more than guidelines.

The consultants are not aware of any other NSW Council that has adopted the approach of having biodiversity mapping in a DCP instead of the LEP.

As the DCP is only a "matter for consideration" it is given less weight in terms of assessment than an overlay in an LEP.

Place the overlays in the LEP

This is the Consultant's recommendation for the reasons detailed above.

Place the overlays in a regional strategy or plan

As mentioned above, it is understood it is the intent of OEH to place some of the higher biodiversity mapping in the developing regional plans of the State Government.

While such plans are a consideration for Councils in the DA or rezoning process they are not well known or easily discovered by the community and the proposal at this stage seems to not include all biodiversity mapping.

3.2.7 Exhibited Action 7: (Revised Action 8) That a Planning Proposal be prepared to set the revised lot sizes and zones as presented in Section Two of Volume Three of this Strategy.

Exhibited Action 7 (revised Action 8) is a major action relating to implementation of all the new lot sizing and possible zone changes in the Draft Strategy.

There have been a wide range of submissions requesting more generous lot sizing provisions and extension of small holding zones – mostly extension of RU4 Primary Production Small Lots.

Exhibited Action 7 (revised Action 8) is still relevant as the implementation mechanism but further analysis of options for lot sizes and extension of rural small holding zones has been undertaken and is given effect in Section 3.8 and the revised mapping in Section Two of Volume Three of the strategy.

3.2.8 Exhibited Action 8: (Revised Action 9) That the land areas recommended for further review as defined in the mapping and notes presented in Section Two of Volume Three of this Strategy be effected over the coming 5 years.

Similar to Action 7, Action 8 (revised Action 9) remains valid as an implementation action but to apply to the revised review areas developed in Section 3.8.

3.2.9 Exhibited Action 9: (Revised Action 10) That the sunset clause 4.2A (3) be removed from the Eurobodalla LEP 2012.

Currently, there is a sunset clause in the LEP that would see some dwelling entitlements relating to existing holdings no longer be available after 2017. Part of the intent of this clause was to put a sunset date on the complex provisions relating to existing holdings. While the planning administration benefits are clear in that existing holding searches would be a thing of the past, the consultant considers that this provision is unnecessary and should be removed. Given the subject lands have had the right for a dwelling for some time, it is unnecessary to apply a timeframe for which landowners should apply for consent and build a dwelling, to maintain this entitlement.

It is proposed Council withdraw that sunset clause from the LEP so the entitlements would carry forward.

Consultant's comment:

As no opposition was received from the community to exhibited Action 9 (now Action 10), the recommendation is retained.

Note: The statement 4. b. on page 4 of Discussion Paper 9 will be amended to reflect Action 9.

3.2.10 Exhibited Action 10: (Revised Action 11) That mapping be prepared as resources allow to lot size existing holdings utilising the streamlined methodology suggested in Section 5.9.5 and such mapping then replace the existing holding and 1987 holding provisions in the LEP.

No objections were received to Action 10 (revised Action 11) and the recommendation is retained.

3.2.11 Exhibited Action 11: (Revised Action 13) That Council add certain listed uses as permissible in the LEP 2012:

3.2.11.1 Additional recommended permissible uses

Few submissions raised any objection to the proposed additional permissible uses recommended at Action 11 in the draft Strategy. A few further potential permissible uses were recommended in some submissions but most are either already permissible by being part of wider definitions or are not supported as the further uses are ones that should really be tested through a Planning Proposal before being permitted in rural areas.

One exception is the use of “jetties” in the RU4, E4 and R5 zones.

A number of submissions also seek that detached dual occupancy be permissible in all three rural residential zones. The exhibited draft proposed detached dual occupancy be made permissible in RU4 but not E4 or R5. The thinking was that E4 and R5 lots may be more constrained regarding the accommodation of two dwellings on the one lot, given their relatively small size.

In discussions with the Rural Lands Steering Committee and Council staff following exhibition, it was identified that the RU4 Primary Production Small Lots zone could benefit from the following uses given its role was expanding to cover more of the hobby and small lot production areas:

- Community facilities
- Function Centres
- Recreation Areas
- Rural industry (but prohibiting:
 - Livestock processing industries
 - Sawmill or log processing works
 - Stock and sale yards)
- Secondary dwellings.

Consultant’s comment:

Addition of jetties as permissible with consent in the RU4, E4 and R5 zones is supported given the interest in and importance of water based recreation and tourism in the Shire. Normally, jetties would also apply to Crown land and waterway zones and invoke stringent assessment requirements to ensure protection of waterway environments. But currently the lack of a permissible use for jetties might constrain otherwise justified proposals.

The consultants also support detached dual occupancy as permissible with consent in RU4, E4 and R5. Proposals would still have to justify the merit on any particular lot and given dual occupancy provisions prohibit the subsequent subdivision of the land, the use of the provision is limited to genuine needs of landowners for additional accommodation on the one lot.

The further uses suggested for the RU4 zone are also supported, provided the above 3 subset uses within the definition of Rural Industry remain prohibited as these are activities with potential for significant amenity impact and need to be limited to the RU1 zone.

Recommendation:

That Council retain the additional permissible uses exhibited in the draft Strategy at Action 11 (revised action 13) but add the use of “jetties” as permissible in the RU4, E4 and R5 zones and add the use of detached dual occupancy to the permissible uses of the RU4, E4 and R5 zones.

Further that the uses of community facilities, function centres, recreation areas, rural industries (but prohibiting livestock processing industries, sawmill or log processing works and stock and sale yards) and secondary dwellings be permissible with consent in the RU4 zone.

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.

3.2.11.2 Extensive agriculture in E2 zone

Objections were received on the proposal to make the use “extensive agriculture” permissible without consent in the E2 Environmental Conservation zone. The objectors include OEH and Local Land Services.

Consultant’s comment:

The E2 zones in Eurobodalla are primarily confined to wetland areas, many of which are protected by State Environmental Planning Policy 14 which would overrule any provision in the LEP and still require consent under that policy. SEPP 14 is under review by the State Government and may be repealed but the current position appears to be that the existing SEPP 14 wetlands would continue to be protected by a state policy. The *Native Vegetation Act* also can apply where the species are native plants and require consent for clearing – including cultivation.

But it would be unreasonable and confusing to suggest in Council’s LEP that cropping of wetlands was permissible when in most cases State legislation would require consent and where such consent would not be likely unless existing use rights could be established. It is not reasonable to permit cropping these sensitive and in many cases rare wetland areas.

As it currently stands in the Eurobodalla 2012 LEP, extensive agriculture is prohibited in E2, unless “Existing Use Rights” apply. What this means is, if a landowner has been grazing or cropping on E2 land at least annually since planning controls required consent for extensive agriculture, then it is lawful to continue the use to the extent of the past annual use.

Policing activities such as grazing in E zones when consent is required is a challenge for Council’s as the activity can be legal if the owner can prove existing use rights. This was the reason the Consultants initially supported making the activity permissible without consent.

The Consultants agree that making extensive agriculture permissible in E2 without consent is too generous, particularly given the definition includes “the production of crops or fodder...for commercial purposes”.

An alternative is recommended where “livestock grazing” would be made exempt from the need for development consent in the E2 zone. Associated with this is a recommendation for Council to advocate for expanded education programs and funding for landholders with wetland and other biodiversity of value to stimulate voluntary protection.

Recommendation:

That the Strategy be amended to propose the E2 zone as a zone where “livestock grazing” is exempt development in Schedule 2 of the Eurobodalla LEP 2012.

Further that revised Action 48 of the strategy relating to Council advocating for improvements to the biodiversity programs include the following additional dot point:

- Expanded programs and funding for landholder education on the values of biodiversity and practical measures landholders may take to conserve important features such as wetlands.

3.2.12 Exhibited Action 12: (Revised Action 14) 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.

Comment: There were no submissions against this proposal. Retention of Action 12 (revised Action 14) is recommended.

3.3 ANALYSIS OF SUBMISSIONS RELATING TO THE OTHER LAND USE POLICY AND GUIDELINES ACTIONS IN THE EXHIBITED DRAFT STRATEGY (ACTIONS 13 TO 18)

3.3.1 Exhibited Action 13: (Revised Action 17) Masterplanning of rural residential estates

The only concern or issue raised in submissions on the exhibition draft Strategy regarding Action 13 came from the Department of Primary Industries (Fisheries section). This submission did not object to the concept of masterplanning new rural residential estates but sought greater consideration of the impacts of new development on waterway quality and recommended endorsement of the concept of “neutral impact” on water quality.

Consultant’s comment and recommendation:

The Consultants accept this aspect could be strengthened in the recommendation and suggest “maintaining downstream (receiving) water quality” be added to the exhibited Action 13 (revised Action 17) and the concept of “neutral impact” be built into the model for such masterplanning.

3.3.2 Exhibited Actions 14 and 15: (Revised Actions 18 and 19) Landscape Protection

A number of submissions raised concerns as to there being any formal controls on landscape protection. But it is clear many people may have misinterpreted the intent of Action 14. There is no proposal in the draft Strategy to apply additional formal landscape controls in the LEP or DCP.

But Council has a responsibility to assess impacts on the landscape of Eurobodalla when determining DAs and such a code to guide planning staff in such assessments is preferable in terms of a consistent and adequate approach to all DAs.

The Eurobodalla Rural Lands Committee has resolved:

“THAT the Rural Lands Strategy Steering Committee recommends that the Scenic Landscape Code proposed by the Consultant be developed in consultation with members of the Rural Lands Steering Committee and the broader community and that it be developed in a manner that is as flexible as possible.”

Consultant’s comment and recommendation:

The Consultants support the recommendation and therefore recommend the following alteration the exhibited version of Actions 14 and 15:

Medium term action (5 year horizon):

14. (Revised Action 18) That Council develop a Scenic and Cultural Landscape Code, in consultation with the Rural Lands Committee and the general community, to guide rural development with respect to protecting scenic quality and building community ownership of the landscape values. Suggestions for such a code/guideline are outlined in the appendix of Discussion Paper 5.

15. (Revised Action 19) That the proposed code in Action 14 include a set of management guidelines for the Bodalla Cultural Landscape Area's historic values in a manner that does not impede or constrain current or future farming use.

3.3.3 Exhibited Actions 16 to 18 (Revised Actions 20 to 22)

No submissions appear to raise concerns at these Actions and they remain recommended.

3.4 ANALYSIS OF SUBMISSIONS RELATING SOCIAL AND ECONOMIC ACTIONS IN THE EXHIBITED DRAFT STRATEGY (ACTIONS 19 TO 38)

3.4.1 Exhibited Action 19: (Revised Action 23) Growth Targets

No submissions challenged the Strategy estimate of a need to plan for 50 new rural and rural residential dwellings per year as an interim goal while further review of rural residential supply is developed over the coming 5-10 years.

A number of submissions and the Rural Lands Committee see a need for greater supply to flow immediately from the lot sizing recommendations to set a reservoir of supply but that concept is explored in Sections 3.8 and 3.9.

Consultant's comment and recommendation:

The interim growth target of 50 dwellings per year remains the recommendation. (Revised Action 23)

3.4.2 Exhibited Actions 20 to 38 (Revised Actions 24 to 33 and 36 to 44)

In general, there was strong community support for the actions recommended on local food, education for new rural residents and business start-ups, growth of on farm income options and additional support for rural tourism. As such, these recommendations remain unchanged but some additional measures were suggested from community meetings, the Rural Producer Workshops and some submissions and they are assessed in Section 3.10.

Consultant's comment and recommendation:

No change to exhibited Actions 20 to 38 (revised actions 24 to 33 and 36 to 44), but see section 3.10 for additional measures recommended through the consultation.

3.5 ANALYSIS OF SUBMISSIONS RELATING TO ENVIRONMENTAL ACTIONS IN THE EXHIBITED DRAFT STRATEGY (ACTIONS 39 TO 41)

3.5.1 Exhibited Action 39: (Revised Action 46) Biodiversity Offsets and Voluntary Conservation agreements

There was significant objection at the community meetings, the first Producers Workshop and in some submissions to what objectors saw was enforcement of biodiversity agreements and conservation agreements on rural landholders.

The concern appears to be that some rural landowners when seeking development are considered to be being “coerced” by approval authorities such as Council, OEH, and Local Lands Service, to enter into binding agreements such as biodiversity offsets, Property Vegetation Plans and Voluntary Conservation Agreements as part of gaining some approvals for development.

Some submissions call for Council to not use these conservation agreements.

Consultant’s comments:

The Consultants offer the following discussion on this issue:

- The options for land owners to use biodiversity offsets or voluntary conservation agreements are not contained in a Local Environmental Plan or any other Council planning document. They are contained in the NSW Government biodiversity legislation.
- When development is proposed on land that has biodiversity assets, a neutral or improved biodiversity outcome as a result of that development is a reasonable goal. This can be achieved in a number of ways and it is the proponent’s responsibility to propose ways to achieve this outcome.
- The current biodiversity suite of legislation is under review but in the interim, the implications of that legislation set are that many lands in Eurobodalla face development constraints due to potential biodiversity impacts.
- For example, a significant proportion of the remaining rural small holding zone areas that remain un-subdivided are under native vegetation:
 - Development of roads, homesites, fire breaks and associated infrastructure requires clearing on such lands.
 - The biodiversity legislation provides for either offsets or other mitigation measures to be proposed by the developer. Where a developer does not propose any or sufficient mitigation measures, the development outcomes on the site may be reduced or the development application may be refused on legitimate grounds.
 - The biodiversity clause in LEP 2012 has a three-stage assessment process which first aims to avoid environmental impacts. Where impacts cannot be avoided, the second stage seeks to minimise impacts. The third stage, which seeks to mitigate against any impacts, is only triggered if the first two stages

cannot be adequately addressed. So, mitigation measures are a last resort requirement, not a standard requirement.

- To address the requirements and achieve consent to disturb some of the native vegetation may require the developer to enter into one of the several biodiversity protection agreements. For example:
 - A developer might buy offset lands from another owner of lands of similar biodiversity value and undertake to conserve that area through a biodiversity agreement.
 - Council or Local Lands Service may consider consent can be granted for some clearing works subject to other vegetation on the property receiving permanent protection for example through a Property Vegetation Plan.
- It may appear that the developer is being “forced” to enter into such agreements, but the reality is that these outcomes are negotiated, not dictated. Where required, Council will provide the proponent with a number of options to achieve the required mitigation. The proponent and Council then negotiate an acceptable outcome to both parties, and then the agreed measures are included in the conditions of development consent.
- The Consultants make the observation that the history of such agreements in NSW over the past one to two decades indicates some scope for improvement in operation and streamlining of process. There are examples of such agreements taking long periods of time to resolve. Some of the offset rule requirements seem quite stringent and to lack a scientific basis. As such some of the opposition to the processes is understandable and it is hoped the State biodiversity review may address these concerns and limitations in the current legislation and practice.
- But for Council to not participate in the process of offering developers the options of offsets and agreements is to see many potential developments in Eurobodalla be either stopped or constrained to a much greater degree than might have been the case if the developer had access to the biodiversity offset options and associated agreements. It may not even be a legal option for Council to refuse to accept a developer’s proposals for offsets, etc., if the developer wishes to initiate offsets or agreements as a way of resolving a development consent or Planning Proposal, otherwise barred by biodiversity constraints.
- For the above reason the Consultants cannot support the calls for Council to not participate in biodiversity offsets and agreements but it is also important the coming review of the legislation and operational aspects of biodiversity protection strive for a better and simpler operational model.

Recommendation:

The Consultants continue to recommend Action 39 (revised Action 46).

3.5.2 Exhibited Action 40: (Revised Action 47) Retention of the Native Vegetation overlay in the LEP

Exhibited Action 40 (revised Action 47) repeats the actions addressed in Section 3.2.6 of this Report and for the reasons in that Section is still recommended.

3.5.3 Exhibited Action 41: (Revised Action 48) Advocacy for improvements to the biodiversity legislation

Given the obvious concerns of some of the rural community over the impacts of the current biodiversity legislation, the recommended measures in exhibited Action 41 (revised Action 48) that Council might pursue as part of its input to the State Government Biodiversity review remain most valid.

3.6 ANALYSIS OF SUBMISSIONS RELATING TO THE ADVOCACY ACTIONS IN THE EXHIBITED DRAFT STRATEGY (ACTIONS 42 TO 51)

There was either no comment or mostly support for the Advocacy Actions 42 to 51 in the exhibited draft Strategy (revised Actions 50 to 59). No change to these recommendations is recommended.

3.7 ANALYSIS OF SUBMISSIONS RELATING TO THE MONITORING ACTIONS IN THE EXHIBITED DRAFT STRATEGY (ACTIONS 52 TO 54)

As with the Advocacy Actions, there was no objection to the Actions 52 to 54 in the exhibited draft Strategy (revised Actions 60 to 62) relating to mechanisms for monitoring the implementation of the Strategy. A final set of monitoring actions should await Councils resolution of the recommendations in this Report but otherwise the monitoring actions are recommended as exhibited.

3.8 ANALYSIS OF SUBMISSIONS REQUESTING REZONING OR A DWELLING ENTITLEMENT

3.8.1 Requests for a dwelling entitlement on an existing lot or assessment

13 submissions from the recent exhibition and past stages of the rural strategy process request Council grant a “Dwelling Entitlement” for a specified property. Table 4 in Appendix 7 lists all specific requests received for dwelling entitlements.

To grant such an “entitlement” would require an amendment to the 2012 LEP where a dwelling is currently prohibited on specific land to make it permissible for a dwelling to be granted subject to development consent. The simplest mechanism to implement such “entitlement”, where Council can justify supporting a request, would be to lot size the specific land so a dwelling is permissible with consent or alternatively apply a land use zone that provides automatic dwelling entitlement.

Land use planning should be a process of policy development and (to the extent they are justified) the application of land use controls to achieve defined benefits for the wider community. Where a specific benefit is to be granted to an individual or group, it is important for the integrity and equitable function of the overall planning system that such individual or group benefits only flow where they fit the wider community strategy.

Granting an entitlement just because a person requests one is not a valid planning reason to so grant an entitlement if the person bought the land knowing a dwelling was prohibited. To follow such a process is fraught with dangers:

- It can lead to the perception of favouritism of some individuals over others, even corruption.

- It can lead to the collapse of a logical planning system if people feel they can just knowingly buy land without dwelling potential and then simply lobby until they are granted an entitlement, without demonstrating planning merit.
- It can penalise the prudent purchaser who both does the sensible checks to prove a dwelling is permissible before purchasing and (in most cases) pays the premium in land price for the guarantee that the current planning rules allow a dwelling on that land.

The Consultants have considered the requests for dwelling entitlement and some have been accommodated in the proposed changes to the draft Strategy where they are justified on planning grounds in that they fit within the recommended new lot sizes.

The consultants have not made any assessment as to whether any of the submissions requesting a dwelling entitlement relate to a case where the owner can prove they held advice at time of purchase that the land had a dwelling right. Should any owner have such documentary evidence, then equity consideration may apply and justify granting an entitlement.

Otherwise for submissions that have requested a dwelling entitlement that have not been catered for in the draft Strategy, the request cannot be supported on planning grounds.

3.8.2 Requests for zoning to RU4, E4 or R5

58 submissions from the recent exhibition and past stages of the Rural Strategy process request Council grant some form of zoning change for a specified property. Table 3 in Appendix 7 lists all specific requests received for such rezonings and the consultant's recommendations.

A significant proportion seek rezoning from RU1 to RU4.

In a similar way to the assessment of dwelling entitlements discussed in Section 3.8.1, individual requests for rezoning should meet strategic planning objectives for the Shire to qualify for consideration. In the majority of requests, the proposal would see additional dwelling opportunities created for the specific property, often resulting in some increase in property value.

The Consultants have considered the requests for rezoning and some have been accommodated in the proposed changes to the draft Strategy where they are justified on planning grounds and fit within the overall lot size recommendations.

The Consultants utilised the following process in assessing the merit of these individual requests for more intensive zoning.

- Some requests fell in areas proposed in the strategy for rezoning and as such comply automatically with the strategic direction recommended.
- Other requests may adjoin existing rural small holding zones or recommendations for extensions of such zones. As such they may warrant addition now or to be referred to the recommended 5 year review.
- Some requests that did not satisfy the above two dot points recommended for later review.

- For submissions that have requested a rezoning that have not been catered for in the draft Strategy, the request cannot be supported on planning grounds as detailed in Table 3.

3.9 ANALYSIS OF SUBMISSIONS PROPOSING MORE GENEROUS LOT SIZING

3.9.1 No minimum lot sizing

This is a concept of minimalist land use planning where there would be practically no controls on the placement of dwellings. Essentially people could create lots down to not much more than a dwelling footprint- giving the options for urban scale development throughout the rural areas. The concept received majority support at the Rural Producers Workshop of 7 November 2015 and is favoured in a few of the public submissions.

The Consultants cannot support this concept for the following reasons:

- Urban density of dwellings across the rural landscape will cause a wide range of servicing and pollution issues. High density subdivisions require infrastructure such as reticulated water and sewerage.
- There are numerous community benefits in some planning controls and guidelines for rural areas. Just by way of example:
 - Lessening land use conflict;
 - Protection of “right to farm” by buffering agricultural operations from rural residential and urban development
 - Conserving amenity for existing residents;
 - Limiting the community’s exposure to infrastructure expansion costs and allowing orderly expansion of infrastructure; and
 - Protection of natural resources.
 - Protection of the commercial agricultural economy.
- The concept is well outside of anything likely to receive the necessary support at state level. The Agency comments include some of the requirements expected in the planning process by State level:
 - The RFS points to the fact many areas with poor access and high fire risk should not be allowed to have further residential development.
 - OEH and LLS point to a range of needs if biodiversity is to be protected and the massive yield of small dwelling lots possible under this option could see significant reductions in biodiversity.
 - Policies on protection of prime agricultural lands could not be achieved.
 - Many of the current S117 Directions of the Minister could not be complied with.

3.9.2 Halving the minimum lot sizes proposed in the draft Strategy

Some suggestions have been made to essentially halve the recommended lot sizes in the draft Strategy. For example, an area proposed for lot size 200 would go to 100, 40 go to 20, etc.

Council staff have modelled the changes this could generate using Map Info GIS as follows:

The detail on the methods used for estimating dwelling yields from changing lot sizes is explained in Section 3.9.3.

From the gross yield modelling of Council staff, the predicted actual increase in dwellings in the rural lands (RU1, RU4 and E4 zones) utilising the lot sizing in the exhibited strategy is approximately 250 dwellings.

If the lot size was halved for all areas mapped in the strategy, then the yield would increase to approximately 860 dwellings.

While the Consultants offer some additional supply options in Section 3.9.3, the Consultants do not support this degree of increased subdivision and dwelling potential for the following reasons:

- It would create the potential to fragment many commercial scale properties in the Shire into hobby scale holdings. There are less radical actions that can add to the supply of small lot farms but still conserve a viable commercial agricultural sector.
- It would lead to major increases in traffic on already substandard gravel roads and without the income base for Council to fund the increased standards such traffic increases would require on traffic and bushfire safety grounds alone.
- In some areas of higher environmental sensitivity the additional clearing and works for dwellings, access, fencing of boundaries, bushfire buffers and such like will have significant adverse environmental impacts.
- In some of the proposed RU4 areas of smaller lots (eg 10 to 2 hectares), further halving the lot size would create so many additional dwellings as to significantly alter the rural residential character of these areas in a manner that residents may find objectionable.
- It is considerably outside what is likely to comply with current State guidelines and policies for protection of rural lands and as such is unlikely to receive the necessary State level support to be implemented into a change to the LEP. It also is unlikely to receive support as it generates supply well beyond the 20 year forecasted demands of Eurobodalla for rural living and small lot farming.

3.9.3 Consultants recommended model for further supply

The Consultants recommend the landscape model as presented in the draft Strategy but with some further increase in planned supply as detailed below in this Section.

The following principles are considered important and are retained for the model recommended to Council:

- While there may be challenges ahead for commercial scale agriculture in areas such as Eurobodalla with high land values and pressure for hobby scale use of the land, there is ample land that is already in fragmented ownership to supply all likely smaller farm needs for the 20 year period without fragmentation of the properties of 100 ha or greater.
- Decreasing lot size to generate more significant yields or rezoning for higher density should only occur where servicing can be funded from the redevelopment.

- Some poorer serviced areas might accommodate some targeted minor increase in supply if it can be demonstrated not to take road capacity and bushfire risk in particular beyond the acceptable loading of the current road pavement and alignment.

Volume Three of the exhibited draft Strategy presented 38 regions where new lot size recommendations were made. It was estimated in the exhibited draft that these recommended change to lot sizes generated in the order of 100 to 130 additional dwelling opportunities.

Since exhibition, the consultants and Council staff have carried out further reviews and modelling including a review of submissions.

Table 1 below summarises a review by the Consultants (applying the principles in the above dot points) that would increase that yield to approximately 150-180 dwelling opportunities in the short term but also set processes in train to see eventual reviews and rezonings over perhaps a 5 to 10 year period that might generate an extra 120 to 140 dwelling lots (i.e. in the order of 300 potential dwelling lots).

The figures in brackets in the Revised Dwelling Yield column represent future yield (beyond the strategy implementation) if the additional recommended actions were implemented.

Table 1: Revised Comments for Inset Maps

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
1	This area at Murrengenburg would be zoned RU1 with a 200 ha lot size. No additional development is envisaged given constraints of access, bushfire and biodiversity.	0	Original comment still considered appropriate. Current zoning allows tourist facilities and similar development which part of this land might accommodate.	0
1a		0	Area on Kings Highway mapped as RU1 40 ha lot size. Recommend to retain	0
2	This area west of Nelligen would be zoned RU1 with a 40 ha lot size. No significant increase in dwellings given constraints of access, bushfire and biodiversity. This area is already in small ownerships.	2	<p>Estimate 12 existing dwellings. If lot size dropped to 20 the potential yield of dwelling lots might rise to 20 i.e. 32 dwellings excluding any dual occupancy.</p> <p>Physically the land may accommodate such development without substantial further clearing but would see 20 or more additional dwellings in a high fire risk area with one real (minor gravel) egress - may not satisfy 117 requirements. Prospects of improving access seem low.</p> <p>Recommendation is to stay with 40 lots size</p>	2
3	This area to the west of the existing E4 zone at Nelligen would be zoned E4 with a 10 ha lot size. This would allow dwellings on current vacant lots. The land is constrained due to access, bushfire and biodiversity issues.	3-4	<p>Estimate 7 existing dwellings. Application of a 5 ha lot size might see up to 10 more dwelling lots. Some of the land is constrained so a more realistic total dwelling number might be 12.</p> <p>The area suffers from a single gravel fire egress but is reasonably close to the Kings Highway.</p> <p>The recommendation is to reduce part of this area to lot size 5 ha as mapped 3a but detailed fire planning would be needed at DA stage and the overall proposal may not meet RFS Section 117 requirements. (see map 2)</p>	4
4	This area North of Nelligen would be zoned RU1 with 40 ha lot size. No significant increase in dwellings at this time given access and bushfire constraints. There are small areas of	3-6	<p>Area 4 is accessed mainly in 3 parts.</p> <p>South east of the Clyde is accessed through State Forest to the Princes Highway. There are estimated to be 25 existing dwellings in this section.</p> <p>There is practically only one direction of access and high fire risk.</p>	3-6

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	quality river flats but the ownership pattern is already fragmented into small properties.		<p>The north-east contains about 30 existing dwellings or weekenders and is accessed by a single route – Donovan Creek Rd. Fire risk is considered high.</p> <p>South-west of the river is accessed by Black Flat and The River roads which effectively are one real egress. This section is estimated to have 16 existing dwellings or weekenders. Fire hazard is also high.</p> <p>The original assessment that this area should not see any significant expansion of development has merit and that recommendation is maintained. It is unlikely any of the area could be made compliant with the 117 Bushfire direction.</p> <p>This problem does not justify exacerbation by adding large numbers of dwellings that a reduction in lot size to 20 ha may generate.</p> <p>The recommendation is to hold to a 40 ha lot size.</p>	
4a		0	Bendandarah area. Originally mapped as RU1 with 40 ha lot size. Following review recommend RU4 with 40 ha lot size. This will permit consideration of a dwelling on the existing ownerships. (see Map 3)	4
4b		0	South Durras area originally mapped RU1 with 40 ha lot size and recommended to retain.	0
4c		0	Longbeach . Originally mapped as RU1 and 100 ha lot size and recommended to retain.	0
5	These remnant areas West of Batemans Bay would be zoned RU1 with 40 ha lot size. No additional dwellings envisaged due to constraints.	0	Original recommendation is considered appropriate. Bushfire, access and environmental constraints minimise prospects of further dwelling yield.	0

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
6	These small parcels North of Mogo would be zoned RU4 with a 20 ha lot size. No additional subdivision due to constraints but a dwelling permissible on existing lots.	4-6	Original recommendation is considered appropriate except for a small area now numbered 6a. Bushfire, access and environmental constraints minimise prospects of further dwelling yield.	4-6
6a			Small area adjoining Mogo village- requires detailed review in conjunction with village. Place in RU1 with 40 ha lot size as holding action. (see map 4)	0
7	North of Rosedale- proposed RU1 zoning with 40 ha lot size. Steep lands with access, bushfire and biodiversity constraints and coastal values.	2	Original recommendation is considered appropriate for part of the area (see 7b- Map 5)). But a section is already in separate ownerships where all lots have dwelling rights so a change to E4 and 10 ha lot size is recommended for this area	3
7b		0	This is the residue of the area 7 exhibited and is recommended to stay as 40 ha lot size and RU1.	0
8	This area surrounding Dunns Creek Road at Mogo would be zoned RU4 with part 10 ha and part 20 ha lot size. The area has some drainage constraints and bushfire hazard but good through-access. The area is already in small holdings and has only small areas of agricultural land.	8-10	Original recommendation is considered appropriate. Bushfire, and environmental constraints minimise prospects of further dwelling yield.	8-10
9	This area immediately south of Mogo would be zoned RU1 with a 40 ha lot size. Minimal further subdivision or dwellings warranted at this time. The area needs further review to consider impacts of Zoo and extractive industry.	2	This area might accommodate some further small lot farm development in the future but needs a local investigation regarding the need for buffers to the zoo and other uses in the area. The relevant landowners may wish to fund a Planning Proposal investigation.	6
10	This existing estate at Jeremadra would be zoned RU4 with a 10 ha lot size which reflects its likely potential.	6-8	There are some drainage, fire and biodiversity constraints that may limit yield if a 5 ha lot size was selected and the character of the area would change significantly.	6-8

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	Dwellings would be permissible on existing lots and minor further subdivision of larger lots would be possible. This area is in small ownerships and is now a de facto rural residential area.		Retention of 10 ha lot size is recommended.	
10a		0	Old Mossy Pt Rd area exhibited at RU1 and 40 ha lot size. Recommend retention	0
11	This area of small lots on Broulee Road would be zoned RU4 with a 10 ha lot size. This would permit minor further subdivision of the existing lot pattern.	2	Recommend retain exhibited lot size.	2
11a			Broulee Rd exhibited RU1 with 100 ha lot size. Recommend retention	0
12	Guerilla Bay proposed RU1 zone with 40 ha lot size. This is important coastal land and warrants retention at current development scale.	0	Original recommendation is still supported given constraints.	0
12a			Small area at Mossy point. Was exhibited as all E4 with 2 ha lot size. Part of site is EEC and recommended for E2, with remainder suitable for urban style development and recommended to be E4 at a 1000sq metre lot size to facilitate residential development at the entry to Mossy Point. (see map 6)	15
13	Larrys Mountain Rd. Currently contains commercial agricultural lands. Propose RU1 with 100 ha lot size.	2	Most of this area is in productive agricultural holdings and should be retained if the principle of protecting larger agricultural holdings is supported. There are some smaller holdings but generally with poor access, steep terrain and fire/environmental constraints.	2
14	Hawdons Rd area. Propose RU1 with 40 ha lot size. Mostly fragmented	2	Original recommendation is valid. The Area has too many constraints for further reduction in lot size.	2

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	ownership and constrained for further development given access, biodiversity and bushfire.			
15	River flats and surrounding rural lands north of Moruya. Part flood prone and part constrained with bushfire and biodiversity. Propose RU1 with 100 ha lot size.	2	Original recommendation retained.	2
16	Three existing small lot subdivisions. Propose RU4 with 10 ha lot size to reflect existing development.	0	All three areas are substantially subdivided to a 10 ha pattern and creation of 5 ha lots would be challenging for most lot owners given current lot shapes and site constraints. A minority of lots may justify a split into 2 and owners of larger frontage lots with lower constraints might be invited to submit individual planning proposals for a split into 2 lots using differential lot sizing.	(6-10)
17	South East Moruya. Propose RU1 with 40 ha lot size. Mostly fragmented ownership. Possibly an area for further review at a later stage for R5 but has wetland and access constraints	2	Physically, sections of this area might accommodate a lot size of 20 or even 10 ha but access is problematic and would need an overall strategy agreed to by several owners. Recommendation is to retain as 40 ha lot size but flag for RU4 or R5 investigation over the coming 5 years. Owners may need to participate in a study of access and constraints.	2 (20)
17c	East Moruya RU1 With 100 ha lot size. Recommend retention	0	On reflection this area is similar to 17 and is recommended for RU1 and 40 ha lot size. (see Map 8)	0
17a		0	Moruya Heads South was exhibited as RU1 with 40 ha lot size. On review recommend E4 with 40 ha lot size. This reflects the potential to allow a dwelling on existing lots but also recognises the environmental constraints of the land. (see map 7)	2

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
18	Congo. Propose RU1 with a mix of 40 and 100 lot size and a holding position. Possibly review as a future phase to assess for part of the area as E4 with lot sizes 5-10 ha.	0	This area demonstrates some potential for E4 zoning or village extensions but requires a masterplan to address access strategy and environmental constraints before further development should be contemplated. Some land changed to RU4 10ha and E4 10ha to correlate with existing zones. Recommend retain the exhibited lot sizes (with exception of some E4 and RU4 10ha- see Map 9) but consider as part of any rural residential or urban reviews in the coming 5 years.	2
18c		0	Exhibited as RU1 with 40 ha lot size and recommend retain	0
19	Little Sugarloaf Rd. This area has limited access and is heavily forested. It is proposed to be zoned RU1 with a 500 ha lot size to contain development to the current scale.	0	Original recommendation supported. Land is of high fire risk and access challenged and unlikely to address the 117 bushfire and environmental requirements.	0
20	General rural area south of Moruya. This area contains good agricultural lands in larger holdings. It is proposed for zoning RU1 with a 100 ha lot size to protect the agricultural lands.	4-6	This area is mostly commercial scale agricultural land. A small section in the north may warrant investigation over the coming 5 years for R5 or RU4 zoning. Reducing lot size will expose commercial holdings to splits into hobby scale farms. Also important to retain the buffers to the Abattoir which is more likely under a larger lot size. Recommendation is to retain the 100 ha lot size but review, over the coming 5 years, the potential for more R5 or RU4 supply in the northern section.	4-6 (40)
20a		0	Wamban Rd- exhibited as RU1 with 100 ha lot size. Recommend retention	0
21	Lands immediately north of Coila Lake. This area is partially cleared lands in small ownerships with	4-6	The previous recommendation for a 20 ha lot size is still supportable. The proximity of this land to Coila lake is a major constraint.	4-6 (10)

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	moderate slopes falling to the Lake. The area has high coastal values and the foreshore areas of Coila Lake warrant protection. Proposed zoning is RU4 with a 20 ha lot size that would conserve the amenity and environmental values but allow a slight intensification and set the long term land use pattern.		Some individual lots may justify a split into sizes of about 5-10 ha if excellent homesites can be planned that have a wide separation/buffer to the lake (suggest 300 metres lake buffer and not within 100 metres of any drainage line). Recommendation is to retain the 20 ha lot size but if individual owners wish to fund Planning Proposals for minor splits that establish additional dwelling lots with minimal adverse impact on the lake, that Council might assess these on their merits.	
22	Lands surrounding Turlinja Village. The lands west of the highway are less constrained small ownerships with sections of cleared and forested lands. Access side roads exist off the highway. Zoning RU1 with a 20 ha lot size is recommended which would allow minor infill. This area may be a target for further review in time for RU4 or similar zoning at a smaller lot size. The area east of the highway is constrained by coastal values and is in the immediate catchment of Coila or Tuross Lakes. It is recommended for zoning RU1 with a mix of 100 ha and 40 ha lot sizes which would not generate additional yield.	8-10	The original recommendation is supported. The area west of the highway with further masterplanning may accommodate some areas at lower lot size but some areas are constrained in terms of bushfire, access and biodiversity. The RMS may tolerate the 2-3 extra dwellings accessing via the current highway accesses with minor improvements (as envisaged in the 20 ha lot size option) but greater densities will almost certainly trigger more significant upgrades as current intersections are modest.	8-10 (15-20)
23	Several larger holdings at Potato Point. Mostly forested with a range of environmental constraints. Proposed for zoning RU1 with a 100 ha lot size.	2	On review this area is already fragmented into smaller ownerships and as such a lot size of 40 ha is recommended (see map 10)	2-3

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
24	Two areas of larger holdings south of Bodalla. Partly forested generally low value agricultural lands, difficult / costly highway access of any significant development. Propose zoning RU1 with 100 ha lot size.	6	Retain original recommendation.	6
25	Potato Point Road / Horse Island Rd area. Small ownerships east of Bodalla with direct drainage to Tuross river and wetland areas. Significant forested sections with environmental and fire constraints. Propose zoning RU1 with 40 ha lot size to contain further development.	0	Recommend retention of part of exhibited 40 ha lot size . The majority of current ownerships have a dwelling. (see map 10)	4 (2-4)
25a	Potato Point Road		This is a section of the exhibited 25 which is now recommended to be lot sized 20 ha given a number of small existing ownerships where a dwelling may be acceptable with consent. Further, this provides for potential subdivision of some lots immediately fronting Potato Point Road. See Map 10	5-6
26	Bodalla – Eurobodalla valley system area. Significant areas of prime agricultural lands in larger holdings. Propose minimal further subdivision and dwellings with RU1 zoning and a 200 ha lot size.	2	If the principle of protecting commercial scale agricultural holdings is accepted by Council, then this area should retain the recommended 200 ha lot size. A small area is recommended for 40 ha in 26a	2
26a			A small fragmented area where a lot size of 40 ha is recommended. (See map 11)	1
27	Kianga area north west of Narooma. Mid-sized forested holdings with limited access and biodiversity and fire	5	Previous recommendation is considered appropriate. The area is heavily constrained. Most ownerships appear to have an existing dwelling. If there are current ownerships below 40 ha, Council may consider individual Planning proposals to allow a dwelling if there is an acceptable site.	5 (4-6)

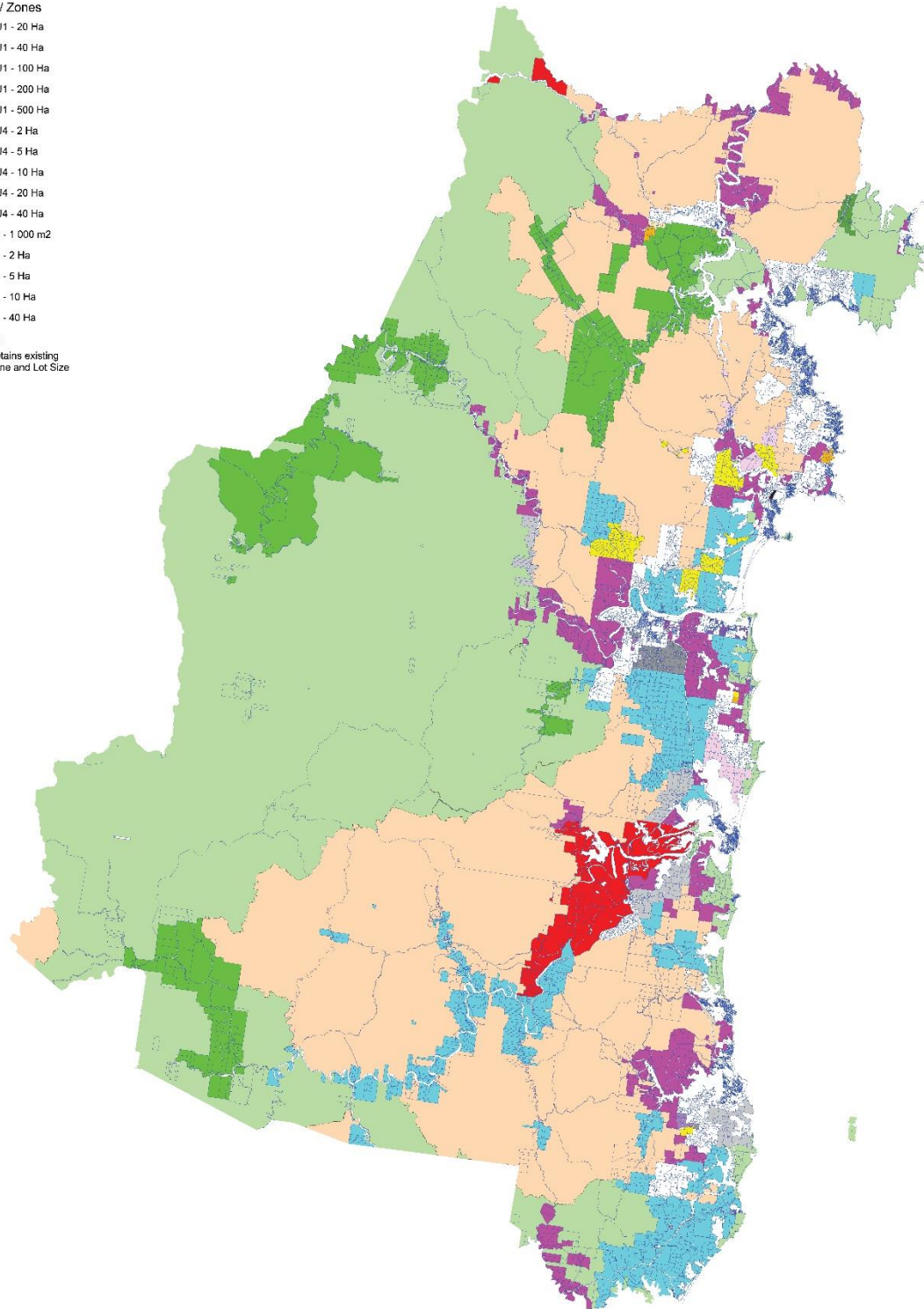
Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	constraints. Propose RU1 zoning with 40 ha lot size.			
28	Smaller holdings south of Narooma straddling the highway. In the direct catchment of Nangudga Lake. This area may warrant further review with some sections having potential for further rural residential development if environmental constraints can be addressed. As a holding action RU1 zoning is recommended with a 40 ha lot size.	0	Previous recommendation is considered appropriate. The area is heavily constrained. Most ownerships appear to have an existing dwelling. If there are current ownerships below 40 ha, Council may consider individual Planning proposals to allow a dwelling if there is an acceptable site.	0 (4-6)
29	Several areas of smaller holdings – mostly forested lands west and south west of Narooma. Constrained access, bushfire and environmental constraints. Propose RU1 zoning with 40 ha lot size.	2-4	Most existing ownerships appear to have a dwelling. Previous recommendation is supported. If there are current ownerships below 40 ha, Council may consider individual Planning proposals to allow a dwelling if there is an acceptable site.	2—4 (4-6)
30	Small area of land adjoining current RU4 zone. Propose RU4 zoning with a range of lot sizes from 2 to 10 ha to reflect the topography.	12-16	Previous recommendation is supported.	12-16
31	Closed valley off Hobbs Point Road. Limited access and larger holdings. Propose RU1 zoning with 100 ha lot size.	2	Previous recommendation is supported.	2
32	Tilba land system. Significant areas of prime agricultural lands in mid-sized holdings, important landscape values. Conserve current position by	2	Previous recommendation is supported. But Council might effect a detailed review of Mystery Bay as part of the urban and villages review	2

Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	recommending RU1 zoning with 100 ha lot size.			
33	Dignams Creek area. Constrained access and partly forested small ownerships. Propose zoning RU1 with 100 ha lot size to retain current density.	0	Most of the current ownerships appear to have a dwelling. A 40 ha lot size would only generate perhaps 3-5 additional dwellings. Recommendations is to change to 40 ha lot size. (See map 12)	3-5
34	Nerrigundah Valley area. Limited access, many smaller holdings significant forested areas with fire and biodiversity constraints. Propose RU1 zoning with 100 ha standard.	2	Recommend retention of the 100 ha lot size but existing owners of vacant land might be considered for Planning Proposals that allow a dwelling subject to proof of an accessible homesite with acceptable fire and biodiversity impacts.	2 (6-10)
35	Belowra. Mostly large commercial holdings with significant areas of good grazing lands. Propose RU1 with 500 ha lot size to retain current densities.	1-2	This area might be low sized to , say 250 h - a size that may still represent part-time commercial holdings but that may see 10 to 12 more dwellings in an area of limited access. Recommended to retain a 500 ha lot size but Council consider a planning proposal from any existing vacant ownerships below lot size where an acceptable homesite might be demonstrated.	1-2 (2-4)
36	Deua/ Merricumbene. Several very large holdings of mostly steep, forested land. Difficult access and remote, significant fire and biodiversity constraints. Propose RU1 zoning with 500 ha lot size.	6-8	Previous recommendation is supported.	6-8
37	Deua River Valley. Many small holdings. Poor access and high bushfire and biodiversity / catchment constraints. Many steep areas.	2-4	Retention of a 40 ha lot size is supported for much of this area. However on review the central area now numbered 37b justifies a 20 ha lot size to reflect small farm potential while the areas numbered 37a and 37c are recommended to remain 40 ha. (see Map 13)	6

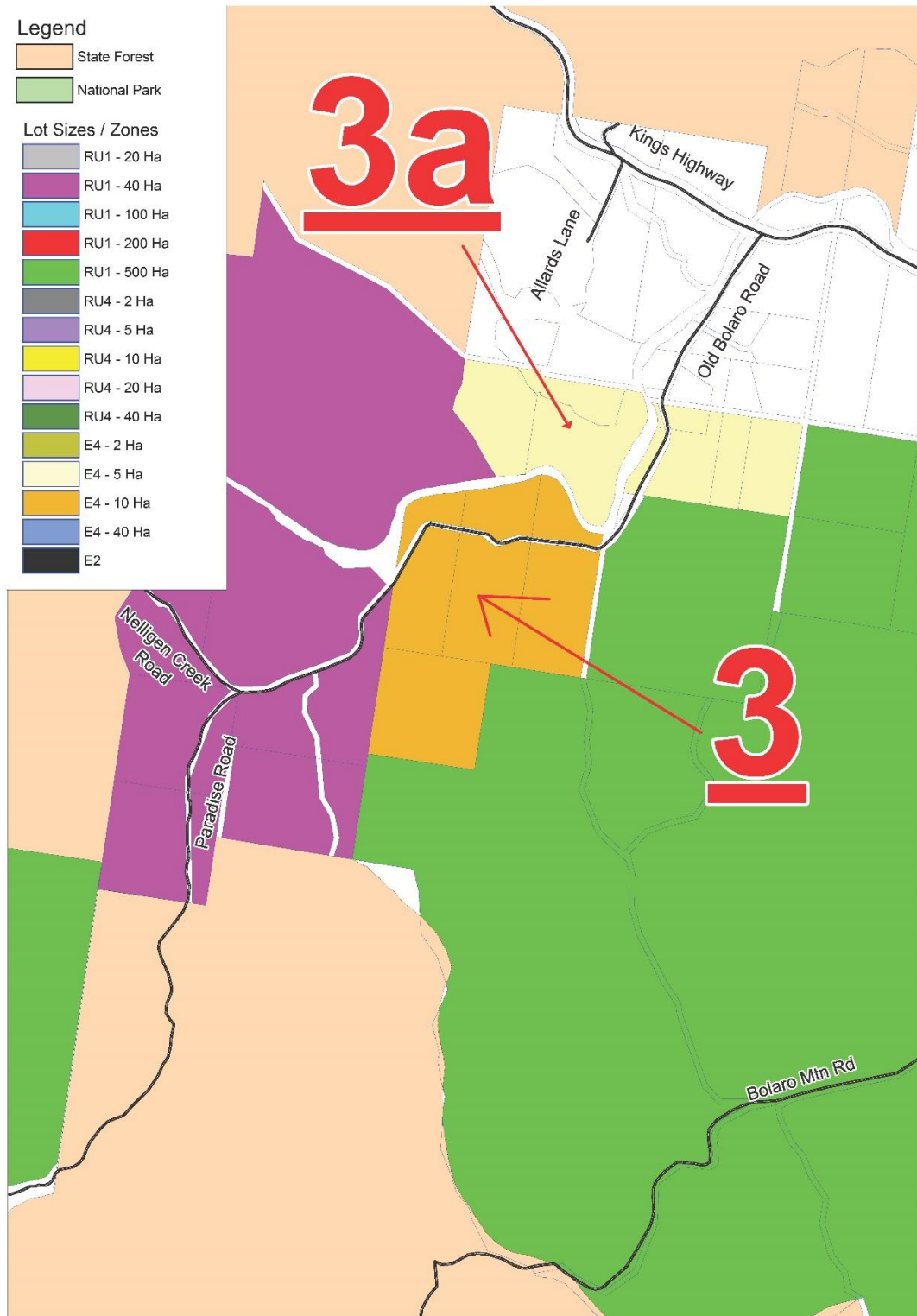
Strategy Identification Number	Original Comment	Potential dwelling lots	Additional comment	Revised Dwelling Yield
	Propose RU1 with 40 ha lot size to retain current pattern.			
38	Buckenbowra / Runnyford. Several large holdings and scattered smaller forested holdings. Relatively remote with difficult access. Propose RU1 zoning with 500 ha lot size.	2-4	Previous recommendation is supported.	2-4
39 and 40	South Moruya R5		On review it is recommended this area change from R5 zone to RU4 to reflect the style of the land which is more hobby and small lot farming. No change to lot size is recommended at this stage but may be reviewed to see if extra yield is justified as part of the recommended 5 year review. (See Map 14)	0
	Total estimated additional dwellings or lots. (Note this is a maximum estimate and a number of areas have development constraints that would lessen that yield.)	102-131	Revised maximum total increases to 147-177 additional dwelling lots. Note if the additional planning proposals and other follow on measures were also implemented perhaps a further 117 to 142 dwelling parcels might be created.	148- 178 (113-138)

Map 1: revised lot sizing shire wide

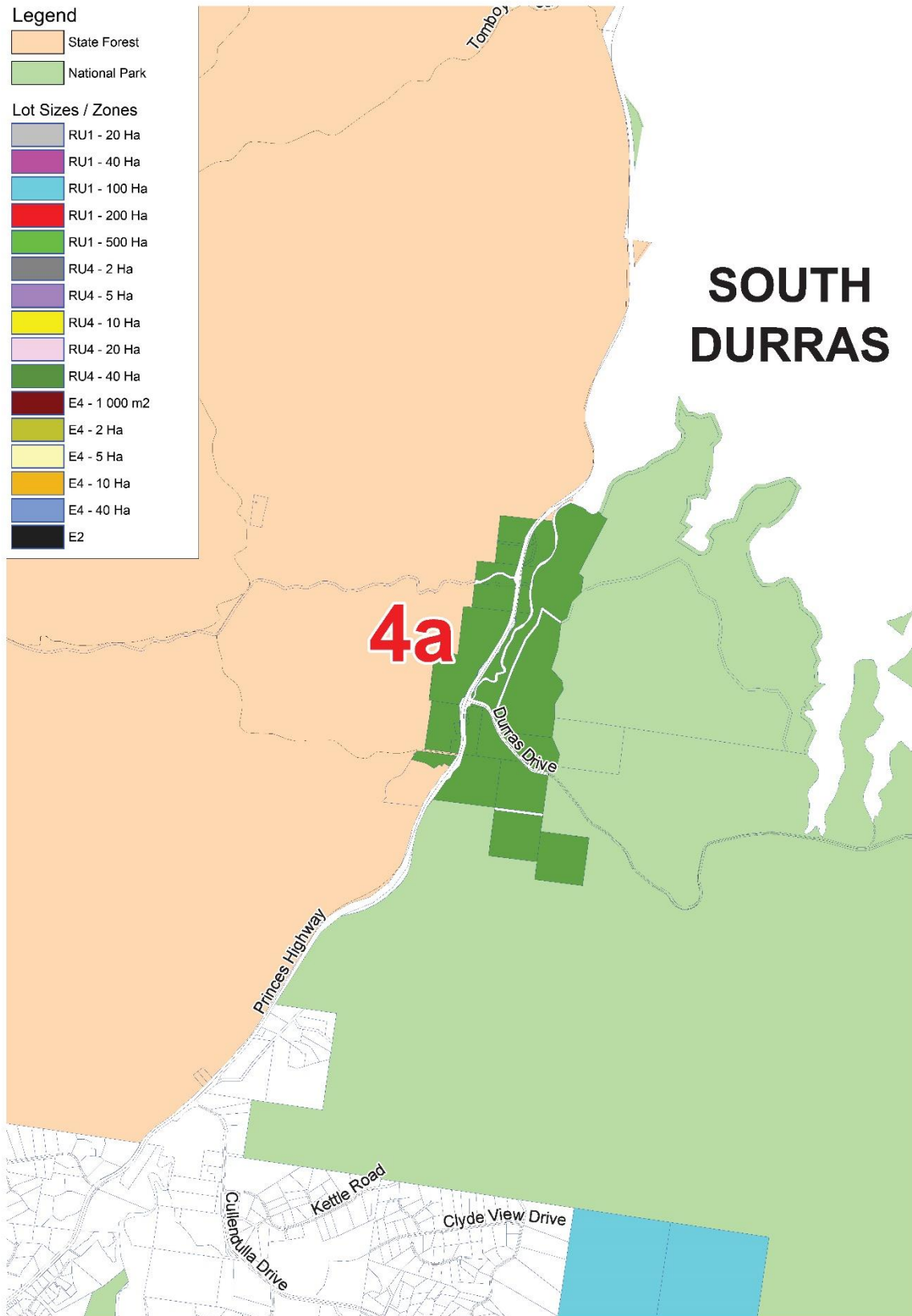
- Legend**
- State Forest
 - National Park
- Lot Sizes / Zones**
- RU1 - 20 Ha
 - RU1 - 40 Ha
 - RU1 - 100 Ha
 - RU1 - 200 Ha
 - RU1 - 500 Ha
 - RU4 - 2 Ha
 - RU4 - 5 Ha
 - RU4 - 10 Ha
 - RU4 - 20 Ha
 - RU4 - 40 Ha
 - E4 - 1 000 m2
 - E4 - 2 Ha
 - E4 - 5 Ha
 - E4 - 10 Ha
 - E4 - 40 Ha
 - E2
 - Retains existing Zone and Lot Size



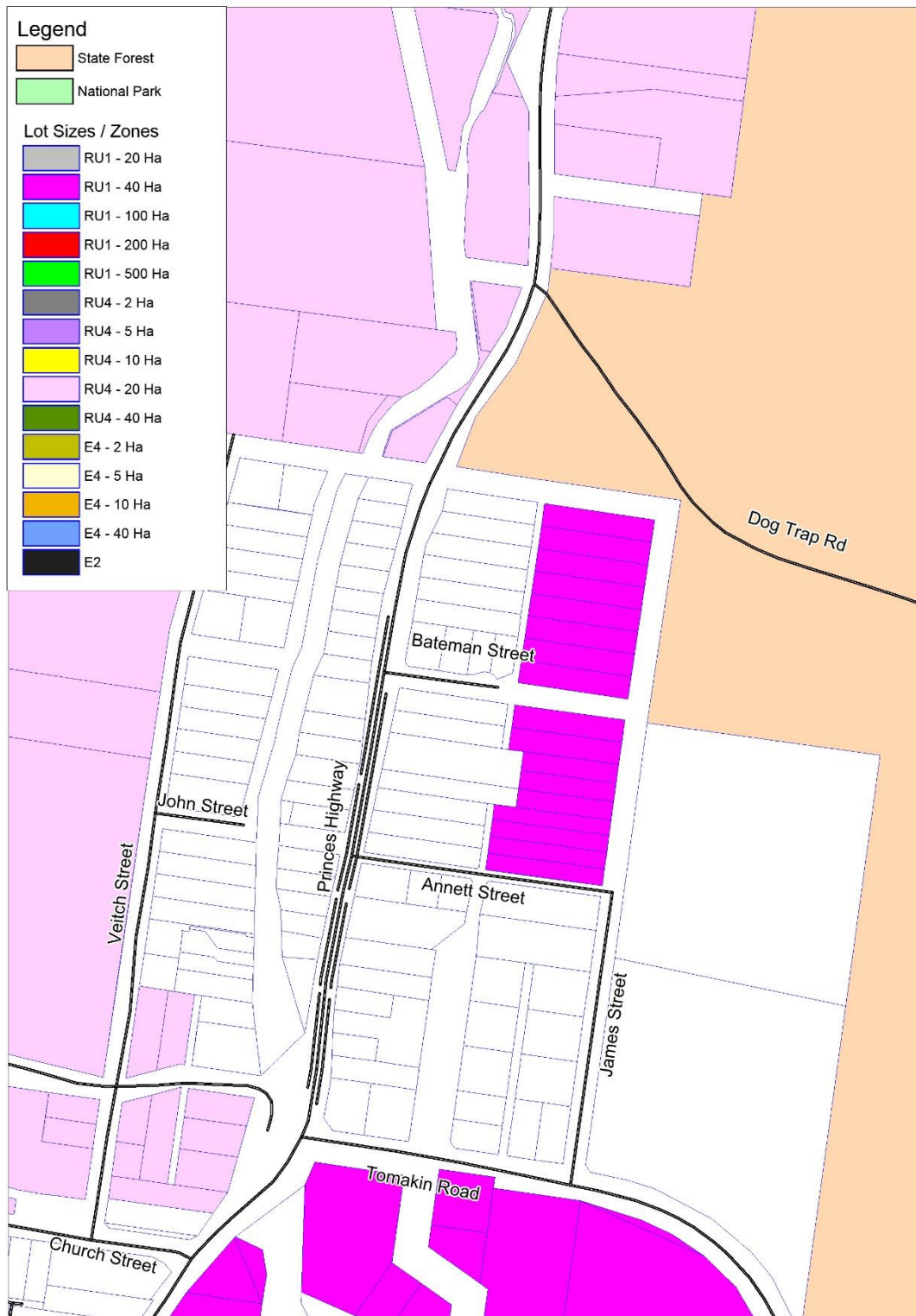
Map 2: Area 3



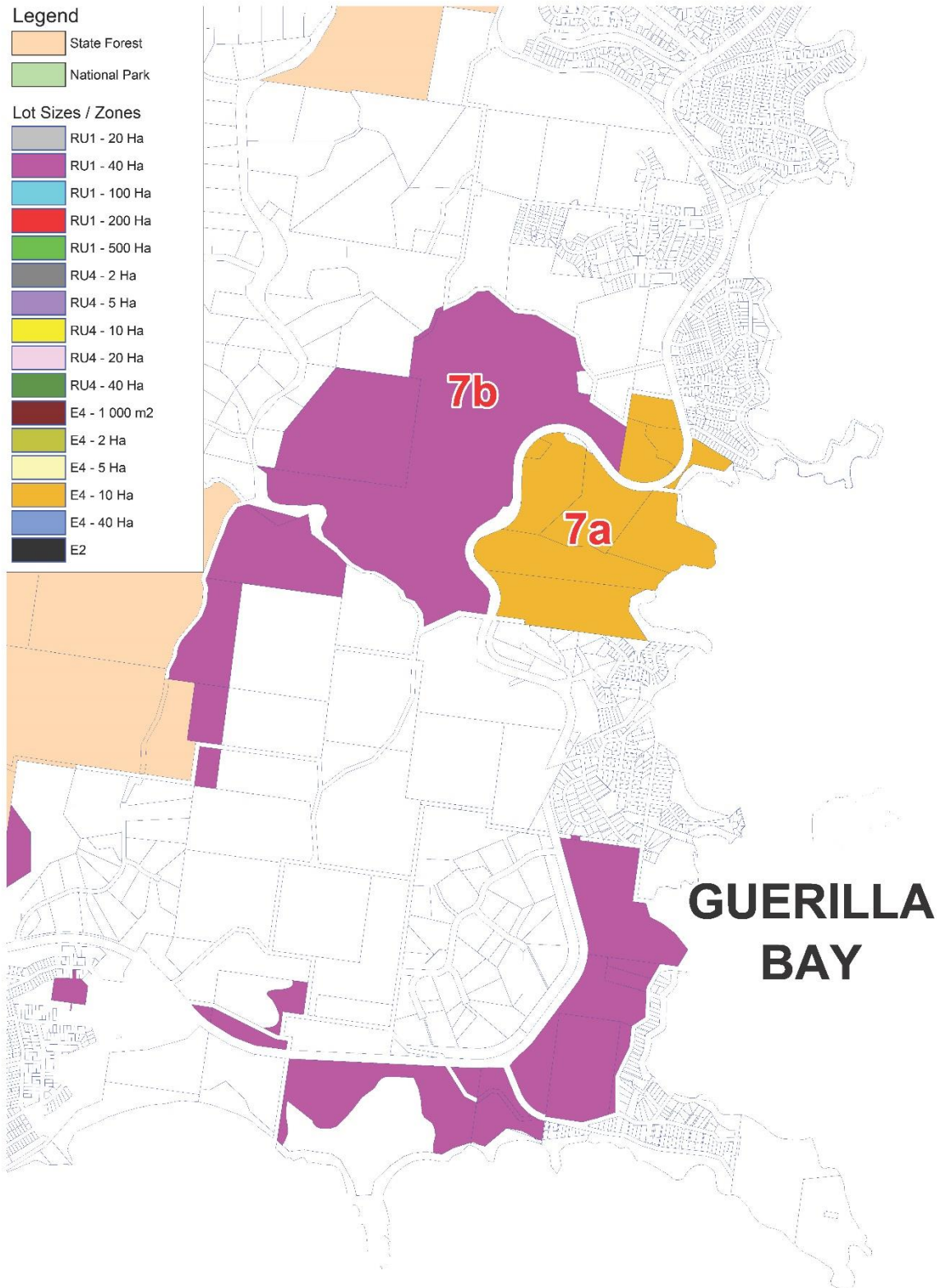
Map 3: Area 4a



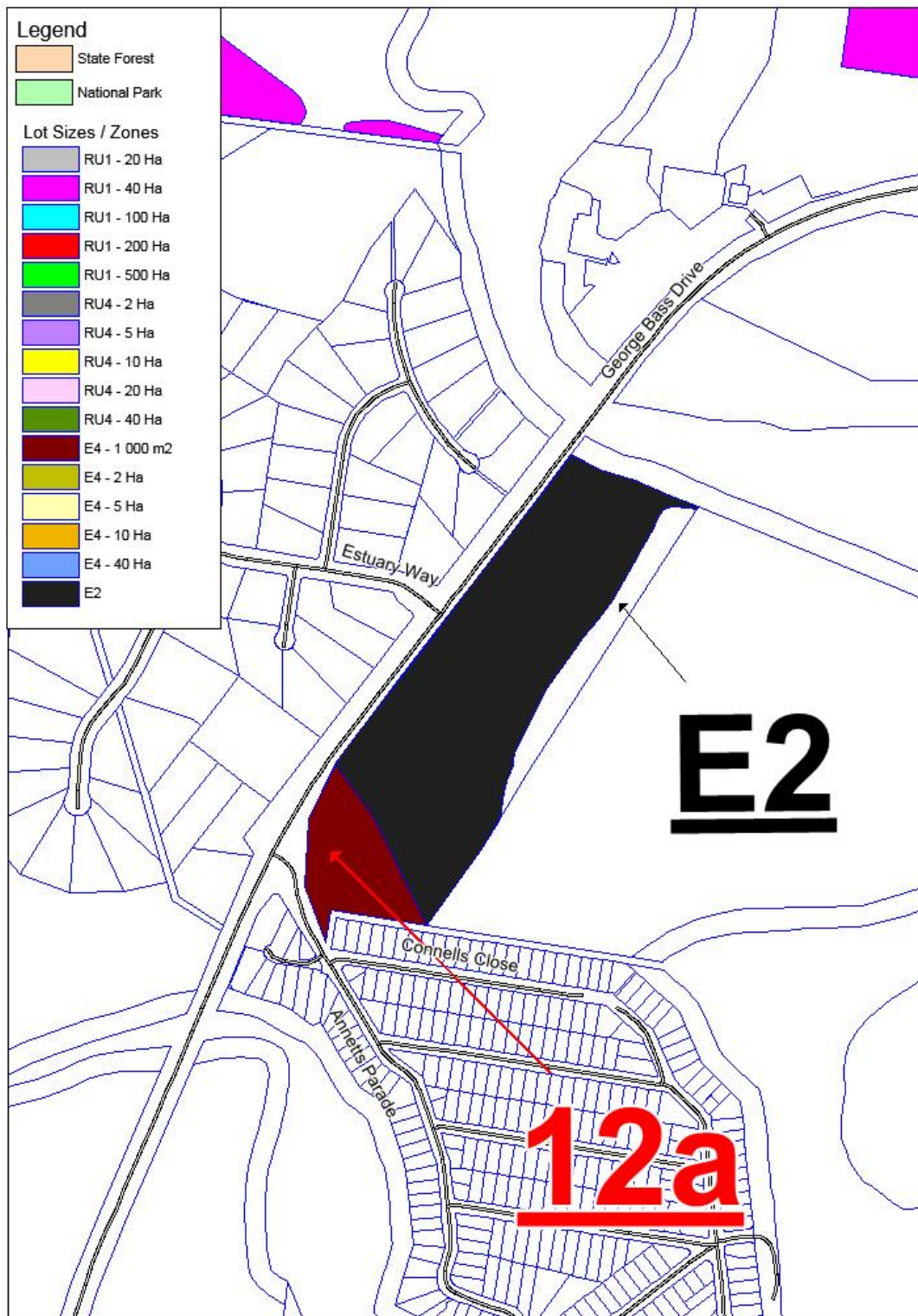
Map 4: Area 6a



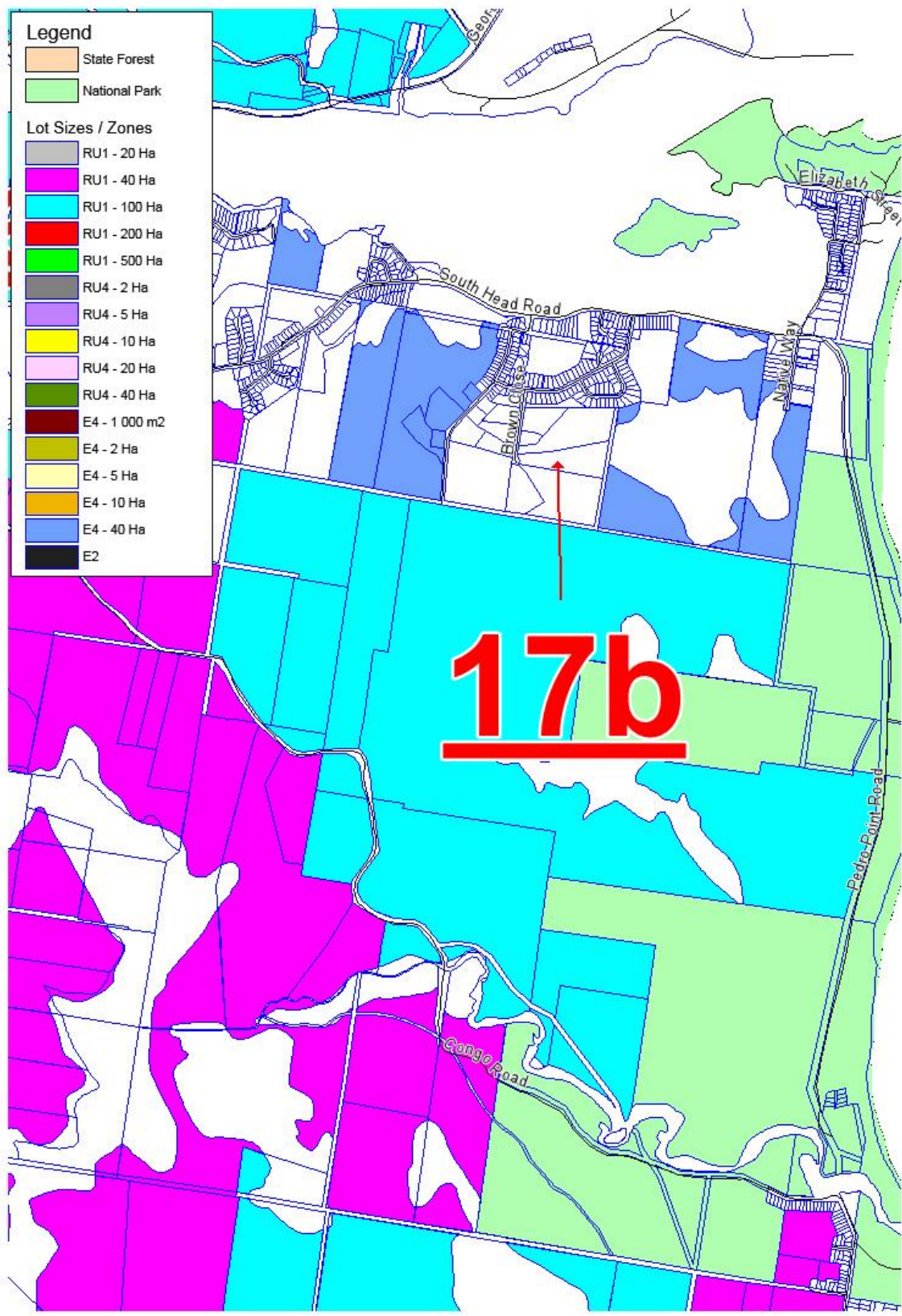
Map 5: Area 7a and 7b



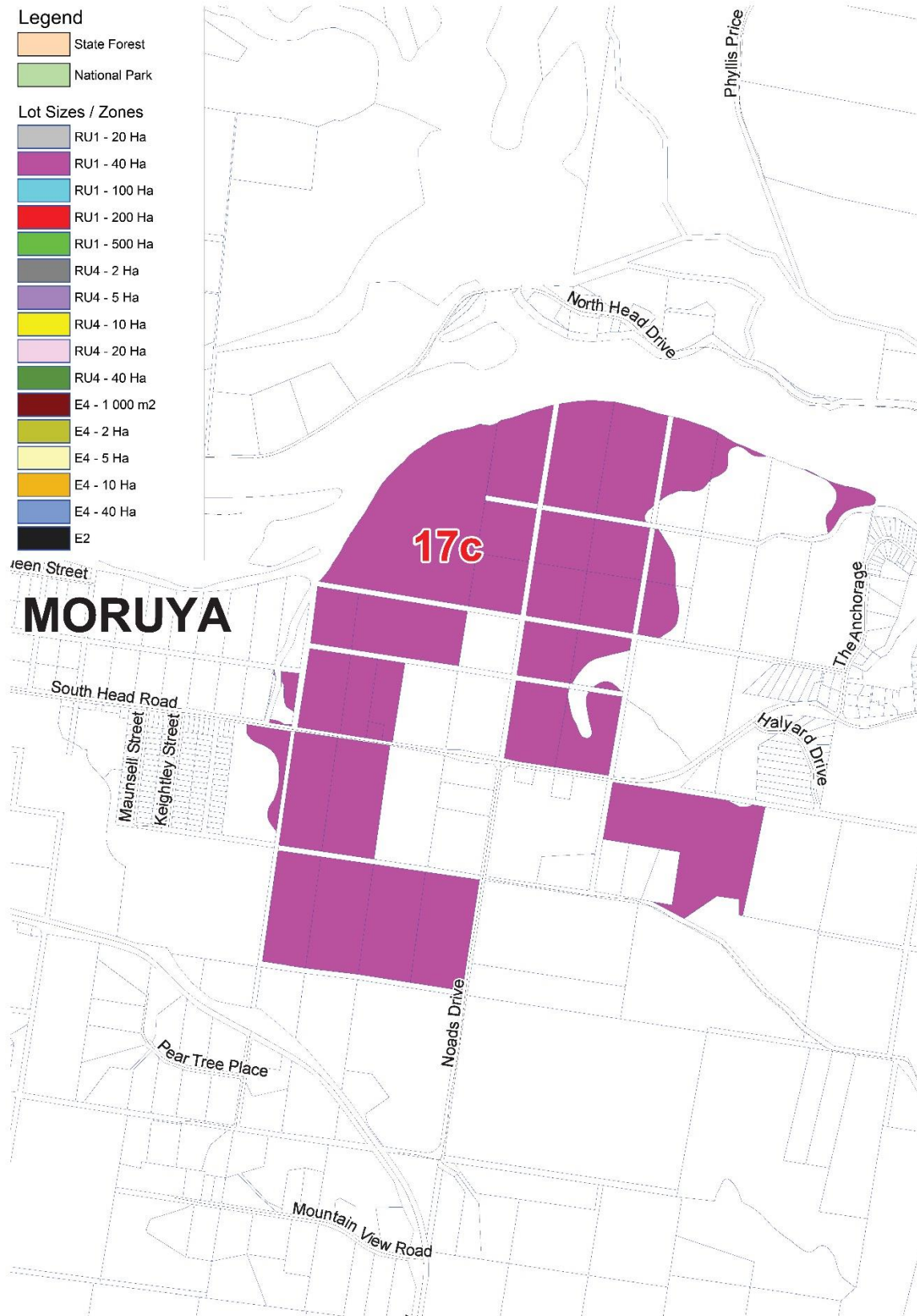
Map 6: Area 12 a



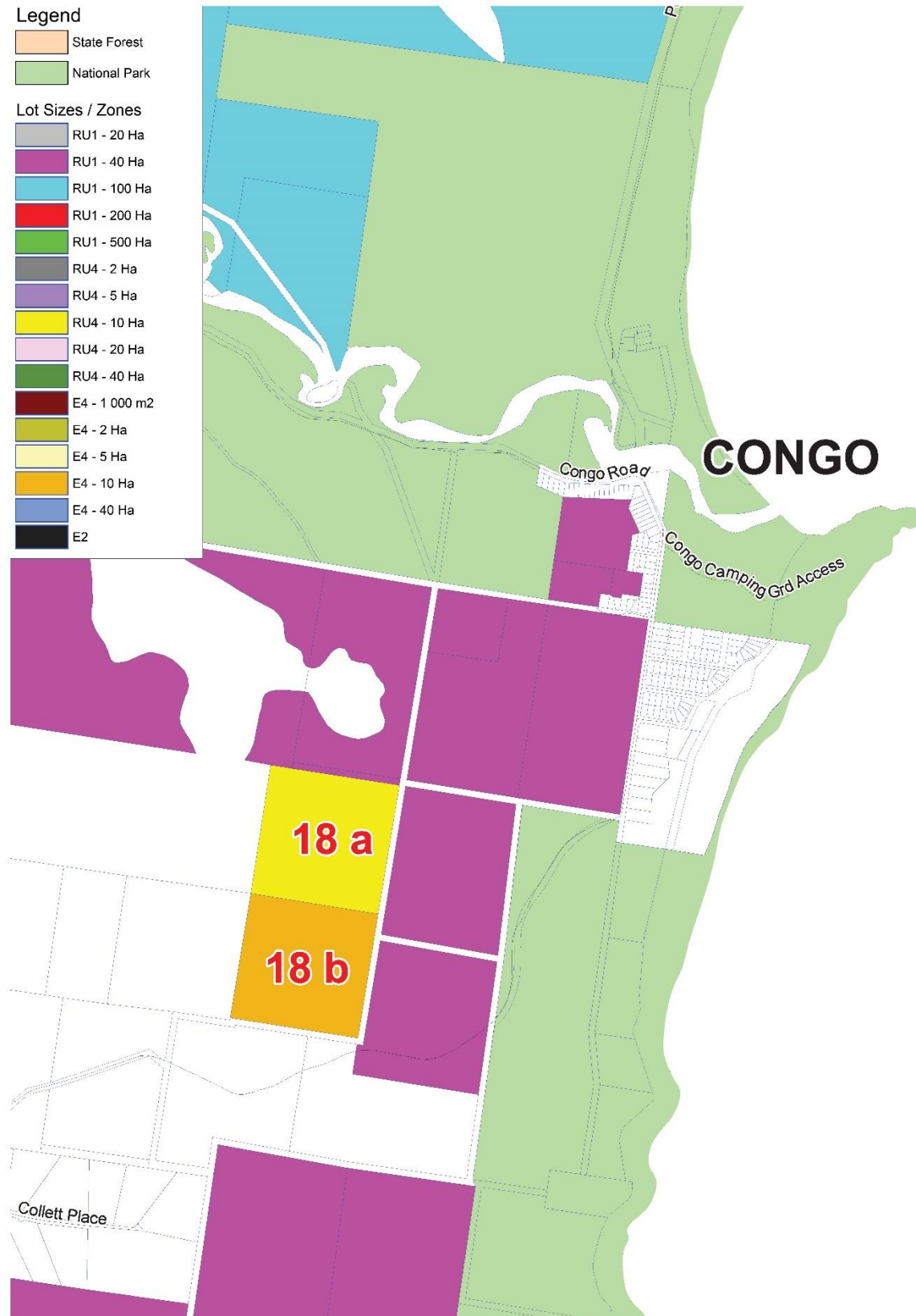
Map 7: Area 17b



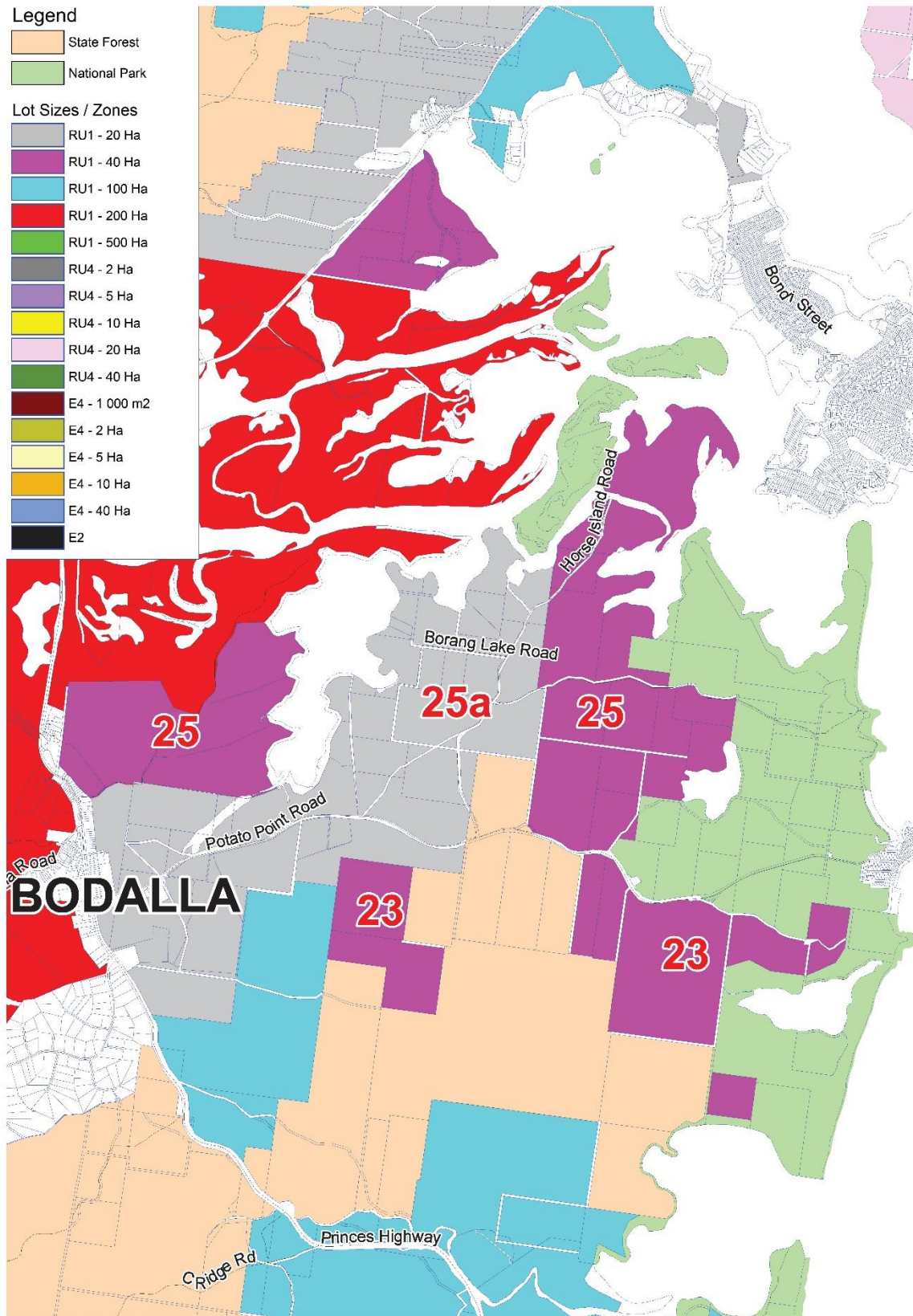
Map 8 Area 17 c



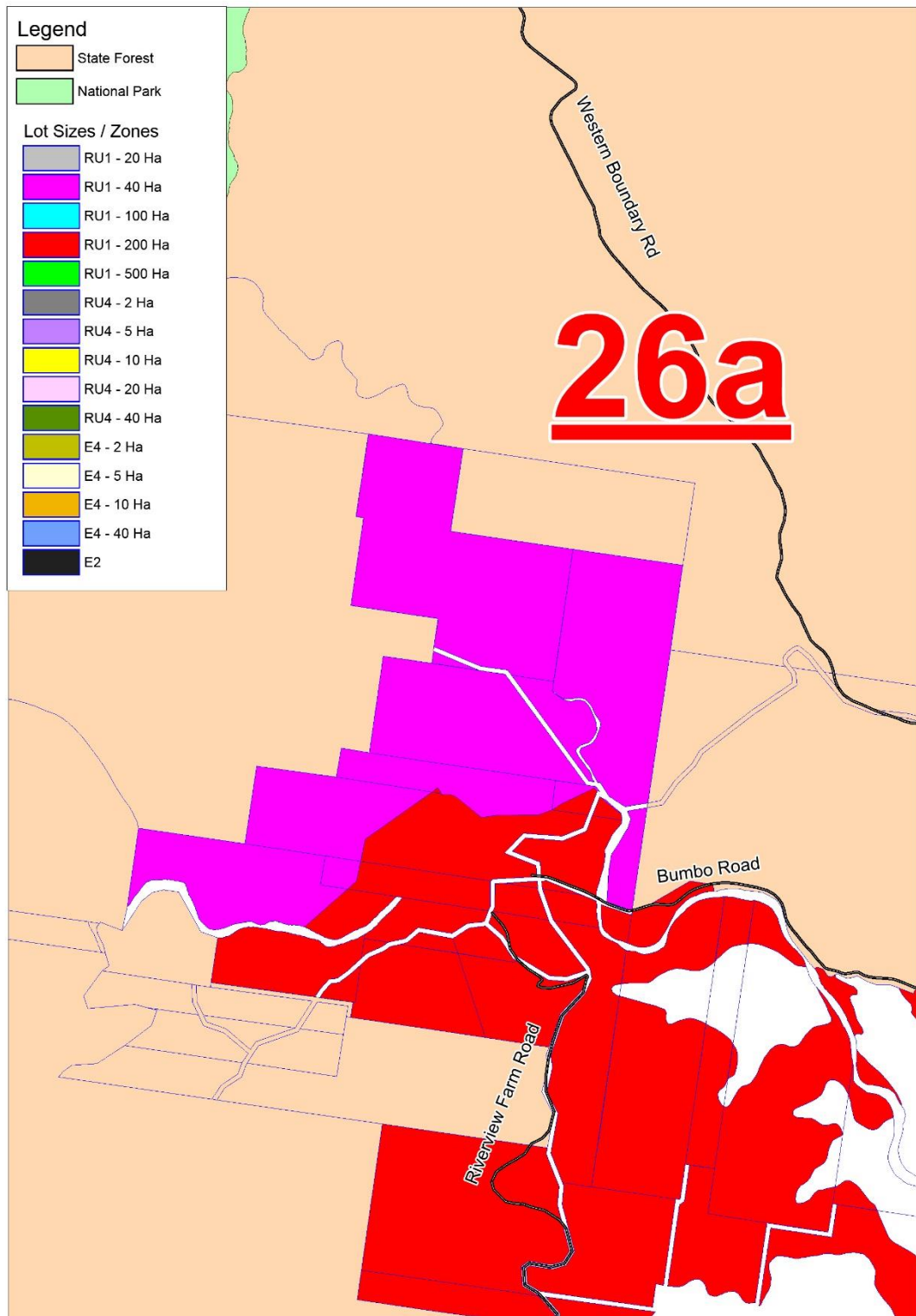
Map 9: Area 18a and 18b



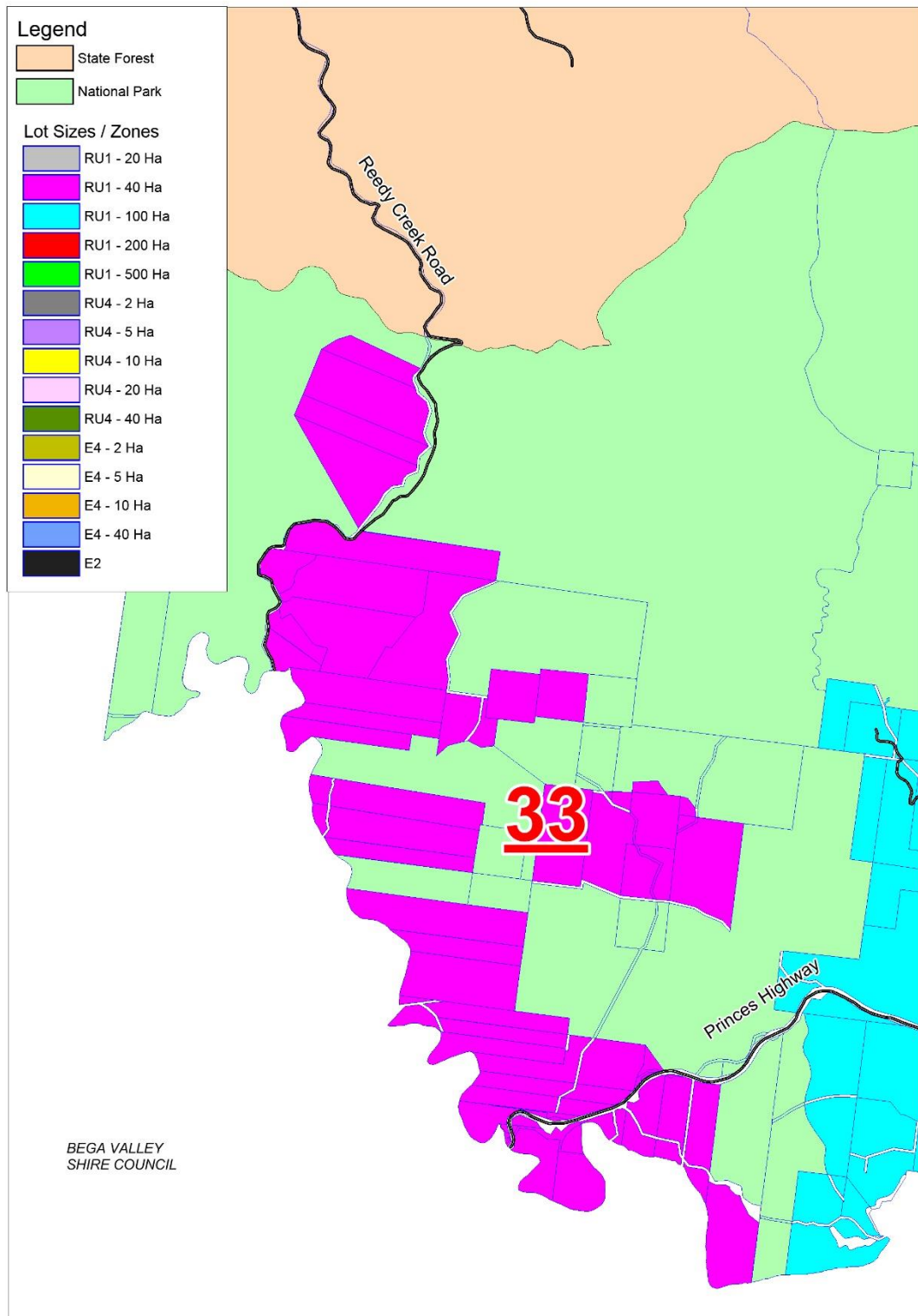
Map 10: Area 23 25a and 25



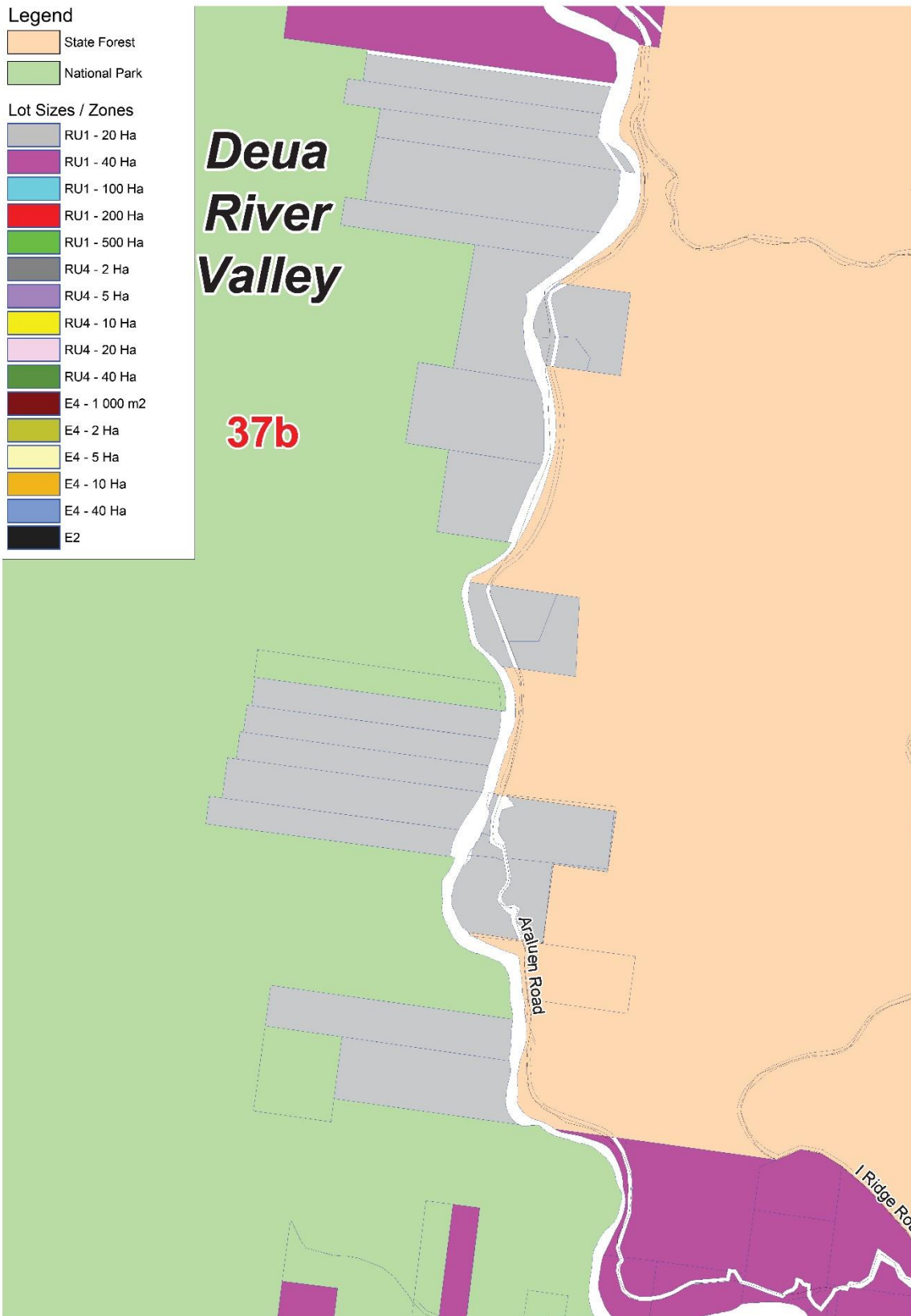
Map 11: Area 26a



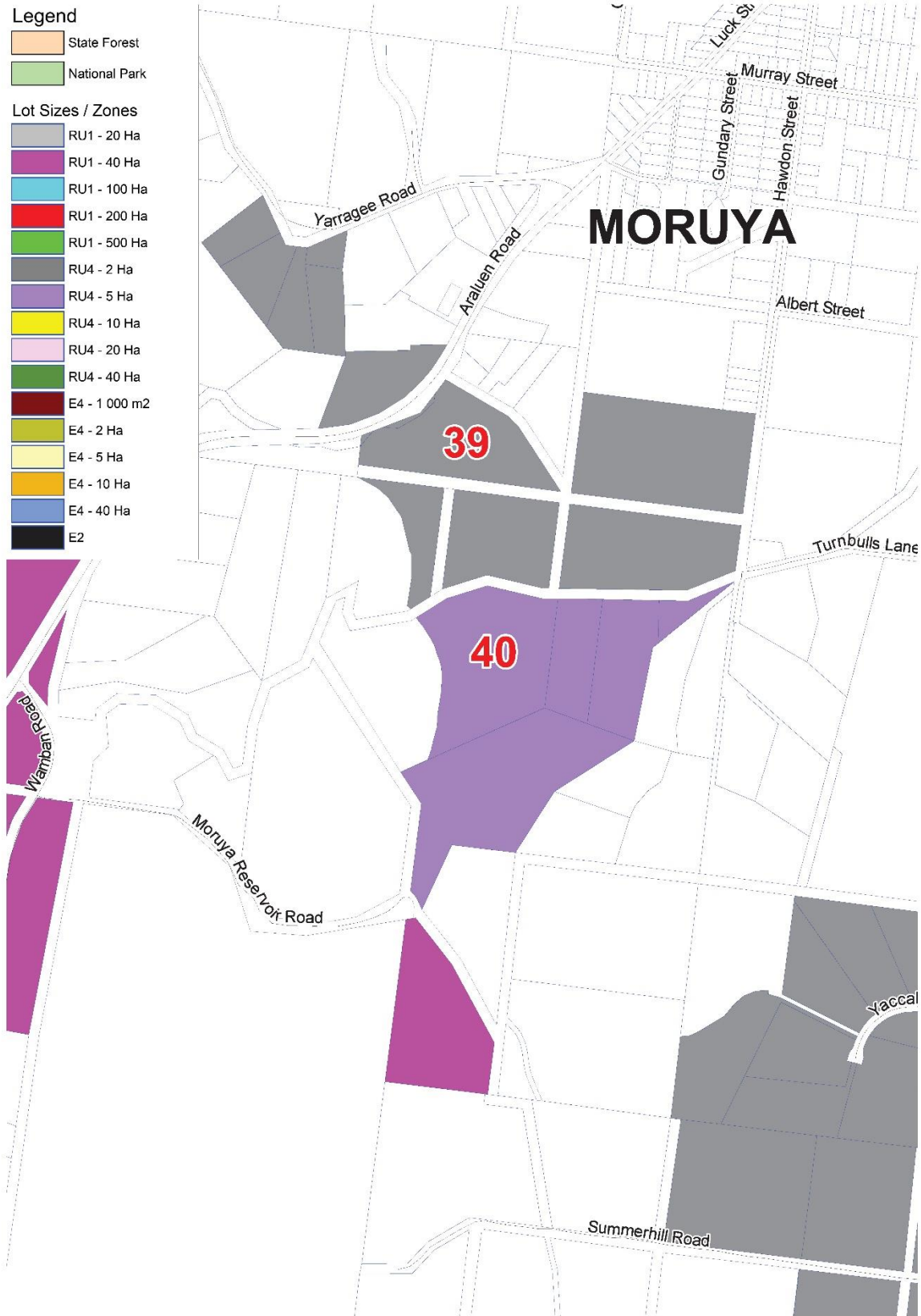
Map 12: Area 33



Map 13: Area 37b



Map 14: Areas 39 and 40



3.10 ANALYSIS OF ISSUES RAISED IN SUBMISSIONS NOT ADDRESSED BY THE EXHIBITED ACTIONS OR SECTIONS 3.8 OR 3.9

3.10.1 Additional zoning and land use policy issues

3.10.1.1 Allow minimum averaging in the RU4 zone and/or the RU1 zone

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.

One submission called for minimum averaging to apply to the RU1 zone. The Consultants do not support such action at this time as it has some significant consequences and potential impacts that warrant further research. This matter is detailed in Discussion Paper 9 at Section 6.4.5.

Recommendation:

Revised Action 12: 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.

3.10.1.2 Removal of Clause 4.2A(2)(a) of LEP 2012

This clause makes a dwelling permissible with consent on any land zoned RU1 where the lot is 40 ha or greater and the land has “...*appropriate vehicle access to the lot from a sealed road maintained by the consent authority...*”

A number of submissions recommend the deletion of this clause.

In general, the clause has quite limited application as relatively few 40 plus ha lots that are vacant have direct access to a Council maintained sealed road.

But the removal of this clause may also remove some people’s existing expectation for a dwelling where they own such a vacant lot in the circumstances where the lot size proposed is higher than the lot area (i.e. in such cases, while they appear few in number, there could be a loss of a dwelling entitlement for such owners). For this reason the clause is recommended for removal but measures be put in place to conserve the reasonable entitlements of people who have acquired a vacant lot of this type.

Recommendation:

Revised Action 15: That Council amend the Eurobodalla LEP 2012 to delete clause 4.2(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.

3.10.1.3 *Review of the definition of intensive livestock agriculture*

Discussion at the Additional Rural Producers Workshop identified a need for revision of the definition of “intensive livestock agriculture” in the Standard Instrument.

While it was agreed that more rigorous assessment was needed of large scale intensive livestock operations where stock are intensively fed and confined to feeding areas, there was a common practice small scale where animals were mostly run under extensive agricultural operations but provided with some supplementary feeding.

The workshop considered some level of this activity should be exempt where simple deemed to comply criteria would apply.

This is primarily an issue Council might bring to the attention of the NSW Department of Planning and Environment who in turn could develop some deemed to comply criteria with Department of Primary Industries.

Recommendation

Revised Action 16: That Council make submission to the NSW Department of Planning and Environment to review the definition of “intensive livestock agriculture” in the Standard instrument so that minor supplementary feeding activity associated with extensive agriculture is made exempt development but subject to some specified performance criteria that might be developed in consultation with the Department of Primary Industries.

3.10.2 *Additional Social and Economic Issues*

3.10.2.1 *“Right to Farm”*

There was strong support at some of the community consultation meetings and the Rural Producers Workshops for formal “right to farm” legislation.

The issue is there are increasing examples where new residential and rural residential development encroaches close to established commercial agricultural operations and through a process of complaints and enforcement of the Protection of the Environment Operations Act, the agricultural operation is either reduced in scale or in some cases even forced to close.

The theory of some sort of legislative “buyer beware” where new residential close to established agriculture has to tolerate a higher level of odour and noise disturbance, is well identified but legislators have struggled to date to convert this to an enforceable requirement.

Victoria and Western Australia have both experimented with legislation with very limited success to date. Tasmania is the only State with current legislation and the effectiveness of it has yet to be proven.

The best solution is to have well planned buffers and other controls in the planning instrument so the conflict does not arise in the first instance. But perhaps Council may make submission to support the concept of “right to farm” being further developed in NSW. The NSW Government has just released a policy on the topic:

<http://www.dpi.nsw.gov.au/agriculture/resources/lup/legislation/right-to-farm-policy>

However this policy relies on the existing legislation and while a good guide to a farmers rights when facing complaints, the pollution legislation still stands and if Councils (through poor planning) allow residential development too close to dairies, stock feeding areas, intensive agricultural operations, etc, then the farmer is still required not to exceed the specified noise and odour levels, which may become impossible to comply with given the proximity of the new residences.

One of the key foundations of the new policy is the suggestion for local councils to have adequate buffers in their DA and strategic planning.

The NSW Government is monitoring the situation and may move to introduce actual legislation to limit constraints. Given the new policy, Council might wait 12 months to see what effect it has before reviewing if representations are needed for actual legislation.

But adequate buffers of several hundred metres between established commercial agriculture and proposed new rural residential and residential zones are the only sure measure and this is a policy area where Council has power to act now.

The Consultants recommend the following action:

Recommendation:

Revised Action 45: That Council develop a policy on suitable buffer distances to be required between commercial agricultural operations and new residential development. The policy to have control elements for both DA planning and Planning Proposals to zone new rural residential or residential land. (note the Greater Hume Shire policy is recommended by the NSW government)

Further that Council monitor the implementation of the NSW Government's new policy on "Right to Farm" for a period of 12 months then consider if Council should support measures for actual legislative protection for established agricultural operations.

3.10.2.2 Market focus for local food

The Additional Rural Producers Workshop identified that the Strategy has correctly identified the focus on local sale and consumption of local food but that the producers were looking to expand to access the Canberra market as product volumes and opportunities for shared transport and marketing improve.

Council support for incubation of access to the Canberra market was requested.

The Rural Lands Strategy Steering Committee has also subsequent to the exhibition recommended council consider developing a "local food production policy, as an over-branching mechanism to better assist the local food industry.

Recommendation:

Revised Action 34: That Council consider the development of a "Local Food Production Policy" with input from local food producers and other relevant stakeholders. That this policy also explore ways for local producers to expand production and sales into the Canberra market.

3.10.2.3 *Local food value to the community is understated.*

Information produced from SAGE representatives at the Additional Rural Producers Workshop indicates the ABS data suggesting local food is a very small scale operation may be understating the true scale. SAGE produced figures from a survey of the Moruya Market stall holders indicating that market alone has a turnover of local produce of greater value than the total recorded ABS figure for the Shire.

As such the Strategy implications of a micro scale industry of local food are likely undervaluing the potential.

Recommendation:

That the final draft Strategy update the statements on the scale of local food production to recognise it has more significant potential as an economic force and source of local employment.

3.10.3 *Additional Environmental Issues*

3.10.3.1 *Possible review of water policy applicable to coastal catchments*

Discussion from the Rural Producers Workshops held during the exhibition, identified a need to further explore with Department of Primary Industries (Water) the possible potential for a different approach to water policy in the coastal catchments to that of inland.

As such the following additional action is recommended:

Recommendation:

Revised Action 49: Discussion on coastal water policy.

That Council hold discussions with Department of Primary Industries (Water) to test the potential for a variation in policy approach to water resources in coastal catchments.

Council might question:

- **Whether the limitation of 10% of catchment area for rural property dams is reasonable in coastal catchments where environmental flows may be higher than inland catchments?**
- **Similarly, if there may be capacity for granting of additional small water extraction licences for horticultural developing producers and related to that issue, whether all current water allocations are being efficiently used?**

3.10.3.2 *Environmental management and employment generation*

A small number of submissions raised an issue that the draft Strategy fails to mention potential employment in environmental management. They point out restoration works, implementation of planning agreements and similar land management can generate jobs and that some already exist in the area.

They also consider there needs to be recognition that there are many “unpaid environmental custodians” that have purchased lands with biodiversity values that have an intent to conserve and improve those values.

The consultants have not surveyed exact employment numbers in the areas of land rehabilitation and similar endeavours but accept these jobs exist and, if programs to improve biodiversity expand then so will such employment.

It was also clear from the consultation including the “one on one” conversations the consultants had with the community that there are many rural landowners that are actively improving the biodiversity of their holdings.

If Council accepts the moderate strategies for protection of biodiversity recommended in this report, then continued biodiversity improvement is more likely and with that associated employment and interest in improving biodiversity values.

3.10.3.3 Climate Change and potential impacts on low lying agricultural lands

Discussion from the Additional Rural Producers Workshop and some submissions considered Council needs a greater emphasis on the possible impacts of the projected sea level rise of about a metre by 2100. It was pointed out many of the most productive lands of the Shire are at levels 2 metres or less above current sea level.

The point was made that this places greater emphasis on conserving the remaining prime agricultural lands above likely sea rise impact.

The Consultants accept this is not canvassed in depth in the draft strategy but feel if the strategy principles of conserving larger holdings and targeting small lot farming to good lands in fragmented holdings are implemented, then by default all possible quality land above predicted sea rise impacts will be conserved.

3.10.4 Other additional issues

3.10.4.1 Rights of landowners and planning controls

A majority of people attending the consultation events and numerous submissions raise concerns as to the extent of regulation of private rural land in Australia generally.

Views range from quite moderate concerns such as the red tape and ineffectiveness of some regulation and the need to improve them to achieve real community benefits, to quite extreme views of no or minimalist control of rural land.

Then there is a counter-position from quite a few submissions of the need for reasonable controls in the interest of wider community and environmental benefits.

The issue has become quite emotional and divisive in the Eurobodalla community. While there have been some controls on all land since initial settlement in Australia, there has been growth in the regulation of rural land – certainly in the past 40 years. Some controls are essential. For example rural landholders are required to report biosecurity threats to livestock, utilise the National Livestock Identification Scheme...etc in the interests of protecting the national herds.

The *intent* of the several planning controls that have evolved over rural land – particularly since World War Two, is honourable and were designed with the benefit of the wider community in mind. For example, attempts to conserve remaining biodiversity on private land are important not just for altruistic reasons of conserving diversity of species but for quite strong anthropocentric survival reasons of conserving biodiversity for everything from medicines to food and fibre gene stocks.

There are many examples where a lack of land use planning as to where additional development should be sited has had major costs the wider community has to bear.

Examples include:

- Backlogs of servicing or upgrades for roads, water, sewerage, power, data ...etc that the general community has to fund where developers are not asked to fund the impacts of their developments.
- Poorly sited development with respect to hazards (example of houses falling into the sea at Byron and other coastal locations- witness whole estates with poor bushfire planning devastated in fires)
- Insurance premiums can rise to fund those with the higher risks and in that way all the well planned development owners subsidise the poorly planned areas.
- Generally some valuation and supply surety in the land markets for land owners where use and development capacity can be predicted with some confidence.

Unfortunately the *delivery* of some controls is less effective than it might be or can *impose* economic constraints on the landowner without adequate compensation and these seem to be the issues of concern.

Some claims as to the level of constraint appear overstated. In the example of controls on clearing, a significant proportion of the remaining native vegetation on private land in Eurobodalla and elsewhere across the Australian rural landscape comprises lands a prudent farmer would not clear as it would not be economic to do so and would cause erosion, weed and other adverse economic impacts on cleared lands.

But there has been a gradual tightening of controls to a level where many of the ancillary uses of that vegetation that have occurred over time such as selective logging are now quite tightly constrained. Even minor exemptions to the need for approvals that existed, for example at the commencement of the native vegetation laws, have been subsequently tightened.

The State Government review of biodiversity is seeking to lessen the red tape and examine what exemptions to approvals may be reasonable and there are broader reviews looking at the simplification of approvals processes. There are also suggestions of better resourced biodiversity funds and tax incentives to assist with some compensation where rural landholders suffer a real economic loss as a result of controls.

But no legislature in Australia seems to be suggesting land regulation is to be abandoned or even significantly curtailed. There is acceptance amongst a majority in the community of the need for “reasonable” regulation of rural land.

There is also a growing interest in accepting or even volunteering to have constraints placed on rural lands by an increasing number of rural landholders interested in conserving biodiversity.

The consultants have been “warned off” by some in the community about attempting to use concepts such as “stewardship” or “custodianship” in the Strategy process but we consider there is scope for a consensus to be developed as to what these terms really mean. At the simplest level these terms merely reflect what many rural land holders are already doing and what is expected of a “responsible citizen”. Unfortunately, these terms have also become associated with aspects of the increasing regulation. There seems scope for government at all levels to shift some of the focus from regulation to education – some of the best controls are self-imposed controls.

Implementation of an effective rural lands strategy and 20 year vision requires the community to strive for a reasonable balance between individual needs and rights and the broader community benefits – some of which may mean accepting a reasonable level of control on private land use activity.

A high proportion of the 54 recommended actions in the exhibited draft strategy received wide community support and only perhaps half a dozen are deeply controversial and most relate to environmental conservation on private land.

It is difficult to frame a recommendation to Council on how to bring the community closer together on these controversial elements. Some of the solutions such as improving the effectiveness and acceptability of environmental controls are not just Council’s responsibility and require State and Federal Governments to act. The community does value appropriate environmental protection but perhaps it is not paying enough to those providing it?

If terms like “stewardship” and “custodianship” have become clouded in meaning and therefore controversial, that does not stop Council from attempting to resolve what is a reasonable community expectation of all landowners in terms of acceptable and responsible management of their lands.

The consultants feel the recommendations in this report set a base to develop a consensus on the rural land use vision for the coming 20 years.

4 CONCLUDING THE STRATEGY

4.1 STEPS LEADING TO COMPLETION OF THE EUROBODALLA RURAL LANDS STRATEGY

The following steps are proposed to conclude the Strategy:

- This Report and the revised draft Strategy is to be considered by a meeting of the Eurobodalla Shire Council.
- Should Council adopt the Strategy, a final version will be published and attention will move to implementation of the actions in the Strategy by Council staff.

APPENDICES

APPENDIX 1: NOTES OF NELLIGEN COMMUNITY MEETING

Eurobodalla Rural Land Strategy Community Meeting 3.30-7.00; 28/10/2015 Nelligen Hall

Community members present 26

Eurobodalla Shire Officers Mark Hitchenson

Jeff Morgan

Lindsay Usher

Garret Barry Planning Services Garret Barry

Stig Virtanen

Workshop Format

Open House- first hour informal discussion on a one to one basis. Many people took the opportunity of finding out how the Draft Strategy would affect their property by inspecting the detailed maps available and questioning the staff and Consultants present.

The next 90 minutes consisted of presentations by the Consultants (see PowerPoint presentation) interspersed with question and answers.

The remainder of the Open House prior to closing was again informal allowing people to question and clarify matters with the Consultants and Council Planning Staff.

Questions and Issues Raised

- How would RU4 cater for small lot development such as horticulture? Explained that RU4 is proposed to have a range of lots for small scale agriculture up to 20 ha.
- What about R5? It was explained that the R5 large lot residential zone should continue to be used for small lot (generally 5 ha or less) rural living and smaller scale hobby farm activity.
- Some felt that in the conversion from Rural 1(c) to RU4 and R5 in LEP 2012, there was a loss of subdivision potential. (This matter relates to the preparation of the current LEP, not the draft Rural Lands Strategy, however people were asked to detail their individual concerns for review by Council staff). Also, Rural (1c) permitted a second (detached) dwelling whereas in R5 a second dwelling must be attached. The Consultants made the point that if people felt that minimum lot sizes for dwelling entitlements should be

reduced or detached dual occupancy made permissible with consent, they should make a submission outlining their argument in support of their proposal.

- Explained that extensive agriculture was proposed as additional use for R5 without the need for consent.
- General discussion about perceived inconsistencies re: ability to subdivide land. Why could some land be subdivided and some adjacent land not be subdivided. The Consultants explained the principles used for selection of various areas and invited submissions.
- Comment made from one participant that the strategy document was difficult to understand- use of jargon (planning terms). Suggestion to including an index of terms. The Consultant advised he would consider this.
- One comment noted that it was important that for some small scale agriculture a dwelling could be built on site for management and supervision purposes. The Consultant advised that the RU4 zone provides a dwelling entitlement to each lot in that zone.
- Questions about the possibility of split zoning. Advantages/disadvantages of split zoning were discussed.
- Some discussion on what constitutes a reasonable level of servicing when subdivision for smaller lot rural living is assessed? E.G. with regard to roads, power, bushfire.
- The possibility of Council amalgamations and the impact this could have on the Rural Land Strategy was raised and discussed. Noted that while this was not an issue for the Rural Strategy to resolve, that all the work being carried out would still apply – e.g. when Councils amalgamated in the past the planning regulations were carried across to the new Council areas - sometimes resulting in 2 or 3 sets of policies applying in 2 or 3 different land areas for a period of time until resources permit the consolidation of planning rules into one instrument.

Overlays

- The use of overlays was discussed. Why use overlays at all? Some felt that environmental overlays should not be part of the LEP but used within the DCP. The Consultants explained the options available to Council from formal E zoning to LEP or DCP overlays and their reasoning for support of an LEP overlay as detailed in the discussion papers but including:
 - Transparency- the overlay is publicly available in the LEP and easier to locate than a DCP. It is considered preferable purchasers be aware where land has some constraints before they design house plans or similar.
 - The overlay is only a matter for consideration when Council consent is needed.
 - The information is part of the public record now and as such Council is obliged to refer to it in assessing DAs.
 - Cleared areas in the overlay would face simpler DA assessment.
 - Most coastal Councils have vegetation overlays in their LEPs and inquiry reveals little issue with their use to date.

APPENDIX 2: NOTES OF NAROOMA COMMUNITY MEETING

Eurobodalla Rural Land Strategy

Notes of Community Meeting

Narooma Golf Club Wednesday 4th November, 2015.

Present:

Community members present 40 -45 (some arrived during the formal presentation and could not be recorded on the attendance sheets)

Eurobodalla Shire Officers	Lindsay Usher Jeff Morgan Mark Hitchenson
Eurobodalla Shire Councillors	Cr Innes Cr Schwarz Cr Burnside Cr Pollock
Garret Barry Planning Services	Garret Barry Stig Virtanen Stacey Stephens.

Notes:

1. 2 pm to 3 pm was informal and most of the public attending took the opportunity to discuss their property impacts with staff and Consultants and view the mapping in detail. A few people having satisfied themselves with the information, left before the formal presentation.

Formal presentation plus questions:

2. Question asked about what the effect of vegetation overlays will be and why have they been recommended when there is community opposition.

Response: That the recommendation for the overlay is from an independent Consultant based on findings from extensive research and analysis- an overlay was considered by the Consultants as being the most transparent tool for representing native vegetation data. The report is currently in draft stage and will be reviewed after the exhibition period. Explanation of the effect of overlays was postponed for discussion at the end of the Workshop.

3. Question asked about the accuracy and adequacy of monitoring data. Suggested that it could be improved by outsourcing or gathering information from elsewhere such as Landcare, schools, volunteers, etc.

Response: conceded that they were good suggestions and collection and monitoring of data is quite onerous for the Council. Some further suggestions have been provided in the strategy. The issue of collation and access has to be further considered and reported on in the final draft.

4. Question asked about the implication of changes to minimum lot sizes.

Response: Matter was deferred to Discussion Paper #9. (See point 13).

5. Question asked about the practical differences between RU1 and RU4 zoned land. And what is the minimum size of holding to be commercially sustainable as a part-time primary producer.

Response:

The practical differences between RU1 and RU4 are seen as RU4 being discrete, selected areas for small lot farming where RU1 may contain existing small lot farming but is basically the broadacre and “catchall” zone which covers the bulk of the rural area. The permissible land uses in RU4 reflect the focus on small scale, more intensive land use. Whereas the wider range of permissible uses in RU1 reflect the fact it is proposed to be used in Eurobodalla for coverage of most of the rural area including areas where the dominant use may not be “primary production”.

The question of commercial sustainability has been considered in detail in discussions on Discussion Paper 9. There are many factors to take in to consideration and is a very hard thing to quantify with certainty. Based on the research and findings, it is estimated that a 100 ha property of average land quality is required to return some net income from traditional beef grazing. But just a few hectares of prime river flat with a reliable irrigation licence and intensive horticultural practices with savvy marketing of produce, might generate a reasonable income.

6. A feeling was expressed that there should be minimal controls on rural land holdings, and that owner’s land rights should be more recognised.

Response: Garret Barry described the history of planning controls in NSW from which grew the general acceptance that there is a need for some regulation to provide better outcomes for the community. The recommendations made in the strategy mostly make more liberal proposals to the current rules- for example to provide additional permissible uses under certain zones widens the use for the community and varying lot sizes allows some small increase in opportunities for rural settlement.

7. Question was asked about the effect on the strategy of potential changes to state legislation.

Response: That this is hard to predict as changes to legislation may or may not occur, and may or may not be within the timeframe of the strategy being completed and endorsed or even implemented. Noted that potential impacts are discussed further in Discussion Paper 4.

8. Question about harvesting rights in the instance of private forestry rights.

Response: Explained that plantations should be registered under the Native Vegetation Act to achieve some protection of harvesting rights and while the presenter was not experienced with that legislation, it was understood the State Government is reviewing measures to better protect harvesting rights.

9. Question asked about how 'scenic values' and 'landscapes' that are very subjective can be regulated and why the onus to comply should be on the land owner when "the greater good" is involved.

Response: That the strategy recommends a lesser level of regulation than some Councils that include an overlay in their LEP, or use the RU2 Rural Landscape zoning which can be more onerous. Instead it is recommended to provide some guidelines that provide some 'best practice' and 'desired outcome' provisions. Encouragement was favoured by the Consultants over regulation for these issues. Tax concessions/biodiversity offsets and the need for a bigger biodiversity fund were discussed.

10. Question asked about potential conflict of interest between private and Council owned/operated businesses. Some examples given such as in tourism business with Council operating caravan parks.

Response: That this issue was outside the Consultants brief but if there is genuine concern over possible conflicts of interest they should be raised with the appropriate authorities.

11. Question was asked about any potential issues of some areas being re-zoned to E4 from RU1 land.

Response: An E4 zoning has been proposed for some areas where smaller "rural residential" style lots may be able to be developed in areas with environmental characteristics. The strategy recommends extensive agriculture be permissible without consent.

Suggested that those present at the workshop inspect the lot size maps available at the workshop to assess the impacts on their own land. Staff and Consultants were available after the meeting to assist.

12. Question asked about how consideration was given for allocation for the reduction of lot sizes and for example how land use conflicts will be managed.

Response: Explained that there was a selective application process where changes have been proposed based on the principles detailed in the Discussion Papers – particularly DP 9. DCP controls also provide guidelines to reduce conflict (setbacks, etc.). This exhibition period also provides opportunity for review and comment via submissions – people were encouraged to provide comments for both positive feedback where they saw matters they supported and express concerns or suggest alternatives where they did not agree with a draft strategy proposal.

13. Question was asked to explain about lot sizes and dwelling entitlements in the RU1 zone and how the strategy is addressing that issue.

Response: That the current minimum lot size required for a dwelling entitlement in RU1 zone is 1000 ha. The strategy proposes a reduction in minimum lot size to between 20 and 500 ha.

It was explained that in some instances larger minimum lot sizes near commercial agriculture was appropriate to protect farmers “rights to farm” and conserve larger holdings. Also in areas with poor access additional dwelling potential was recommended to be limited.

14. Question was asked about the constraints of infrastructure and how more sustainable living could be encouraged.

Response: That development contributions usually are not adequate for extending infrastructure and services to more remote areas. Zonings and smaller lot sizes were selected where there may be existing services or more population/ development to make servicing viable.

15. At the end of the formal presentation an in-depth discussion ensued regarding the proposed use of native vegetation overlay.

The following points were made by participants

- Some participants considered overlays should not be used at all. Not in a DCP or the LEP
- The position preferred by some of the Rural Land Strategy Steering Committee was that a native vegetation overlay should be in the DCP not the LEP.
- An LEP overlay is more difficult to amend.

The following points were explained by the Consultant:

- How vegetation was mapped. Noted that land owners could request ground truthing by OEH if they were in disagreement with the maps.
- How the overlay worked- particularly how and when an overlay would be triggered - i.e. when a DA is submitted on land that is subject to an overlay. Noted that an overlay of itself did not restrict/prohibit existing activity or proposed uses.
- Garret Barry explained the Consultants' view that the appropriate place for an overlay was in the LEP for transparency reasons. Agreed amending LEP was more complex than DCP but amendments to the overlay would not hold up developments as, unlike zoning, Council could just accept refined data and amend overlay after a DA was approved.
- Garret noted that 13 of the 19 coastal and tableland Councils surveyed used biodiversity overlays and his inquiries had revealed little controversy in those Councils or issues with use. At least one further of the 19 Councils plans to introduce a biodiversity overlay shortly and of all the coastal councils only 3 do not have a biodiversity overlay but all of those 3 have some E3 zoning.
- Garret noted that if an overlay was not used the Native Vegetation Act and the Threatened Species Conservation Act would still have to be complied with by any development and if native vegetation was present when the DA was reviewed by Council then a vegetation report may be called for no different to the situation if an overlay was in place, but possibly after an applicant had gone to the trouble of making plans and other expenses that the earlier disclosure possible through an overlay may avoid.

Notes from “Tell us your important rural issues” poster where attendees were invited to write comments:

- The people demanded no overlay and no E-zones in the LEP. Council has betrayed the people and hijacked the report.
- E3 – environmental aspects; building a strong local base; field days.
- What becomes of the information? – Is it shredded lost to the future – a database rather than discarded, readily available – passed on to. For example, agricultural studies where our children can be informed, encourage an interest, build knowledge and understanding.
- Impact on the rivers and oceans.
- Population pressures.

APPENDIX 3: MORUYA COMMUNITY MEETING

Eurobodalla Rural Lands Strategy Moruya Community Meeting 11 November 2015 Moruya Golf Club

Present

36 Participants (includes 3 community members of the Rural Land Strategy Steering Committee)

Mayor Cr Lindsay Brown

Cr Liz Innes

Mark Hitchenson (ESC); Jeff Morgan (ESC)

Garret Barry (Garret Barry Planning Services)

Stig Virtanen (Garret Barry Planning Services)

Workshop Format

Open House- first hour informal discussion on a one to one basis. Many people took the opportunity of finding out how the Draft Strategy would affect their property by inspecting the detailed maps available and questioning the staff and Consultants present.

The next 90 minutes consisted of presentations by the Consultants interspersed with question and answers.

The remainder of the Open House prior to closing was again informal allowing people to question and clarify matters with the Consultants and Council Planning Staff.

Issues Raised

1. Uncertainty about clearing of vegetation that has been planted by landowners. Garret Barry advised this issue was mostly outside Council's control as it came under the Native Vegetation Act which was administered by the Local Lands Service. He thought there were some exemptions to planted vegetation and to clearing of regrowth that was younger than 1 January 1990.
2. The difference between E4 and R5 was queried. Why use E4 instead of R5? Garret Barry explained the principles for selection of the 3 different rural residential zones used in Eurobodalla.
3. Strong support for no use of E zoning or environmental overlays as participants considered the Shire has an abundance of land covered by native vegetation which is located in the public domain.

- Garret Barry made the comment that many threatened and endangered species are on private lands and currently protected by the Native Vegetation Act and the Threatened Species Conservation Act. Some of these threatened species only occur on private lands.
4. Concern about bio banking and biodiversity certification. Opposition to DA's being granted on the proviso of the proponent entering into voluntary biodiversity agreements.
 5. Biodiversity Review. Garret Barry suggested that those rural land owners with concerns about biodiversity overlays and E zones should be involved in the coming review of the biodiversity legislation being developed by the State Government. Garret suggested in large measure the overlay and to some extent the E zones were merely reflections of how that legislation impact now on rural landowners- regardless of whether there are overlays or E zones in the LEP. Garret suggested that there may be opportunity to input to State Government when the suggested new biodiversity legislation is released in draft form.
 6. Strong support for very flexible lot sizing. **No** suggested minimum lot sizes were favoured by a majority of those present.
 7. Council should get out of the way and let land owners get on with their business.
 8. Small lot Local Food Producers demonstrate that small lots are sustainable for agriculture. Example given suggesting that a living can be made off 1 acre of good quality land.
 9. More small lots are needed in the rural areas. Minimum lot size of 40 ha too large and not appropriate.
 10. Private roads should be permitted as access to rural subdivisions.
 11. If rates are paid on land, the land should be permitted a dwelling entitlement.
 12. Concern that property rights have progressively been taken away by governments.
 13. All existing lots should have dwelling entitlements.
 14. Support for rural tourism and local food production initiatives.

SUMMARY OF WORKSHOP PARTICIPANTS POSITION

A majority of participants present supported the following:

1. There should be no overlays in Council's land use policies and controls. Council is already guided by existing State Government legislation without having to introduce additional controls.
2. No E zones (E2, E3, E4) should be used.
3. No support for bio banking or offset agreements.
4. There is a need for a full review of lot sizing.
5. No scenic landscapes code (or other policy/guide) should be in the Shire's land use controls.

APPENDIX 4: NOTES OF FIRST PRODUCERS WORKSHOP

Eurobodalla Shire Rural Land Strategy Rural Producers Workshop 7 November 2015, Moruya Golf Club.

Attendance

- (About 25 members of the public. Not all registered and some left early)
- Eurobodalla Council- Cr Peter Schwarz, Jeff Morgan (Divisional Manager, Strategic Services)
- Garret Barry Planning Services
 - Garret Barry
 - Roland Breckwoldt (workshop facilitator)
 - Stacey Stephens
 - Stig Virtanen

Workshop Format (planned)

Outline of the Rural Land Strategy.

Input from participants on agriculture and rural land uses.

Explain Strategy work so far on agriculture and general rural land use and get feedback with respect to a 20 year vision for agriculture.

Workshop Format (actual)

Garret Barry presented a quick outline of the draft strategy. Because of the strong feelings among participants about property rights, maximising subdivision potential with dwelling entitlements and concerns with the Native Vegetation Overlay, it was not possible to proceed with the planned format. It is noted that there were 6 to 8 participants that wanted to engage in a discussion about the future of agriculture in Eurobodalla but this was not possible as the majority of attendees would only tolerate discussion on the above issues.

Roland Breckwoldt then facilitated the session to identify the key issues of concern to workshop participants. Nine issue topics were identified and the participants were asked to rank the importance of the nine issues. All nine scored high as depicted in the table below:

NINE ISSUES RAISED BY PARTICIPANTS

Issue No.	Description	Vote as to Issue Priority
1	Existence of Vegetation overlays (Where should they be- LEP, DCP, None).	16
2	Rationale of various lot sizing.	15
3	Need a flexible and adaptable planning system that acknowledges private land rights.	18
4	Strategy to recognise and facilitate diversity and trends in commercial agriculture.	12
5	State regulations being an impost on Local Government Areas.	18
6	Provide opportunities for dwelling entitlement – to reflect emerging agriculture.	22
7	Right to farm.	20
8	Access to and understanding of information being presented in the Strategy exhibition.	11
9	Concern that issues being raised are not being translated into action.	18

SUMMARY OF DISCUSSION ON THE NINE ISSUES

Issue 1: Vegetation overlays.

The majority of participants were against any form of vegetation overlay be it in LEP or DCP.

Comments included:

- Concern the overlay would lead to later additional controls.
- Concern as to the accuracy and meaning of the overlay data.
- Concern it was being proposed again when previous rounds of the Strategy saw it rejected by a majority of participants from the rural community.

Some participants called for a vote on the 3 options of LEP, DCP or no overlays at all. While several people declined to vote, all those voting were for no overlays at all

Issue 2: Lot Sizing

The majority view was the lot sizing presented in the Strategy was too conservative and needed to greatly expand dwelling opportunities. Comments on the possible solution varied but included:

- “Allow a dwelling on all existing rural lots”.
- “Allow a dwelling on every rateable assessment”.
- Reduce lot sizes further- e.g. make 100 ha 40, 40 ha areas 20 and so forth.

- Several participants advised they were owners of land without dwelling entitlement and had been requesting entitlement for some time.

The participants called for a vote on three options for the Strategy Lot sizing:

- As exhibited.
- Minor tweaking to increase supply.
- No controls and dwellings permissible on all rural lots.

While several people declined to vote all those voting voted for no lot size controls and dwellings permissible on all rural lots.

Issue 3: A flexible planning system that acknowledges private land rights.

A majority view from those in attendance was there were too many planning and other regulations on private rural land and Council should be looking to reduce controls. Opinion varied from basically an acceptance of the proposed RU1 zone permissible uses (provide overlays were removed) to a view there was no place for Council or State Government in regulating private rural land.

Issue 4: Strategy to recognise and facilitate diversity and trends in commercial agriculture.

There was relatively little discussion on this topic and the main issue was allowing dwelling entitlements on smaller lots so smaller part-time farms could be taken up, became affordable to people starting off and generally a feeling the Strategy move away from the concept of preserving larger agricultural holdings. There was a general feeling the future for agriculture in Eurobodalla was diverse farming including many opportunities for further small holdings with dwelling entitlements.

Issue 5: State regulations being an impost on Local Government Areas.

This Issue was closely linked to Issue 3. Many participants considered there were far too many regulations imposed by State Government that Council was required to enforce.

Issue 6: Provide opportunities for dwelling entitlements.

This issue overlapped with issue 2, but included a feeling from participants that all those owners currently without a dwelling entitlement should be granted one even where the owner had purchased in the knowledge there was no current entitlement.

Issue 7: Right to farm

Most participants supported the concept of a “right to farm” but opinion varied as to what that actually entailed. Some were of the view that private property should be available for use as the owner saw fit. Others took a more limited view of legislation being needed to acknowledge rights of existing agricultural activities to continue and new development to be required to accept such rights when it occurred in proximity to existing agricultural enterprises.

Issue 8: Access to and understanding of information being presented in the Strategy exhibition.

Some participants considered the Strategy exhibition material was too complex and could be better structured to enable land owners to quickly access the parts affecting them. There was also some degree of feeling that there was not enough time to absorb all the strategy

information and make submission by end November. But conversely most participants also expressed a view the Strategy process had been going on long enough, that their views should be already known and the process concluded promptly.

Issue 9: Concern that issues being raised are not being translated into action.

A majority of those attending were of the view their positions on the nine matters raised in the workshop had been clear for some time and expressed concern “Council and the Consultant were not listening to them”.

APPENDIX 5: NOTES OF ADDITIONAL PRODUCERS WORKSHOP

Eurobodalla Rural Lands Strategy Additional Rural Producers Workshop 11 November 2015, 10 am Moruya Council Offices.

Present

23 local producers mostly covering horticultural, beef and dairy industries.

Mark Hitchenson (ESC); Jeff Morgan (ESC)

Garret Barry (Garret Barry Planning Services)

Stig Virtanen (Garret Barry Planning Services)

The Workshop was opened with a short introduction about the Rural Land Strategy by Garret Barry.

General Comments made by participants

Not many Eurobodalla producers are interested in the potentials for export as most of them are too small scale- they tend to create their own market, i.e. in Canberra and the South Coast.

While there is not much local food produce going to Canberra right now, the 10-20 year vision is that Canberra will become a much more important market. Co-operative distribution may help achieve this as well as advance a local wholesale local food distribution facility.

Eurobodalla geographic circumstance (heavily vegetated coastal escarpment, clean waterways, areas of flat fertile land away from industry) facilitates Eurobodalla producers to promote themselves as being from a truly clean and green area.

Right to farm issue considered a national and state matter. Not within the scope of this Local Government strategy.

Climate change could affect the salinity of flood plains and hence their ability to produce food and fibre. Predicted that rainfall patterns will change- if too variable this could be a significant down side to agricultural production. Noted that in East Gippsland increased rainfall and temperatures may be a positive for agricultural production.

Notes on the dairy industry

Needs scale to be economic. This can be enhanced by leasing and sub-leasing land. Feeling from the workshop that the dairy industry in Eurobodalla is sustainable but may not expand significantly over the coming 20 years.

As milk is a very perishable product transport (to the Sydney market) is an issue for the dairy industry. Use of larger tankers is needed to remain economic (and sales to the Sydney market attracts a significant premium - up to 20% compared to local sales). Acknowledged that use of larger tankers has impact on local roads and access during periods of flooding or excessive rainfall events.

Sub-division adjacent to dairy land can have a negative impact.

Suggestion from the workshop

That buffer zones be utilised to ameliorate impact of developments adjacent/ close to dairy land.

Notes re: Small scale food production

What is needed to be viable?

Several horticultural producers considered a 1 acre plot with good soil is adequate to make a living if there is access to irrigation water and product sales are carried out by the grower. Perhaps a total of 2-5 acres to allow for house and shed. More land would be needed if employing people.

There are many small prime river flats along the Deua and Tuross but constraints on water harvesting for more than domestic use, make many unreliable for summer production.

Noted that there may be some water rights in Eurobodalla that are either dormant or whose water allocations are not fully used. The difficulty of finding the holders of these rights was identified. No additional water rights have been granted in recent times.

At some stage in the future SAGE Moruya market will experience supply of product being greater than demand (due to increases in supply).

Belief that in 5-10 years' time, in the farmers market distribution system (or similar), there will be a food traceability marker so that the source of the product can readily be traced/ identified.

There may be a need for a formal Cooperative for local food producers to help pool marketing.

A wholesale market may also be justified in the local region instead of having to market through Sydney.

The Local Food Economy is larger than presented in the Draft Strategy - a recent study prepared for SAGE (involving interviews of market customers about purchases) indicates that the SAGE market has an annual turnover of \$1.77m. This has significant flow on effects in the community. Local food markets are more important than export markets, but do not discount potential for growth in exports.

Suggestions from the workshop

- Council might facilitate discussion with State Government about a more sophisticated farm dams policy. The current limitation to 10% runoff per property (re: dam approvals) needs a more variable approach in coastal catchments where there is much less adverse impact from dams on the lower catchment, given proximity to the coast. Perhaps increase to 20% for coastal areas.
- Council may also support investigation with DPI Water to see if it is possible to make trading of unused river pumping allocations easier. Perhaps there is also potential for additional small allocations as most horticultural operations in the Shire are individual / small scale and just need a little more than domestic allocations.
- Additional farmers Markets will likely be required over the coming 20 years and provided they are contained to local produce are not a threat to retail stores and so warrant Council and community support. Perhaps consider initiatives such as permanent sites for street stalls for selling local produce? A wholesale market in the South –East region should be a longer term goal.
- Perhaps people looking to set up small agricultural enterprises could lease or purchase agricultural lots close to town, live in town and commute daily to their agricultural plot. The Strategy suggestions on easier systems for leasing were supported.
- Local food production should be given a higher profile in the Strategy- not presented as an add-on. Participants considered it has enormous growth potential. Perhaps use term such as “local Food Economy” instead of “Niche”- it is essentially a re-emerging industry not an emerging industry. Statistical data collected by ABS and others misses the numerous players and small individual scales of production of many local producers- so their combined impact is larger than the statistics show.
- Council can legitimately support small scale food production as it is a growth sector- no different to a factory being proposed in a town- they are both employment and wealth generators that can benefit the community. Yet there was concern Council and the community will actively support a new factory with 4 jobs but misses 4 new small producers seeking help to start up.
- Perhaps Council could review its market site rental policy as some smaller producers are finding the weekly fees difficult to meet. There might be scope for variable fees based on stall size or pooling stalls by small producers.
- SAGE currently pay \$20,000 p.a. for the market site rental. It is understood Council is required to spend the Moruya market income on the Crown reserve it is sited in but there still seems flexibility for Council to perhaps forgo some income if SAGE and other small producer groups used the saving for training and other programs to benefit producers and increase production and employment. Again if new industry warrants direct Council subsidy / assistance why shouldn't agricultural expansion?

A vision of the future

- **Recognise the potential for more young people to be employed in local food production.**
- **Council and producer groups like SAGE will work in partnership to encourage the development of all aspects of local food production - education, awareness, promotion, distribution, sales.**
- **Council's "Economic Growth and Development Strategy" should incorporate the Local Food Economy and include key individuals from the sector.**

A historic perspective

Participants described Eurobodalla's early land use pattern as being strongly influenced by the location of good quality soils and water. That is, the pattern of horticulture reflected these two elements. Noted that now some of these sites are being lost to urban and rural residential development, or have had native vegetation regrowth.

- **A need for more detailed mapping of remaining very high quality horticultural lands and plan to protect from other forms of development.**

Some problems related to subdivision and dwelling rights

There needs to be more equity and clarity in rules and policing of dwelling entitlements- some suggestions of use of sheds as back door dwelling right.

Permitting tourist facilities on lots without dwelling entitlements can be problematic unless there is Council commitment to police for unauthorised dwelling use.

Some people using rural small blocks as dumping grounds, etc.

Amalgamation of titles

Noted that amalgamations of lots could be used to protect the Shire's best agricultural lands and is sometimes a requirement to obtain a dwelling entitlement where there are several existing titles. Some concern expressed at unplanned sale of old titles without dwelling potential and sometimes poor subsequent land management.

However, depending on the complexity of the amalgamation, title consolidation costs could be a barrier.

Suggestion from the workshop:

- **That Council lobby the NSW State Land Titles Office to make rural land consolidation simpler and less costly.**
- **That Council explore what incentives may be available to encourage title consolidation.**

Concern at extending permissible activity to include “education” establishments in RU1

Hornsby Shire cited as an example where this did not work. It resulted in a significant increase in speculative land purchases by institutions and a subsequent increase in traffic.

Transport Issues

Not an issue for most present at the workshop because of the small size of their operations. Most small growers sell their product locally. Some participants considered access for B-double semis would mostly benefit larger producers.

Small producers are trying to plan local transport networks to access Canberra but need economies of scale.

Water

There was general agreement that access to adequate water could be a limiting factor to growth for many existing and potential producers.

Security of water supply identified as a concern.

Suggested: that exploring a water trading/buy back scheme with Council could be worthwhile. IE when Council does not utilise its allocation, could producers buy some of this excess?

Water quality/protection is vital and need more detailed testing data to monitor impacts from industrial and intensive rural residential areas re septics.

Small producers are having difficulty finding suitable land

Many small scale producers who wish to enter the Local Food Economy or who wish to expand their operation are having difficulty finding land with fertile soil, access to water and the possibility of a dwelling entitlement.

Suggested options

- **Introduce an agricultural viability clause into the Eurobodalla LEP. (This is a clause that enables Council to consider a development application for a dwelling on land where a dwelling is otherwise prohibited, if the landowner can demonstrate a viable commercial agricultural operation). Noted that this could be problematic as it would require proof of a certain level of income being generated from the said land and establishing the performance criteria plus ongoing monitoring could be difficult.**
- **Purchase / lease an agricultural lot which can now be created under ESC LEP 2012, but with no building entitlement and live elsewhere.**
- **It was suggested that participants should review the minimum lot sizing maps and make suggestions about where lot sizing could be changed (on merit because of local factors such as land capability, production potential) to increase the uptake of lots for agriculture. The comment was made that the current Draft Strategy could be seen as a first step in making land more available for small lot agriculture with dwelling**

entitlements – it could be seen as a platform for further increases in flexibility at a later stage.

Flexibility in land use controls needed for producers

As producers become more successful they often need more infrastructure on their property. Areas for small **scale supplementary feeding were given as an example.**

Suggested Options

- **The State Government be requested to review or clarify its definition for “intensive livestock agriculture”,** with specific regard to how to determine whether animals are “fed wholly or substantially on externally-sourced feed”. Concern that rearing chickens- say up to 200, with 40% feeding being from on-farm pasture and 60% off farm feed, but with good rotational grazing, could be defined as “intensive livestock agriculture” and exposed to more complex DA requirements. It should be possible to expand some exempt or complying definitions so smaller supplementary feeding production is not exposed to DA costs.

The permissibility and complexity of approvals for worm composting was suggested as needing review. Current provisions capture larger worm farms with similar requirements to waste dumps

- **Define in “exempt” development what is required to permit an activity that is considered as needing “supplementary” feeding:**
 - **Waste collection dams- can simpler approval procedures be developed?**
 - **More flexibility for supplementary feeding to be exempt or complying development. E.g. % of land area used for on-farm feeding rather than the % of feed sourced on-farm and off farm. Rotational practices required to ensure soil protection, odour management, etc., can be proscribed.**

Livestock Processing

The importance of the existing Affleck Abattoir for the future was recognised.

The need for on-going local support of the existing Affleck abattoir was highlighted. Use of the abattoir for small animal processing was discussed. Potential exists but a critical scale of supply is needed to make it economically viable. Similarly access to the Bega small species plant was costly unless scale could be achieved.

On-farm processing (e.g. by mobile facilities) was discussed as a viable option for small scale animal processing.

The workshop participants saw merit in buffers around abattoirs, including the Moruya Abattoir, to protect their ongoing operation.

SAGE business planning and Council economic development

There seems potential for Council’s economic development section to work closer with groups like SAGE to integrate their business planning with the wider Shire economic development strategies.

APPENDIX 6: SUBMISSIONS SUMMARY

Table 2: Submission Summary

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
1	Benandarah		Y	<ul style="list-style-type: none"> Owner has been seeking permission for a dwelling for 13 years. Details listed in support of request. 	<ul style="list-style-type: none"> Request dwelling entitlement and change from RU1 zone to RU4. Or if to remain RU1 to be listed on LEP Schedule 1. 	<ul style="list-style-type: none"> See report Section 3.8.1
2	Moruya	N	Y		<ul style="list-style-type: none"> Support proposal of extensive agriculture to be allowed in the R5 zone. 	<ul style="list-style-type: none"> Noted
					<ul style="list-style-type: none"> Request removal of all E zones and overlays from the LEP. 	<ul style="list-style-type: none"> See Section 3.2
					<ul style="list-style-type: none"> Requests removal of all reference to biobanking, VPAs, and rural landscape guidelines. 	<ul style="list-style-type: none"> See Section 3.2
					<ul style="list-style-type: none"> Request dams be exempt development on R5 zoned land. 	<ul style="list-style-type: none"> There are State requirements for approval of many dams and limitations (generally 10%) on the area of catchment that can be used on any rural property for dam collection. For this reason any increase in exemption for dams is not supported.
				<ul style="list-style-type: none"> Request RU4 zone. 	<ul style="list-style-type: none"> See report Section 3.8.2 	
3	North Batemans Bay	N	Y		<ul style="list-style-type: none"> Concern at possible loss of dual occupancy provisions in R5. Against any change to LEP. 	<ul style="list-style-type: none"> Proposal is to allow both detached and attached dual occupancy in R5. See table 3
					<ul style="list-style-type: none"> Objects to inclusion of any vegetation overlays. 	<ul style="list-style-type: none"> See Section 3.2
4	Shire Wide	Y		<ul style="list-style-type: none"> Considers biodiversity on private land is high and warrants protection. 	<ul style="list-style-type: none"> Objects to wide scale application of rural zoning over significant areas of high conservation value. Split zoning should be applied with rural zoning on 	<ul style="list-style-type: none"> See Section 3.2.

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
					agricultural lands and E3 zoning on areas of high conservation value.	
					<ul style="list-style-type: none"> Supports use of vegetation or biodiversity overlays if broad rural zoning is to be applied. 	<ul style="list-style-type: none"> See Section 3.2.
5	Bingie				<ul style="list-style-type: none"> Support the strategy proposal for RU4 zoning of their land and ability for a dwelling on each lot. 	<ul style="list-style-type: none"> Strategy recommends RU4.
6	Dignams Creek	N	Y	<ul style="list-style-type: none"> Detailed submission of 29 points / issues. 		
					<ul style="list-style-type: none"> Request for Dignams Creek area be considered as already fragmented. Strategy should enable further subdivision into 20 or 40 ha lots. 	<ul style="list-style-type: none"> On revision now recommending 40 ha lot size
					<ul style="list-style-type: none"> Objects to use of vegetation overlays. 	<ul style="list-style-type: none"> See Section 3.2
					<ul style="list-style-type: none"> Concerns raised as to accuracy of mapping. 	<ul style="list-style-type: none"> See Section 3.2
					<ul style="list-style-type: none"> Council needs to listen to farmers, considers it a challenge to earn a living from farming in the Shire. 	<ul style="list-style-type: none"> There have been 2 formal consultations with local agricultural representatives during exhibition and the results reported. Also numerous individual discussions between the Consultants and a diverse range of producers.'
					<ul style="list-style-type: none"> Concerned placing intensive development on prime land is more an issue than containing other rural land. 	<ul style="list-style-type: none"> DA process assesses impact
					<ul style="list-style-type: none"> Considers the small changes farmers would make to rural land would have minor impact on biodiversity. 	<ul style="list-style-type: none"> Noted
					<ul style="list-style-type: none"> Some concerns at suggestion of landscaping code. 	<ul style="list-style-type: none"> See Section 3.3.2

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					<ul style="list-style-type: none"> • Considers Consultants and staff should have done more field survey- too much reliance on air photo, etc. 	<ul style="list-style-type: none"> • Adequate field and desktop work has been done for strategy level recommendations. The subsequent Planning Proposals may see additional survey.
					<ul style="list-style-type: none"> • Concerned that Guidelines increase over time to formal constraints. 	<ul style="list-style-type: none"> • Matter for assessment each time a proposal for additional guidelines is put out for public comment
					<ul style="list-style-type: none"> • Considers the influence of supermarkets against local markets is understated. 	<ul style="list-style-type: none"> • Noted
					<ul style="list-style-type: none"> • Needs more on value adding, considers rural tourism has little farmer benefit at this point. 	<ul style="list-style-type: none"> • Addressed in local food discussion. • Rural tourism has specific benefits for some rural landholders.
7	Nelligen		Y		<ul style="list-style-type: none"> • Requests 2 ha lot size for property instead of exhibited 10 ha and provides background argument in support. 	<ul style="list-style-type: none"> • See Section 3.9 and Table 3
8	Nelligen		Y		<ul style="list-style-type: none"> • Seeks building entitlement for property and possibly for sections of the River Road. 	<ul style="list-style-type: none"> • See Section 3.8.1 and 3.8.2 and see table 4.
9	Nelligen		Y	<ul style="list-style-type: none"> • Land is not as constrained as described in the strategy as it has good access. 	<ul style="list-style-type: none"> • Argues land should be zoned RU4 not E4. Proposed min lot size should be 2 ha not 10 ha. 	<ul style="list-style-type: none"> • See Section 3.8.2. and table 3
				<ul style="list-style-type: none"> • Phone, water, power available and land is mostly cleared. 	<ul style="list-style-type: none"> • Would like to have paper road reserve running across her property removed. 	<ul style="list-style-type: none"> • Road closures currently are a matter for Crown Lands.
10	Bodalla				<ul style="list-style-type: none"> • Concern that use of E2 zone on part of the land could restrict its future use • Request all property be zoned RU1. 	<ul style="list-style-type: none"> • All E2 zoning has been quite conservative to only follow wetlands. Retention is recommended. • See table 3.
11	Moruya		Y	<ul style="list-style-type: none"> • Nearby lands have small lots - 2 .5 acre, 1.5 acre. 	<ul style="list-style-type: none"> • Request subdivision into 2 x 2.5 acre lots. 	<ul style="list-style-type: none"> • See Section 3.9 and table 3.

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12	Shire Wide			<ul style="list-style-type: none"> Encourage tourism and eco, local produce, farm stays, markets, drafts, accommodation. 	<ul style="list-style-type: none"> E3 should be included in LEP 	<ul style="list-style-type: none"> See Section 3.2.1.
				<ul style="list-style-type: none"> Supports concept of a Rural Land Strategy. 		<ul style="list-style-type: none"> Noted
13	Narooma				<ul style="list-style-type: none"> Objects to split zoning under draft RLS 	<ul style="list-style-type: none"> Retention of existing E2 zone is recommended.
14	Central Tilba			<ul style="list-style-type: none"> Caravan turning area and signage to turning areas needed on Tilba/Punkalla Rd. 	<ul style="list-style-type: none"> Agree with no change to zoning 	<ul style="list-style-type: none"> Noted
15	Currowan		Y	<ul style="list-style-type: none"> Owens 22 separate titles. 	<ul style="list-style-type: none"> Disappointed that min lot size is 40 ha. Requests min lot size of 10-20 ha. 	<ul style="list-style-type: none"> See Section 3.9 and table 3.
16	Nelligen		Y	<ul style="list-style-type: none"> Argues that 10 ha zoning should not apply to property as: Land has access to good unsealed road, plus emergency access, power, phone, internet. 	<ul style="list-style-type: none"> States current zoning as 1c and 1a. Zoning being considered is RU4 and E4. Wish to have land zoned so min lot size is 2 ha 	See table 3
					<ul style="list-style-type: none"> Request that road reserve (through property) be closed. 	<ul style="list-style-type: none"> Matter for owner to pursue with Crown Lands
17	Shire Wide			<ul style="list-style-type: none"> Natural beauty critical to product his company delivers 	<ul style="list-style-type: none"> Request the following uses be permissible in the RU4 zone: <ul style="list-style-type: none"> - charter and tourism boating facilities - helipads - jetties - moorings - recreation areas - restaurants or cafes - rural industries - water recreation structures - wharf or boating facilities 	<ul style="list-style-type: none"> The close residential settlement of some RU4 makes it difficult to support large scale tourism facilities, helipads, rural industries or Cafes. If a specific proposal for these higher amenity impact uses had merit it should go through the Planning Proposal process. Jetties and some rural industries proposed to be permissible with consent. Moorings and most other water uses likely to be in the water which is often zone W1 or W2 where most of these uses are permissible.

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						<ul style="list-style-type: none"> The suggested additional uses are not supported for the above reasons.
				<ul style="list-style-type: none"> Supports rural diversification into rural tourism- accommodation and facilities. 		Noted
				<ul style="list-style-type: none"> Concerned that Jetties would not be permitted on land zoned RU4. 		See above.
18	Shire Wide	Y		<ul style="list-style-type: none"> Smaller scale (less than 40 ha), more appropriate farming should be encouraged where people live and farm for economic and lifestyle reasons. 	<ul style="list-style-type: none"> Overlays must be enshrined/triggered in the LEP, not a 'voluntary' or non-binding instrument 	<ul style="list-style-type: none"> Noted – see Section 3.2.6
				<ul style="list-style-type: none"> Subdivision for housing of fertile, rural land should be strongly discouraged. Maintain compliance with Rural Lands SEPP. 		<ul style="list-style-type: none"> Noted and Strategy has that as a Principle.
				<ul style="list-style-type: none"> Concerned about a small group derailing consultation process. Many at meetings feel threatened by them. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Lack of balance in the public consultation process. 		<ul style="list-style-type: none"> Consultants feel the overall consultation process was as balanced as was possible. Several groups have opposite and strong views but the submission process has allowed that to be identified.
				<ul style="list-style-type: none"> Smaller lot development not supportive of small scale ag, as land would be bought by speculators. 		<ul style="list-style-type: none"> Strategy proposes only a modest increase in small lot farming to address medium term demand.
				<ul style="list-style-type: none"> Push to subdivide driven by developers not by excess demand over supply as the RLS suggests adequate short term supply. 		<ul style="list-style-type: none"> Strategy recommendations are based on market needs and Consultants do not support excessive supply.

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				<ul style="list-style-type: none"> Support modified terrestrial overlay- it would protect environmentally sensitive areas & 'justify' down-zoning (Sect 117). 		<ul style="list-style-type: none"> Noted – See Section 3.2.6.
				<ul style="list-style-type: none"> Overlay must be in the LEP. It must not be an "opt in" option. 		<ul style="list-style-type: none"> Noted – See Section 3.2.6.
19	Currowan		Y	<ul style="list-style-type: none"> Area serviced by underground power and telephone with good access. 80% holdings in area under 40 ha. 	<ul style="list-style-type: none"> Request a 16 ha lot size (not 40 ha) for dwelling entitlement in area. 	<ul style="list-style-type: none"> See Section 3.8.2 and 3.9. and table 3.
20	Shire Wide			<ul style="list-style-type: none"> Generally supportive of the RLS. 		<ul style="list-style-type: none"> Noted.
				<ul style="list-style-type: none"> Support local food production, intensive market gardening. Has impacts on employment, skills, logistics, support services. 		<ul style="list-style-type: none"> Noted.
				<ul style="list-style-type: none"> Comments on the benefit of the multiplier effect of growth in demand and marketing. 		<ul style="list-style-type: none"> Additional recommendations are proposed based on supporting marketing.
				<ul style="list-style-type: none"> Possible offsets - allow dwellings on smaller lots in exchange for environmental protection agreement over rest of land. 		<ul style="list-style-type: none"> Some people object to this trade-off approach but the State legislation encourages it. Where no legal right for a dwelling exists planning trade-offs to achieve broader public benefits are legitimate.
				<ul style="list-style-type: none"> Native veg with rural production results in long term growth and development of rural tourism. 		<ul style="list-style-type: none"> Consultants agree that the natural assets of the Shire are vital to tourism and some of those assets involve private lands.
21	Mystery Bay		Y		<ul style="list-style-type: none"> Has re-submitted 2006 submission seeking re-zoning to urban. 	<ul style="list-style-type: none"> Consultants recommend this be referred to Council's urban strategy program. A strategic decision seems needed as to the appropriateness of additional urban lands at Mystery Bay and or additional rural residential but the two issue

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						intertwine and hence are beyond the scope of the Rural Strategy. And see table 3
				<ul style="list-style-type: none"> Includes 2006 details of access, water, power, on-site sewage, veg, slope, drainage, bushfire, ag classification, Visual impact, integration with existing Mystery Bay Village. 		
22	Bingie	N		<ul style="list-style-type: none"> Objects to biodiversity being forced on landholders by development offsets and planning agreements. Favour establishment of priorities for areas where endangered ecological species exist in natural habitat. Landholders should be encouraged by compensation to protect areas of high priority biodiversity. 	<ul style="list-style-type: none"> Use of 'vegetation overlays' is NOT a legislated requirement for the LEP. Overlay is a quasi E3 zone Protection of native vegetation already covered by Native Vegetation Act. Current vegetation mapping in the Shire has significant inaccuracies. The same mapping classification covers native vegetation, regrowth and established woodland / shelter belts. E3 rejected by rural community and Minister and ESC. Objects to a Scenic and Cultural Landscapes code. Too subjective. Covered in DA process. 	<ul style="list-style-type: none"> See Section 3.2.6 See Section 3.2.6. See 3.2.6. See 3.2.6. No E3 proposed in Strategy. The strategy only recommends a staff code - see Section 3.3.2.
				<p>Background Annexures provided:</p> <ul style="list-style-type: none"> History of Council resolution with regard to use of overlays and E3 zones in LEP 2012. Mapping inaccuracies on property. 		

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					<ul style="list-style-type: none"> • RLS does not provide enough smaller lot sizes for affordable life style blocks. Increase flexibility for housing entitlements. 	<ul style="list-style-type: none"> • Revised proposal is for a modest increase in supply to that exhibited and to set longer term areas for further investigation. See Sections 3.8 and 3.9.
					SUPPORTS	
					<ul style="list-style-type: none"> • Strategy has excellent snapshot of current agricultural scene 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Local food production and tourism initiatives. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Additional uses proposed. 	<ul style="list-style-type: none"> • Noted
					<ul style="list-style-type: none"> • Removal of sunset clause for housing and that LEP does not map bio corridors. 	<ul style="list-style-type: none"> • Noted.
23	Shire Wide			<ul style="list-style-type: none"> • Very detailed submission addressed at Section 2.4.1 		<ul style="list-style-type: none"> • See Section 2.4.1
24	Coila	N	Y		<ul style="list-style-type: none"> • Vegetation mapping based on outdated aerial mapping and not accurate 	<ul style="list-style-type: none"> • See Section 3.2.6.
					<ul style="list-style-type: none"> • Nobody wants overlays or E3 zones. No Scenic and Cultural landscape code. 	<ul style="list-style-type: none"> • A majority of submissions and meeting comment is against these 3 elements but there is also a minority of expressed support and the actual overall public "vote" is difficult to determine.
					<ul style="list-style-type: none"> • No biodiversity offsets. 	<ul style="list-style-type: none"> • See Section 3.5.1
					<ul style="list-style-type: none"> • Request smaller lot sizes with dwellings 	<ul style="list-style-type: none"> • See Section 3.9 and table 3
25	Kianga	N	Y		<ul style="list-style-type: none"> • Oppose vegetation overlay in LEP 	<ul style="list-style-type: none"> • See Section 3.2.6.
					<ul style="list-style-type: none"> • Seek 10-15 ha lot size for RU1 in their area 	<ul style="list-style-type: none"> • See Sections 3.8.2, 3.9 and Table 3
					<ul style="list-style-type: none"> • Also seek application of minimum averaging provisions 	<ul style="list-style-type: none"> • Not recommended for RU1 at this stage.

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26	Mogo		Y		<ul style="list-style-type: none"> Support proposed 20 ha lot sizing for their land. They propose to subdivide into rural living/ bush retreat style. 	<ul style="list-style-type: none"> Noted See table 3
27	Shire Wide	Y		<ul style="list-style-type: none"> Generally agrees with all listed social and economic strategies and actions. 	<ul style="list-style-type: none"> Supports no E3 as long as there is an overlay included in LEP. 	<ul style="list-style-type: none"> Noted See Section 3.2.6.
				<ul style="list-style-type: none"> Does not adequately provide for protection of native vegetation and the ecosystem services it provides to agriculture. 	<ul style="list-style-type: none"> An overlay that depicts native vegetation of significance in an LEP is transparent and easily found by rural land owners. 	<ul style="list-style-type: none"> Noted See Section 3.2.6.
				<ul style="list-style-type: none"> Supports 20 year vision and objectives. 		
				<ul style="list-style-type: none"> Biodiversity assets on both private and public lands in Eurobodalla are the basis of tourism. 	<ul style="list-style-type: none"> Urges Council to continue to use the E2 zone as presented in the 2012 LEP. 	<ul style="list-style-type: none"> Noted and Strategy recommends retention of E2 zone.
				<ul style="list-style-type: none"> An overlay avoids the need to consult multiple documents. 		<ul style="list-style-type: none"> Noted and agreed
				<ul style="list-style-type: none"> The removal of any signal or flag to indicate that a property has a conservation value (or consideration) placed across it goes directly against the intention of zoning and planning. As we operate within a buyer beware property market the Council would be negligent NOT to supply some sort of signal to a potential buyer or developer. 		<ul style="list-style-type: none"> Noted and agreed See Section 3.2.6.
28	Shire Wide			<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> No issues raised. 	<ul style="list-style-type: none"> Noted
29	Shire Wide	N	Y	<ul style="list-style-type: none"> Overlays an unnecessary additional restrictions and bureaucratic intervention. 	<ul style="list-style-type: none"> Lot sizes for R5 should be 0.4 ha to allow for a better urban-rural transition. 	<ul style="list-style-type: none"> Not supported as a blanket provision as land capability varies- especially for effluent disposal. Minimum averaging allows some smaller lots and Strategy suggests some continuing supply. See table 3.

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				<ul style="list-style-type: none"> Overlay not a legislative requirement for LEP. Covered by Native Veg Act. 	<ul style="list-style-type: none"> Flexibility in housing entitlements to allow for small lot agriculture and dual occupancy in retirement. 	Additional RU4 zone is proposed and detached dual occupancy is recommended in the RU4 zone.
				<ul style="list-style-type: none"> Veg mapping is inaccurate. No differentiation between regrowth, planted and extant vegetation. 	<ul style="list-style-type: none"> Mapping/overlays do not recognise farm plantings and re-growth. 	Noted
				<ul style="list-style-type: none"> See submission #22 for comments re process re overlays and E3; Rural Landscapes; Biodiversity & Offsets. 		See submission #22 comments.
				<p>Background Annexures provided:</p> <ul style="list-style-type: none"> History of Council resolution with regard to use of overlays and E3 zones in LEP 2012. 	<ul style="list-style-type: none"> Excellent snapshot of current agricultural scene. 	<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Comment on process re: Size of document, consultations, suggested report re-structure. 	<ul style="list-style-type: none"> Supports local food production and tourism initiatives. 	Noted
					<ul style="list-style-type: none"> Supports Additional uses proposed. 	Noted
					<ul style="list-style-type: none"> Supports Removal of sunset clause for housing and that LEP does not map bio corridors. 	Noted
				<p>SEEKS COMMENT</p> <ul style="list-style-type: none"> Wants to re-locate a grid (8 m) but has not been able to get Council approval to remove a tree on the road reserve which normally would be approved under the asset protection guidelines. Asks for assistance on this matter. 		<ul style="list-style-type: none"> Not within the scope of the Rural Lands Strategy.
30	Shire Wide	Y		<ul style="list-style-type: none"> RLS does not adequately protect native vegetation and the ecosystem services provided by rural lands. 	<ul style="list-style-type: none"> "No E3" only supported if there is a vegetation overlay. 	<ul style="list-style-type: none"> Noted See Section 3.2.6.
				<ul style="list-style-type: none"> 20 year vision for rural lands supported. Objectives re agriculture, small lot 	<ul style="list-style-type: none"> Supports continued use of E2 zone. 	<ul style="list-style-type: none"> Noted and Strategy recommends retention of E2 zone.

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				farming, rural tourism, biodiversity supported.		
				<ul style="list-style-type: none"> • Veg overlay in DCP or regional plans, in lieu of E3 considered not to provide adequate protection. 		<ul style="list-style-type: none"> • Noted See Section 3.2.6.
31	Shire Wide	Y			<ul style="list-style-type: none"> • Prime ag land should be identified and preserved from development other than agriculture. Support Sect 6.2.1.2 	<ul style="list-style-type: none"> • Noted
					<ul style="list-style-type: none"> • Request overlays be examined, made more accurate, current and retained. Agree with actions 6.2.1.1;6.2.2; 6.5.1 	<ul style="list-style-type: none"> • Noted see Section 3.2.6.
					<ul style="list-style-type: none"> • Supports objectives in 6.1.2; 6.1.3 Over 20 year time frame, small integrated farming systems will gain greater traction. 	<ul style="list-style-type: none"> • Noted
					<ul style="list-style-type: none"> • Local food industry warrants support as it re-establishes itself. Supports actions 6.4.2; 6.4.3. • Supports Council helping growers access private lands via leasing arrangements. Supports actions 6.6.1.3. 	<ul style="list-style-type: none"> • Noted • Noted
					<ul style="list-style-type: none"> • Supports food safety legislation and actions in 6.6.2. 	<ul style="list-style-type: none"> • Noted
					<ul style="list-style-type: none"> • Supports lobbying for better internet access as per 6.6.4. 	<ul style="list-style-type: none"> • Noted
32	Jeremandra		Y	<ul style="list-style-type: none"> • Pleased that their land zoning remains unchanged. 	<ul style="list-style-type: none"> • Seeking rezoning to allow 10 ha lots. 	<ul style="list-style-type: none"> • See Section 3.8.2 and table 3.
				<ul style="list-style-type: none"> • Currently seeking approval for wholesale nursery and landscape supplies. 		
				<ul style="list-style-type: none"> • Small businesses adjacent would benefit from their proposal. 		

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33	Nth Batemans Bay	N	Y	<ul style="list-style-type: none"> Have made many representations already. Wishes past submissions to be considered again. 	<ul style="list-style-type: none"> Dual occupancy with attached rooves too restrictive and unnecessary. 	<ul style="list-style-type: none"> Dual Occupancy (detached is recommended for R5, RU4 and E4.
				<ul style="list-style-type: none"> Lot numbers and street names should be individually identified. 	<ul style="list-style-type: none"> R5 lots should be able to be subdivided to 2.5 acres.(1 ha) 	<ul style="list-style-type: none"> Not supported as a blanket provision as land capability varies- especially for effluent disposal. Minimum averaging allows some smaller lots and Strategy suggests some continuing supply. See table 3.
				<ul style="list-style-type: none"> Concerned about the extra cost (at development stage) of and unnecessary restrictions placed by overlays. 	<ul style="list-style-type: none"> No environmental zones, no overlays, like for like zonings with no loss of rights on land uses, recognition of common law right and no loss of housing entitlements or existing uses of land. 	<ul style="list-style-type: none"> No proposal to remove current dwelling rights- strategy increases supply. See Section 3.2.6 for discussion on overlays. No E3 proposed but recommend retention of E4, E2 and E1.
34	Congo	Y		<ul style="list-style-type: none"> Appreciate the public forums that were held. 	<ul style="list-style-type: none"> Does not support E3 being re-zoned as RU1 without native veg overlay in LEP. 	<ul style="list-style-type: none"> Noted See Section 3.2.6.
				<ul style="list-style-type: none"> Very disappointed at interruptions by people at Moruya Golf Club forum who only wanted to subdivide their land. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Agree economic future is in agriculture and tourism. Therefore must preserve the natural environment. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Knowing about important biodiversity that needs careful management critical to purchasers. 		<ul style="list-style-type: none"> Noted See Section 3.2.6.
				<ul style="list-style-type: none"> Supports actions to strengthen local food production and tourism. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Suggests Council lobby: <ul style="list-style-type: none"> – increased funding for NSW Biodiversity Fund; – Improved internet access/ mobile phone coverage; 		<ul style="list-style-type: none"> Noted and Strategy recommends such actions.

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				– For ways that SAGE type farmers get more certainty leasing and operating on small parcels of land.		
35	Nelligen			• Staff helpful at workshops.	• Support E4 zoning	• Strategy recommends retention of E4
				• Happy with zoning proposal for area.		• Noted
				• Understand need to preserve agricultural land and environmentally sensitive land.		• Noted
36	Nth Narooma		Y		• Seeking a 20 ha minimum lot size. They have sealed road, land is scrub and there are many 2-5 ha lots nearby.	• See Section 3.9. and table 3
37	Shire Wide	Y		• Does not adequately provide for protection of native veg and ecosystem services it provides to agriculture.	• Does not support E3 being re-zoned as RU1 even with native veg overlay in LEP.	• Noted See Section 3.2.6.
				• Proposed amendments don't go far enough to protect biodiversity.		
				• E3 provides for activities and development that will not adversely affect biodiversity values.		
				• The RLS must avoid a loss of the assets that attract tourists.		
				• Without an E3 zone or native veg overlay will lead people to believe there is little biodiversity value in Eurobodalla.		
				• As we operate within a buyer beware property market the Council would be negligent NOT to supply some sort of signal to a potential buyer or developer.		

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				<ul style="list-style-type: none"> Most want more not less surety of their property purchases. 		
38	Narooma	N	Y	<ul style="list-style-type: none"> RLS has got it mostly right. 	<ul style="list-style-type: none"> Requests min lot size of 20 ha in RU1 to encourage smaller affordable farms 	<ul style="list-style-type: none"> Some (small) areas of RU1 are proposed for 20 ha lot size but not supportive of extensive areas.
					<ul style="list-style-type: none"> Objects to overlays in LEP 	<ul style="list-style-type: none"> Noted See Section 3.2.6.
					<ul style="list-style-type: none"> Minimum averaging for subdivisions should be included especially where topography does not allow for easy subdivision. 	<ul style="list-style-type: none"> Not recommended for RU1 at this time but for review later.
39	Nth Batemans Bay			<ul style="list-style-type: none"> Not necessary to have NV overlay attached to both properties as they have been farmed for over 60 yrs. 	<ul style="list-style-type: none"> Request OEH come out to review native veg overlay at property. 	<ul style="list-style-type: none"> Request to be forwarded to OEH and response made to submissioner.
				<ul style="list-style-type: none"> No significant NV. 		Noted
				<ul style="list-style-type: none"> Sea level overlay incorrect as properties not under the 2 m water rises. The SL overlay should be removed. 		<ul style="list-style-type: none"> There is no sea level overlay existing or proposed. The submissioner is referring to the coastal zone map in the Strategy. This is not a sea level map and is not proposed to be an overlay in the LEP.
40	Moruya				<ul style="list-style-type: none"> Request rezoning to RU4. 	<ul style="list-style-type: none"> See Section 3.8.2 and table 3
41	Moruya Heads	Y		<ul style="list-style-type: none"> Used overlays when house hunting- found them useful. 	<ul style="list-style-type: none"> Concerned that a small vocal minority are pushing for the removal of the Native Vegetation Overlays from LEP. 	<ul style="list-style-type: none"> Noted See Section 3.2.6.
				<ul style="list-style-type: none"> Essential that biodiversity considered when clearing or developing. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Biodiversity important to Eurobodalla. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Do not reduce the tools available to Council in its instruments to preserve a balanced terrestrial biodiversity 		<ul style="list-style-type: none"> Noted

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42	Bergalia	Y		<ul style="list-style-type: none"> Class 5 agricultural land classification on their property is supported as correct. 	<ul style="list-style-type: none"> Support RU4 zoning for all their property. 	<ul style="list-style-type: none"> See Section 3.8.2
				<ul style="list-style-type: none"> High conservation value mapping on property is supported as accurate. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Class 1 agricultural land mapped on property not supported and land not suited to cultivation as <ul style="list-style-type: none"> – 2 ha is too small and unsustainable for beef cattle which is the traditional activity in locality – Wildlife from adjacent conservation area would impact on any agricultural activity. 		<ul style="list-style-type: none"> Noted
				<ul style="list-style-type: none"> Support encouraging ecotourism activities 		<ul style="list-style-type: none"> Noted
43	Belowra	N	Y	<ul style="list-style-type: none"> Current strategy best to date but has some shortfalls: 	<ul style="list-style-type: none"> Request for Belowra min lot size 500 ha to 100 ha and the 100 ha to 40 or 20 ha. 	<ul style="list-style-type: none"> See Section 3.9
				<ul style="list-style-type: none"> Acknowledges trend to smaller lots for rural lifestyle choices- not commercial agriculture reasons. 	<ul style="list-style-type: none"> But many of the 500 ha rural lot sizes are still relevant for most of the Belowra valley 	<ul style="list-style-type: none"> See Section 3.9.
				<ul style="list-style-type: none"> Only 1 in their area attempting commercial business. Many don't want bitumen roads. 	<ul style="list-style-type: none"> Submission infers that RU4 zone should be more widely used. 	<ul style="list-style-type: none"> See Section 3.8.2
					<ul style="list-style-type: none"> Many small lot owners in RU1 zoned lands are actually using land more in keeping with RU4 zoning. 	<ul style="list-style-type: none"> See Section 3.8.2
					<ul style="list-style-type: none"> Many of the 20 and even 40 ha lot size classifications should be considered for RU4 zoning. 	<ul style="list-style-type: none"> See Section 3.8.2
					<ul style="list-style-type: none"> Supports removal of sunset clause. 	<ul style="list-style-type: none"> Noted.

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					<ul style="list-style-type: none"> Strongly opposed to vegetation overlay. Enough legislation already to control vegetation issue. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Agrees with detached housing being permitted in RU1 & RU4. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Agree with public worship permitted in RU1. Emergency services should be permitted in RU1 & RU4. 	<ul style="list-style-type: none"> Noted- most emergency services are permissible in RU1 and RU4.
					<ul style="list-style-type: none"> More small lots should be created to meet demand. 	<ul style="list-style-type: none"> See discussion in Section 3.9.
					<ul style="list-style-type: none"> The following actions are supported: 12, 13, 19, 27, 28, 29, 35, 38, 41 (1st bullet point), 42, 43, 45 (1st bullet point), 46,48,49,51,52 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Not supported: action 45 (2nd bullet point) 	<ul style="list-style-type: none"> This refers to the suggestion to return clearing powers to Councils. This will be resolved through the State Government's review of the biodiversity legislation.
					<ul style="list-style-type: none"> Tuross riparian overlay is incomplete. If overlay is to be added to LEP it needs completion or at least a warning note to let solicitors and conveyancer know the real picture for title searches. 	<ul style="list-style-type: none"> To be further researched by Council in preparing the Planning Proposal to implement the Rural Lands Strategy.
44	Woodlands	N	Y		<ul style="list-style-type: none"> No environmental overlays. They are already covered by NV Act; TSC Act. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Happy with RU4 zone but would like min lot size reduced from 20 ha to 10 ha. 	<ul style="list-style-type: none"> See Section 3.9 and table 3.
45	Shire Wide			KEY ISSUES		
				WATER DEMAND AND SUPPLY ISSUES:		

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				<ul style="list-style-type: none"> References to the provision of adequate water supplies in the RLS report are considered to be lacking 		<ul style="list-style-type: none"> Consultants question the concern with respect to the scattered additional dwelling opportunities presented in the draft strategy. Most of these opportunities will be low density rural lots of some size and hence potential of dams, groundwater and outbuildings to supplement rainwater collection.
				<ul style="list-style-type: none"> Proposals should only be endorsed if feasible, sustainable water supplies are available. 		<ul style="list-style-type: none"> The draft strategy suggests water supply be a consideration for future rural small holding zones.
				ADDITIONAL RURAL LOTS AND BASIC LANDHOLDER RIGHTS:		
				<ul style="list-style-type: none"> Providing additional supply of smaller lots and additional housing options (particularly in proximity of existing rural dwellings) could potentially increase Basic Landholder Right (BLR) water extraction for domestic use. 		<ul style="list-style-type: none"> Consultants accept additional living opportunities with access to streams could add to individual water extraction. But there is a lack of data on coastal streams as to scale of current impacts and in most cases the yields suggested in the draft strategy are small with respect to potential dwelling sites with direct stream access.
				<ul style="list-style-type: none"> The growth of BLRs to extract water for stock and domestic purposes has reduced the availability of water for licensed users and impacted upon the health of riverine systems. 		<ul style="list-style-type: none"> The rural producer workshops raise an interesting research topic as to how much coastal streams should be treated the same as Murray Darling streams where the extensive downstream catchment impacts are significant compared to some coastal streams where very significant environmental flows to ocean still may exist.
				<ul style="list-style-type: none"> Proliferation of BLRs is a cumulative issue in relation to water management 		<ul style="list-style-type: none"> Consultants accept comment but again point to very minor and scattered nature

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				<p>particularly affecting authorised water licence holders.</p> <ul style="list-style-type: none"> It is therefore recommended that any future rezonings give due consideration to the potential for proliferation of BLR water extraction. 		<p>of additional dwelling s proposed in draft strategy</p>
				<p>EXPANDING FOOD PRODUCTION AND RURAL TOURISM:</p> <ul style="list-style-type: none"> Enhancing opportunities to expand small scale food production and rural/agri- tourism may place greater demands on existing water resources. Such water extraction would be subject to water licensing. 		<ul style="list-style-type: none"> The Producers workshops recommend further liaison with DPI Water as to the potential difference of coastal streams to the need for protection of inland streams. The water demand of local food growers in Eurobodalla is modest yet “state wide” inflexible licencing may be unreasonably constraining irrigation access for small operators?
				<ul style="list-style-type: none"> Under the water legislation, the volume of water entitlement available is capped and no new water entitlement is available. Obtaining a water licence therefore requires trading of existing entitlement in accordance with existing water embargoes, and in future in accordance with relevant Water Sharing Plans for both surface and groundwater. 		<ul style="list-style-type: none"> Again the producers workshops question the State wide dams policy where a western property is capped at 10% dam catchment the same as a coastal catchment with much less loss of environmental flow. The Consultants recommend this issue be further explored with respect to possibly increasing the % of site area that coastal landowners can use for surface water collection.
46	Narooma		Y	<ul style="list-style-type: none"> Given the small size of the land, small scale agricultural would be suitable and RU4 zone is appropriate for this use. 	<ul style="list-style-type: none"> Seeking RU4 zoning. 	<ul style="list-style-type: none"> See Section 3.8.2 and table 3.

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				<ul style="list-style-type: none"> Change from RU1 to RU4 would not be affected by existing mapping and overlay concerns. RU1 inappropriate due to size of property, high salinity, steep gradient, class 4 agricultural land classification. 		
47	Shire Wide	Y		<ul style="list-style-type: none"> E3 to RU1 zone change could have the unintended consequence of working against increase in rural tourism. Inadequate protection of biodiversity. Council would be negligent not to supply a signal to a buyer that the land has or may have a conservation value. Land owners should be recognised for conserving natural values on their land, Council could: <ul style="list-style-type: none"> Lobby for an increase in the NSW Biodiversity Fund. Educate farmers re benefits of carbon funding. Promote Voluntary Conservation Agreements. 	<ul style="list-style-type: none"> Support use of E2 as per LEP 2012. Does not support deferred areas being zoned RU1 even if a native vegetation overlay is used. 	<ul style="list-style-type: none"> E2 is recommended to be retained in draft Strategy. Argument for not having E3 is detailed in the strategy. It is important Council have transparent planning provisions. Noted and recommended. Policy needed at federal level. See discussion Section 3.5.
48	Mossy Point		Y		<ul style="list-style-type: none"> Seeking to rezone (to E4) south western corner of lot. Detailed plans/ images provided. 	<ul style="list-style-type: none"> See Section 3.8.2 and table 3.
49	Shire Wide			<ul style="list-style-type: none"> Considers that the "open and transparent approach" to the RLS process has gained "much respect". 	<ul style="list-style-type: none"> Supports protection of agricultural lands i.e. 6.2.1.2; 6.4.2 (actions 20,21,22,23) 	<ul style="list-style-type: none"> Noted.

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					<ul style="list-style-type: none"> Support recommendations relating to protecting prime agricultural land. Support not using the E3 zone. Support actions to encourage small scale food production. Support advocating for simpler leasing rules and adequate services in rural areas. Support encouraging rural tourism businesses, but object to commercial off road tours. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Smaller area land owners would like to have building entitlements to allow for full-time occupancy. 	<ul style="list-style-type: none"> See Section 3.8.1.
50	Deua River Valley		Y		<ul style="list-style-type: none"> Request dwelling entitlement. 	<ul style="list-style-type: none"> See Section 3.8.1. and Table 4
51	Benandarah		Y	<ul style="list-style-type: none"> Gives 11 reasons for the Benandarah area not being viable for intensive large scale rural holdings as per RU1 40 ha lots 	<ul style="list-style-type: none"> Request that lot be rezoned RU4 and existing industrial use be maintained, 	<ul style="list-style-type: none"> See Section 3.8.2 and table 3
				<ul style="list-style-type: none"> Provides 8 reasons why the impact of subdivision of their allotment under RU4 would be minimal. 	<ul style="list-style-type: none"> Request that the Benandarah area be zoned RU4. 	<ul style="list-style-type: none"> See Section 3.8.2
				<ul style="list-style-type: none"> Intention is to undertake a future subdivision of land into 3 lots. 		
52	Bergalia		Y		<ul style="list-style-type: none"> Support removal of "sealed road provision" 	<ul style="list-style-type: none"> Noted See Section 3.10.1.2
					<ul style="list-style-type: none"> Have 420 acres with no dwelling entitlement which reduces their ag business options and choices. Need building entitlement. 	<ul style="list-style-type: none"> Noted See Section 3.8.1 and table 4.

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53	Deua River Valley	N			<ul style="list-style-type: none"> Needs resolution of incorrect boundary mapping of his land (on 2 boundaries). 	<ul style="list-style-type: none"> This issue is a matter for the NSW Land and Property Information Service to address.
54	Deua River Valley		Y	<ul style="list-style-type: none"> A sustainable and viable business does not need the proposed lot size of 40 ha. 	<ul style="list-style-type: none"> Submissioner is a small scale vegetable producer. Needs dwelling approval to achieve business plan at site. 	<ul style="list-style-type: none"> Noted see Section 3.8.1 and table 4.
				<ul style="list-style-type: none"> Three adjacent blocks already contain dwellings. 		Noted
				<ul style="list-style-type: none"> No need for Council services. Self-sufficient- solar power, rain water catchment, gas hot water, composting toilet. 		Noted
				<ul style="list-style-type: none"> Arable land in Deua will be become more important as sea level rise causes increased salinity of Moruya R flats. 		Noted
				<ul style="list-style-type: none"> Is an ancillary dwelling entitlement a possibility? 		See table 4.
				<ul style="list-style-type: none"> Uses integrated farming -chickens for eggs as well as for improving soil quality. 		Noted
55	North Moruya			<ul style="list-style-type: none"> States that RLS report should be reported to Council by Steering Committee not the Consultants. 	<ul style="list-style-type: none"> RU1 zoning is incorrect- property is an urban block, has town water, sewerage, electricity, etc., surrounded by houses. 	<ul style="list-style-type: none"> See table 3.
				<ul style="list-style-type: none"> If Consultant reports to Council then the process is flawed. 		<ul style="list-style-type: none"> The adopted process is the Consultant prepares the draft strategy, consults with Community and Committee, considers submissions, revises draft then Committee reports on revised draft and Council makes final decision on what is adopted as the Strategy.

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56	Yowrie			<ul style="list-style-type: none"> If LEP rezones land to exclude dwelling entitlement, land holders will be significantly disadvantaged- may seek compensation 	<ul style="list-style-type: none"> Seeking dwelling entitlement. Submission states that lot previously had permission to erect a dwelling. 	<ul style="list-style-type: none"> Noted see Section 3.8.1 and table 4. Not likely there is any exposure for Council if someone is denied a dwelling entitlement for land where the LEP prohibits a dwelling.
				<ul style="list-style-type: none"> With regard to unlawful dwellings on their property - existing buildings are only used 10-15 nights every 12 months. 		
57	Bodalla			<ul style="list-style-type: none"> Current areas being farmed are ideally suited to dairy. 	<ul style="list-style-type: none"> LEP should be framed to encourage agriculture. e.g. development and preservation of high class rural land. 	<ul style="list-style-type: none"> Consultants consider these objectives are addressed in draft.
				<ul style="list-style-type: none"> There is enough state land use legislation and controls already. 	<ul style="list-style-type: none"> Strongly object to scenic and cultural landscape code. Rural landscape is constantly changing. 	<ul style="list-style-type: none"> See discussion at Section 3.3.2.
				<ul style="list-style-type: none"> Road infrastructure support and development important at State and Local Government level. 	<ul style="list-style-type: none"> Any codes that could inhibit agricultures ability to adapt to changing circumstance in the future should be avoided no matter how well meaning they appear at the time. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support the removal of the sunset on building entitlements. 	<ul style="list-style-type: none"> Noted.
				<ul style="list-style-type: none"> Inaccuracy of veg overlays a valid concern and need of updating accuracy should be on going. 	<ul style="list-style-type: none"> The vegetation overlays have been a controversial through this process and our conclusion is they should be placed in a DCP and not the LEP. Needs improvement. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
				<ul style="list-style-type: none"> We commend the Consultant for a very easy to read report (although still long) and agree with the intended direction and overview of rural Eurobodalla. 	<ul style="list-style-type: none"> Provision for employee housing may also be required. 	<ul style="list-style-type: none"> Current dual occupancy and proposed dual occupancy provisions would allow a second dwelling for any residential use on most properties. And that is considered sufficient.

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58	Shire Wide	Y		<ul style="list-style-type: none"> • RLS Draft does not adequately protect biodiversity 	<ul style="list-style-type: none"> • Support continued use of E2. 	<ul style="list-style-type: none"> • Noted.
				<ul style="list-style-type: none"> • Ecosystem services provided by nature are generally undervalued. 	<ul style="list-style-type: none"> • Use of RU1 for deferred lands not supported that is not using the E3 zone and use of RU1 for deferred lands is not supported. 	<ul style="list-style-type: none"> • Discussion on rationale for not using E3 is presented in the strategy and Section 3.2.1.
				<ul style="list-style-type: none"> • Protecting biodiversity dependent in part on native veg on rural properties providing wildlife corridors. 	<ul style="list-style-type: none"> • Restrictions should be placed on land of high ecological value. Supports use of native vegetation overlay. 	<ul style="list-style-type: none"> • Noted see Section 3.2.6.
				<ul style="list-style-type: none"> • Supports recognition of landowners for their conservation works. 	<ul style="list-style-type: none"> • Strongly support local food actions and rural tourism actions. 	<ul style="list-style-type: none"> • Noted.
				<ul style="list-style-type: none"> • Council could assist farmers to take advantage of carbon funding initiatives and/or conservation agreements. 	<ul style="list-style-type: none"> • Supports actions to make leasing more available, to investigate local processing, to improve mobile and internet access. • Supports 20 year vision. 	<ul style="list-style-type: none"> • Noted and strategy recommends actions. • Noted.
59	Turlinjah	N			<ul style="list-style-type: none"> • Endorses submission #22. 	<ul style="list-style-type: none"> • See submission #22 comments.
60	Bodalla		Y	<ul style="list-style-type: none"> • Awaiting results of RLS to retain existing dwellings and legalise, if necessary all developments. 	<ul style="list-style-type: none"> • Request lot remain RU1 with a min lot size 40. Request dual occupancy entitlement. 	<ul style="list-style-type: none"> • See Section 3.8.1 and tables 3 and 4.
61	Bodalla	N	Y		<ul style="list-style-type: none"> • Request to rezone land nth of Princess Hwy and separated by the highway to RU4. 	<ul style="list-style-type: none"> • See Section 3.8.2 and table 3.
					<ul style="list-style-type: none"> • Allow for minimum lot averaging in RU1 zone in circumstances described in submission. 	<ul style="list-style-type: none"> • Recommendation is to defer use of minimum averaging in RU1 until further researched.
					<ul style="list-style-type: none"> • Request less than 100 ha min for dwelling entitlement. 	<ul style="list-style-type: none"> • See Sections 3.8 to 3.9.
62	Benandarah				<ul style="list-style-type: none"> • Supports minimum lot averaging. 	<ul style="list-style-type: none"> • Recommendation is to defer use of minimum averaging in RU1 until further researched.

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63	Shire Wide			<ul style="list-style-type: none"> http://www.dpi.nsw.gov.au/fisheries/habitat/publications/protection/key-fish-habitat-maps 	<ul style="list-style-type: none"> WATER QUALITY 	
				<ul style="list-style-type: none"> Note that all waterways to the limit of tidal influence are part of Bateman's Marine Park 	<ul style="list-style-type: none"> The Strategy doesn't sufficiently address water quality issues. Rural land activity impacts on water quality including estuarine. 	
				<ul style="list-style-type: none"> Where a development or activity is proposed to occur within or adjacent to a marine park, the Department is concerned about the impact on the marine biology and ecological values. 	<ul style="list-style-type: none"> It is therefore critically important to ensure that new and enlarged developments within rural lands are appropriately located, designed, constructed and managed to minimise impacts upon water quality. 	<ul style="list-style-type: none"> There are no significant changes in dwelling yields proposed in the draft Strategy in close proximity to the coast or lower catchments of coastal waterways.
				<ul style="list-style-type: none"> The Overlay approach provides the best mechanism for clearly identifying the areas that have aquatic values and establishing the performance criteria and standards that need to be achieved in relation to those values. 	<ul style="list-style-type: none"> Strongly supports LEP retaining Riparian Lands and Watercourses clause and overlay and Wetlands Clause and overlay. 	<ul style="list-style-type: none"> Consultants also support the retention of these overlays as detailed in Section 3.2.6.
				<ul style="list-style-type: none"> Recommends establishing a "neutral impact" benchmark- i.e. all new and/or expanded development should demonstrate that it will not make water quality any worse than it may be. 	<ul style="list-style-type: none"> Aquatic Threatened Species: The Strategy fails to recognise that the threatened species provisions (Part 7A) of the Fisheries Management Act 1994 (FM Act) applies to the rural lands. Section 3.2.2 on page 10 lists the TSC Act and the Native Vegetation Act but fails to mention the FM Act. Council should note that Australian Grayling (<i>Prototroctes mareana</i>) is particularly relevant to the Eurobodalla. The species stronghold in NSW includes the Clyde, Deua and Tuross Rivers and tributaries. Grayling is listed as "Endangered" in 	<ul style="list-style-type: none"> Consultants recommend Section 3.2.2 be expanded to acknowledge the application of the Fisheries Management Act. Consultants agree that the principle of "neutral impact" on water resource quality should apply to new rural residential developments.

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					NSW and "Vulnerable" at the Federal level.	
				Aquaculture		
				<ul style="list-style-type: none"> Two land based aquaculture enterprises: oyster nursery, finfish hatchery (BAS) and growout facility. 		<ul style="list-style-type: none"> The recommendations on support for emerging food enterprises should be expanded to include future aquaculture businesses.
				<ul style="list-style-type: none"> In some areas close to oyster production, OSMS may not be suitable at all due to site constraints (soil, slope, etc.) or if adequate buffer distances cannot be met. The suitability of land for intensive animal industries may also be similarly constrained close to oyster producing estuaries. 		<ul style="list-style-type: none"> The Consultants agree that Council policy might be more explicit with regard to buffers for On-site Sewerage management facilities and new intensive agricultural activities in proximity to waterways.
				<ul style="list-style-type: none"> Unsealed rural roads in oyster producing catchments are also of concern to the industry. 		<ul style="list-style-type: none"> Council resources are limited with regard to sealing remaining gravel roads but additional residential development on roads in immediate oyster catchments need limiting.
64	Shire Wide	Y		<ul style="list-style-type: none"> Council should put more emphasis on protecting the natural environment - the key tourism (& biggest industry) attractor 	<ul style="list-style-type: none"> RLS appears to make minimal reference to climate change. 	<ul style="list-style-type: none"> Climate change is addressed in discussion papers. Recommendations are made to consider possible impacts on water and bushfire and heat wave impacts.

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				<ul style="list-style-type: none"> • Council can help by supporting rural producers and small scale industries (especially value adding ones in combination with its efforts to support activities such as art exhibitions or music festivals. 	<ul style="list-style-type: none"> • Does not support recommendation to rezone currently deferred areas as RU1 Primary Production Zones. 	<ul style="list-style-type: none"> • Noted see discussion Section 3.2.
				<ul style="list-style-type: none"> • Opposes attaching priority to ensuring the availability of land for rural residential and bush living. Such lifestyle choices do little to enhance the natural environment and impose costs on Council. However, individual proposals could be considered if they combine rural food production and/or tourism elements. 	<ul style="list-style-type: none"> • Supports initiatives re SAGE 	<ul style="list-style-type: none"> • Noted
					<ul style="list-style-type: none"> • Supports small scale food production initiatives and assistance with leasing arrangements to grow small scale producer sector. 	<ul style="list-style-type: none"> • Noted and draft Strategy recommends
					<ul style="list-style-type: none"> • Supports efforts to improve broadband and mobile services. 	<ul style="list-style-type: none"> • Noted and draft strategy recommends
65	Potato Point		Y		<ul style="list-style-type: none"> • Submission for a building entitlement for existing dwelling & dual occ on holding. 	<ul style="list-style-type: none"> • Noted See Section 3.8.1 and table 4.
66	Shire wide	N		<ul style="list-style-type: none"> • Similar to submission #22. Background document to RLS included. Example given: Bowral in the Southern Highlands has developed a beautiful and picturesque transition between residential and small rural in Burradoo on the out skirts of the township. An excellent snapshot of the agricultural scene provided. 	<ul style="list-style-type: none"> • Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> • Noted See Section 3.2.6.

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				<ul style="list-style-type: none"> • Background Annexures provided: <ul style="list-style-type: none"> – History of Council resolution with regard to use of overlays and E3 zones in LEP 2012 – Disappointed with community consultation process and commented that information presented was too onerous and not accessible enough for general public. 	<ul style="list-style-type: none"> • Object to proposal to develop rural landscape guidelines. 	<ul style="list-style-type: none"> • Noted see Section 3.3.2.
					<ul style="list-style-type: none"> • Object to the proposal that biodiversity be forced on land holders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas. 	<ul style="list-style-type: none"> • Noted see Section 3.5.
					<ul style="list-style-type: none"> • Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> • Noted see Section 3.9.
					<ul style="list-style-type: none"> • Support the additional uses proposed in the different zones. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support the removal of the sunset clause for dwelling entitlements. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support not mapping biocorridors. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support the proposals and recommendations to assist local food production and tourism 	<ul style="list-style-type: none"> • Noted.

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					<ul style="list-style-type: none"> Support recommendations for additional uses in the different zones which encourage agriculture and agriculturally related business. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Comment that the draft strategy does not provide enough additional rural living/small lots suited to younger people seeking affordable lifestyle blocks from which they can commute to work or establish an on-site business. 	<ul style="list-style-type: none"> Noted see Section 3.9.
67	Shire wide	N		<ul style="list-style-type: none"> Similar to submission #22. Background document to RLS included. <ul style="list-style-type: none"> Example given: Bowral in the Southern Highlands has developed a beautiful and picturesque transition between residential and small rural in Burradoo on the out skirts of the township. An excellent snapshot of the agricultural scene provided. 	<ul style="list-style-type: none"> Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
				<p>Background Annexures provided:</p> <ul style="list-style-type: none"> History of Council resolution with regard to use of overlays and E3 zones in LEP 2012. Disappointed with community consultation process and commented that information presented was too onerous and not accessible enough for general public. 	<ul style="list-style-type: none"> Object to proposal to develop rural landscape guidelines. 	<ul style="list-style-type: none"> Noted see Section 3.3.2.
					<ul style="list-style-type: none"> Object to the proposal that biodiversity be forced on land holders through development offsets and planning agreements. Favour the establishment of 	<ul style="list-style-type: none"> Noted see Section 3.5.

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					<p>priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas.</p>	
					<ul style="list-style-type: none"> • Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> • Noted see Section 3.9.
					<ul style="list-style-type: none"> • Support the additional uses proposed in the different zones. 	<ul style="list-style-type: none"> • Noted.
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68	Shire wide	N		<ul style="list-style-type: none"> • Similar to submission #22. Background document to RLS included. 	<ul style="list-style-type: none"> • Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> • Noted see Section 3.2.6.

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				<ul style="list-style-type: none"> • Example given: Bowral in the Southern Highlands has developed a beautiful and picturesque transition between residential and small rural in Burradoo on the out skirts of the township. 		
				<ul style="list-style-type: none"> • An excellent snapshot of the agricultural scene provided. 		
				<ul style="list-style-type: none"> • Background Annexures provided: <ul style="list-style-type: none"> – History of Council resolution with regard to use of overlays and E3 zones in LEP 2012. – Disappointed with community consultation process and commented that information presented was too onerous and not accessible enough for general public. 	Object to proposal to develop rural landscape guidelines.	Noted see Section 3.3.2.
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					<ul style="list-style-type: none"> • Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	• Noted see Section 3.9.
					<ul style="list-style-type: none"> • Support the additional uses proposed in the different zones. 	• Noted.

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					<ul style="list-style-type: none"> • Support the removal of the sunset clause for dwelling entitlements. 	• Noted.
					<ul style="list-style-type: none"> • Support not mapping biocorridors. 	• Noted.
					<ul style="list-style-type: none"> • Support the proposals and recommendations to assist local food production and tourism 	• Noted.
					<ul style="list-style-type: none"> • Support recommendations for additional uses in the different zones which encourage agriculture and agriculturally related business. 	• Noted.
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69	Shire Wide	N		<ul style="list-style-type: none"> • Similar to submission #22. • Background document to RLS included. <ul style="list-style-type: none"> – Example given: Bowral in the Southern Highlands has developed a beautiful and picturesque transition between residential and small rural in Burradoo on the out skirts of the township. – An excellent snapshot of the agricultural scene provided. 	<ul style="list-style-type: none"> • Object to use of overlays in the LEP. 	• Noted See Section 3.2.6.

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				<ul style="list-style-type: none"> Background Annexures provided: <ul style="list-style-type: none"> History of Council resolution with regard to use of overlays and E3 zones in LEP 2012. Disappointed with community consultation process and commented that information presented was too onerous and not accessible enough for general public. 	<ul style="list-style-type: none"> Object to proposal to develop rural landscape guidelines. 	<ul style="list-style-type: none"> Noted see Section 3.3.2.
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					<ul style="list-style-type: none"> Support the proposals and recommendations to assist local food production and tourism. 	<ul style="list-style-type: none"> Noted.

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					<ul style="list-style-type: none"> Comment that the draft strategy does not provide enough additional rural living/small lots suited to younger people seeking affordable lifestyle blocks from which they can commute to work or establish an on-site business. 	<ul style="list-style-type: none"> Noted see Section 3.9.
70	Narooma				<ul style="list-style-type: none"> Supports change of zoning from RU1 to RU4 with a minimum lot size of 5 ha. 	<ul style="list-style-type: none"> Noted. See table 3.
					<ul style="list-style-type: none"> Concerns for vegetation overlay in regards to mapping accuracy and uncertainty of the application and requirements it imposes and submit that it should be used for basic property information/identification purposes only and not as an opportunity for imposing onerous restrictions and greater cost and complexity during the development application process. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
71	Shire wide	N		<ul style="list-style-type: none"> Similar to submission #22. Background document to RLS included. <ul style="list-style-type: none"> Example given: Bowral in the Southern Highlands has developed a beautiful and picturesque transition between residential and small rural in Burradoo on the out skirts of the township. An excellent snapshot of the agricultural scene provided. 	<ul style="list-style-type: none"> Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.

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				<ul style="list-style-type: none"> • Background Annexures provided: <ul style="list-style-type: none"> – History of Council resolution with regard to use of overlays and E3 zones in LEP 2012. – Disappointed with community consultation process and commented that information presented was too onerous and not accessible enough for general public. 	<ul style="list-style-type: none"> • Object to proposal to develop rural landscape guidelines. 	<ul style="list-style-type: none"> • Noted see Section 3.3.2.
					<ul style="list-style-type: none"> • Object to the proposal that biodiversity be forced on land holders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas. 	<ul style="list-style-type: none"> • Noted see Section 3.5.
					<ul style="list-style-type: none"> • Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> • Noted see Section 3.9.
					<ul style="list-style-type: none"> • Support the additional uses proposed in the different zones. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support the removal of the sunset clause for dwelling entitlements. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support not mapping biocorridors. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support the proposals and recommendations to assist local food production and tourism 	<ul style="list-style-type: none"> • Noted.

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					<ul style="list-style-type: none"> Support recommendations for additional uses in the different zones which encourage agriculture and agriculturally related business. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Comment that the draft strategy does not provide enough additional rural living/small lots suited to younger people seeking affordable lifestyle blocks from which they can commute to work or establish an on-site business. 	<ul style="list-style-type: none"> Noted see Section 3.9.
72	Shire wide	N		Endorses submission #22.	<ul style="list-style-type: none"> Support the recommended RU4 zoning as a first step in allowing further subdivision for small area hobby farming. In particular to initially apply to lots adjacent to existing rural residential subdivisions with good road access, self-sustainability or minimal impact on Council services. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Suggests for RU4 zone addition of jetties as permitted use "with consent" (for lots with water frontage). 	<ul style="list-style-type: none"> RU4 permits private jetties as part of a boat shed. But agree no harm in making stand alone jetties permissible as well in RU4.
73	Cadgee				<ul style="list-style-type: none"> Supports recommendation for most land zoned RU1 to remain as is (including their own property) 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Supports removal of sealed road provision from LEP for dwelling consent. 	<ul style="list-style-type: none"> Noted see Section 3.10.1.2.
					<ul style="list-style-type: none"> Objects increased building permit requirement from 40 ha to 100 ha. Comments it is contrary to several goals of the strategy and that 40 ha is a more appropriate size for many small business owners to operate a more viable and 	<ul style="list-style-type: none"> Noted see Section 3.9.

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					manageable property for small commercial agriculture purposes.	
74	Cadgee				<ul style="list-style-type: none"> • Supports recommendation for most land zoned RU1 to remain as is (including their own property) 	• Noted.
					<ul style="list-style-type: none"> • Supports removal of sealed road provision from LEP for dwelling consent. 	• Noted see Section 3.10.1.2.
					<ul style="list-style-type: none"> • Objects increased building permit requirement from 40 ha to 100 ha. Comments it is contrary to several goals of the strategy and that 40 ha is a more appropriate size for many small business owners to operate a more viable and manageable property for small commercial agriculture purposes. 	• Noted see Section 3.9.
75	Cadgee				<ul style="list-style-type: none"> • Supports recommendation for most land zoned RU1 to remain as is (including their own property) 	• Noted.
					<ul style="list-style-type: none"> • Supports removal of sealed road provision from LEP for dwelling consent. 	• Noted see Section 3.10.1.2.
					<ul style="list-style-type: none"> • Objects increased building permit requirement from 40 ha to 100 ha. Comments it is contrary to several goals of the strategy and that 40 ha is a more appropriate size for many small business owners to operate a more viable and manageable property for small commercial agriculture purposes. 	• Noted see Section 3.9.
76	Bodalla		Y	<ul style="list-style-type: none"> • Submitted on behalf of owner. History given of development consent obtained for land. Section 149 issued 25 May 2015 states, "There is no development 	<ul style="list-style-type: none"> • Request addition to Schedule 1 of the LEP to enable subdivision of an existing dual occupancy. 	<ul style="list-style-type: none"> • Proposal not supported. Lot is already below lot sizes that can be supported for the area as detailed in Section 3.9 and approval of the request would create a significant precedent where every

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				standard applying to the land to fix minimum land dimensions for the erection of a dwelling house". Draft strategy proposes zoning of land as RU1 with a minimum lot size of 40 ha. Proposed zoning is inconsistent with the existing use of the land by the owner.		existing dwelling in the Shire might develop a dual occupancy as a de facto way of achieving subdivision not otherwise permissible. <ul style="list-style-type: none"> The dual occupancy clause is expressly for a second dwelling on the one lot without subdivision rights. See also table 3.
77	Shire wide	Y			<ul style="list-style-type: none"> Support RU1 zoning of the better agricultural holdings with 100 and 200 ha lot sizes. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support the use of either E zones or overlays. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Supports review of mapping to improve accuracy of environmental overlays. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Suggests that it is made clear that overlay mapping is "indicative only" and that the area MAY need further assessment, not that a DA cannot proceed at all. 	<ul style="list-style-type: none"> Noted and agree.
78	Eurobodalla	N		Submitted on behalf of owner.	<ul style="list-style-type: none"> The Native Vegetation overlay should not be used until all lands proposed to be included have had formal flora and fauna studies undertaken. Concern about the increased cost to land owners for studies if these are not done. Concerned about the use of overlays to circumvent the Standard Instrument, placing the burden on land owners to fund the studies. 	<ul style="list-style-type: none"> This submission raises the question of who pays for individuals to establish if clearing of their land should be approved. The current legislation requires generally that the developer pay for the investigation and that seems appropriate as they are proposing the change to identified vegetation in the legislation
					<ul style="list-style-type: none"> Council must do more to ensure that existing dwelling entitlements are maintained. The cost of determining dwelling entitlements should be borne by 	<ul style="list-style-type: none"> The draft Strategy does not propose to remove any existing entitlements and in some areas increases them.

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					<ul style="list-style-type: none"> Council. The LEP should identify all dwelling entitlements following investigation. 	<ul style="list-style-type: none"> Improvements in the system of identifying existing entitlements are recommended in the draft strategy.
					<ul style="list-style-type: none"> Supports removal of sealed road provision from LEP for dwelling consent. 	<ul style="list-style-type: none"> Noted see Section 3.10.1.2.
					<ul style="list-style-type: none"> Supports use of proposed economic strategy mobile app is supported as long as it is designed to work both online and offline (due to reliability of local mobile network). 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Concern expressed over the use of Eurobodalla Road as a tourist route due to its current state which is not considered to be adequate for increased use. Prior to promotion of tourism, the current road surface must comply and be maintained to suitable RMS standards. 	<ul style="list-style-type: none"> Noted Strategy proposal is to encourage 4x4 tour operators on lower standard roads to lessen traffic impacts.
79	Jeremandra				<ul style="list-style-type: none"> Request for review of zoning and minimum lot size to bring it in to line with the surrounding area. Suggests land suitable for rural residential development given location and surrounding developments and uses. 	<ul style="list-style-type: none"> Noted see Section 3.8.2 and table 3.
80	Shire Wide	Y			<ul style="list-style-type: none"> The draft Strategy addresses most of the needs and wishes of those who live on the land and the community in general, but it does not adequately provide for the protection of native vegetation and the ecosystem services it provides to agriculture. 	<ul style="list-style-type: none"> Noted see Section 3.2.6 for argument as to adequacy.
					<ul style="list-style-type: none"> The 20 year vision is supported in general. However, there is minimal reference to climate change. 	<ul style="list-style-type: none"> Climate impacts with regard to bushfire, water scarcity and peak temperature days have strategic recommendations

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						and are considered to address what Council can practically do in the rural areas.
					<ul style="list-style-type: none"> It is not sufficient to simply comply with statutory requirements to conserve biodiversity and landscape qualities. Council should identify possible areas for new rural dwellings/settlers that do not have environmental values. 	<ul style="list-style-type: none"> Noted- in large measure the strategy attempts to steer additional development away from high biodiversity lands
					<ul style="list-style-type: none"> Removal of E3 zone ONLY if vegetation overlay is included in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Recommendation to retain E2 zones as presented in the 2012 EP which covers important wetland, littoral forests and coastal protection areas. 	<ul style="list-style-type: none"> Noted and recommended.
					<ul style="list-style-type: none"> Support for recommendations for local food production promotion and value-adding. Suggestions made: reviewing Council's rental policy for SAGE; examining prospects for improving the availability of suitable agricultural land for small-scale production; building a South-East Food Web app. 	<ul style="list-style-type: none"> Note and recommended in draft.
					<ul style="list-style-type: none"> Support for recommendations made in paper 8 to support rural tourism including those that enhance the region's resources and reinforce the Council's Destination Management Plan. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for recognition for rural land owners when conservation of natural values made for the public good. Suggests lobbying for more money to be added to the NSW Biodiversity Fund. 	<ul style="list-style-type: none"> Noted and recommended in the draft Strategy.

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					<ul style="list-style-type: none"> • Support for education of farmers about how they may benefit from carbon funding and process to be followed. 	<ul style="list-style-type: none"> • Noted and recommended in the draft Strategy.
					<ul style="list-style-type: none"> • Support for Council promotion of Voluntary Conservation Agreements and assistance with providing relevant information. • Suggestions supported for investigation of options for leasing for small producers to provide more certainty, given shortage of small parcels of fertile land for food production. Council to approach State Government. 	<ul style="list-style-type: none"> • Noted –see Section 3.5. • Noted.
					<ul style="list-style-type: none"> • Suggests an investigation into the potential for simpler procedures for local processing is strongly advocated for. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Improvement of mobile and broadband services is vital to those living and working on rural lands. Council to apply continued pressure to the Federal Government. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • RU1 zoning of the deferred lands is not supported, even if a native vegetation overlay is included in the LEP. 	<ul style="list-style-type: none"> • Noted see discussion in Sections 3.2.1 and 3.2.6.
					<ul style="list-style-type: none"> • Comment made that due to Council resolution not to support vegetation overlays (which makes draft strategy recommendations moot) that E-zones should be retained. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Projects that potentially lessen scenic qualities or undermine environmental credentials should not be permitted as 	<ul style="list-style-type: none"> • Noted and see Section 3.3.2.

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					they may impact on social and economic outcomes of the LGA.	
					<ul style="list-style-type: none"> • More emphasis required in the strategy on protection and enhancement of biodiversity and natural assets as well as highlighting the value ecosystem services provided by natural vegetation to agriculture such as soil stabilisation, wind breaks, water purification and carbon capture. 	<ul style="list-style-type: none"> • Noted and see discussion in Section 3.5.
81	Shire wide	N		<ul style="list-style-type: none"> • Similar to submission #22. Background document to RLS included. Example given: Bowral in the Southern Highlands has developed a beautiful and picturesque transition between residential and small rural in Burradoo on the out skirts of the township. An excellent snapshot of the agricultural scene provided. 	<ul style="list-style-type: none"> • Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> • Noted see Section 3.2.6.
				<ul style="list-style-type: none"> • Background Annexures provided: History of Council resolution with regard to use of overlays and E3 zones in LEP 2012 Disappointed with community consultation process and commented that information presented was too onerous and not accessible enough for general public. 	<ul style="list-style-type: none"> • Object to proposal to develop rural landscape guidelines. 	<ul style="list-style-type: none"> • Noted see Section 3.3.2.
					<ul style="list-style-type: none"> • Object to the proposal that biodiversity be forced on land holders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural 	<ul style="list-style-type: none"> • Noted see Section 3.5.

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					habitat. Landholders should be compensated to protect those areas.	
					<ul style="list-style-type: none"> • Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> • Noted see Section 3.9
					<ul style="list-style-type: none"> • Support the additional uses proposed in the different zones. 	<ul style="list-style-type: none"> • Noted.
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					<ul style="list-style-type: none"> • Support the proposals and recommendations to assist local food production and tourism • Support recommendations for additional uses in the different zones which encourage agriculture and agriculturally related business. 	<ul style="list-style-type: none"> • Noted. • Noted.
					<ul style="list-style-type: none"> • Comment that the draft strategy does not provide enough additional rural living/small lots suited to younger people seeking affordable lifestyle blocks from which they can commute to work or establish an on-site business. 	<ul style="list-style-type: none"> • Noted see Section 3.9.
82	Shire Wide	Y		<ul style="list-style-type: none"> • Comments on the bright and positive future of the Shire given its position to optimise small mixed farm enterprises that are a growing phenomenon. Believed to provide increased options 	<ul style="list-style-type: none"> • Support E3 zoning providing mapping is accurate, however support RU1 zoning with an accurate Native Vegetation overlay to protect habitat and biodiversity 	<ul style="list-style-type: none"> • Noted see Section 3.2.6.

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				for younger generations to enter agriculture and encourage rural tourism.	critical to healthy functioning ecosystems on which agricultural practices rely.	
					<ul style="list-style-type: none"> Support identifying prime agricultural lands which should be protected from anything other than agriculture. 	<ul style="list-style-type: none"> Noted.
83	Shire Wide	Y			<ul style="list-style-type: none"> Prime agricultural lands should be identified and preserved from any development other than agriculture. Support strategy recommendations in this regard. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Supports use of vegetation overlays, with improved accuracy. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Supports objectives to support small, mixed and integrated farming systems as they will be gaining greater traction and forming a significant part of the economy. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Supports objectives to support local food industry including farmers markets and other innovative supply chain solutions that must be supported by Council in whatever way possible. 	<ul style="list-style-type: none"> Noted and recommended.
					<ul style="list-style-type: none"> Supports access of private land by small producers through improved leasing arrangements. 	<ul style="list-style-type: none"> Noted and draft strategy recommended.
					<ul style="list-style-type: none"> Supports introduction of workable food safety legislation for the value-adding of local primary produce. 	<ul style="list-style-type: none"> Noted and strategies recommended.
					<ul style="list-style-type: none"> Supported improvement of mobile and broadband services that is vital to those living and working on rural lands. Council to apply continued pressure to the 	<ul style="list-style-type: none"> Noted and Strategies recommended.

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					Federal Government. Poor service also has the dramatic effect on preventing young innovators from residing in the Shire.	
					<ul style="list-style-type: none"> Referred to support of specific sections of the strategy which are supported: 6.1.1.2, 6.2.1.1, 6.2.2, 6.5.1, 6.1.2, 6.1.3, 6.4.2, 6.4.3, 6.6.1.3, 6.6.2, 6.6.4, 	<ul style="list-style-type: none"> Noted.
84	Congo		Y		<ul style="list-style-type: none"> Request ability for subdivision to expand Congo Village. 	<ul style="list-style-type: none"> Matter to refer to Councils urban Strategic program. See Table 3.
85	Shire wide	Y			<ul style="list-style-type: none"> Objects to inclusion of 'extensive agriculture' without consent in E2 zone. Especially in environmentally sensitive areas. Some specific examples given where zoning has been proposed to be changed. 	<ul style="list-style-type: none"> Noted- revised recommendation from Consultants for E2 is to retain as permissible with consent. See Section 3.2.2.
					<ul style="list-style-type: none"> Objects to removal of clause for requirement for a bitumen road to be required for provision of a dwelling. 	<ul style="list-style-type: none"> Noted see Section 3.5.
					<ul style="list-style-type: none"> Objects to any cost shifting for additional rural development. All costs incurred should be paid by the developer, not the Council. 	<ul style="list-style-type: none"> Noted. Several elements of the Strategy are aimed at minimising the potential for rural development to burden the general ratepayer or taxpayer.
					<ul style="list-style-type: none"> Objects to allowance of grazing and agricultural activities in E2 zones. Inconsistent with the South Coast Regional Strategy. SEPP 14 wetlands to be protected by zoning them E2. 	<ul style="list-style-type: none"> Noted see Section 3.2.2.
					<ul style="list-style-type: none"> Objects to removal of E3 zoning in favour of RU1. 	<ul style="list-style-type: none"> Noted see Section 3.2.1 for discussion.
					<ul style="list-style-type: none"> Recommend E2 zoning for certain lands identified in the Sensitive Urban Lands 	<ul style="list-style-type: none"> Noted. See Section 3.2 and discussion on OEH submission Section 2.4.1.

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					Review and other reports (Malabar, South Durras, Mossy Point).	
					<ul style="list-style-type: none"> • Low agricultural values lands, steep lands, HCV lands should be zoned E2 and intensive agriculture not be permitted without consent. 	<ul style="list-style-type: none"> • Noted see Sections 3.2 and 2.4.1.
					<ul style="list-style-type: none"> • Requests review of mapping - Map 10 to include all of the coastal zone and adjacent lands. Amend Map 7 Riparian lands to include riparian land north of Currowan Creek and Cockwhy Creek catchment. Include parcels of Crown land that are within the riparian zone. Some of these are being inappropriately utilised by private landholders for their personal use. 	<ul style="list-style-type: none"> • Noted- many of these areas are recommended for more detailed review – see OEH submission analysis at Section 2.4.1.
					<ul style="list-style-type: none"> • Notes that there is no acknowledgement of conflicts of interest in the RLSC. For transparency purposes, this matter should be referred to the Council's ethic committee for adjudication. • More data/mapping required on current vegetation coverage, loss of vegetation on private lands and recommends action to be taken to minimise impacts of vegetation loss. 	<ul style="list-style-type: none"> • Noted- mater for Council not the Consultants. • Noted vegetation overlay mapping considered sufficiently accurate for local planning needs and would be further reviewed over time.
					<ul style="list-style-type: none"> • Suggests draft Strategy fails to demonstrate consistency with the NSW State Plan, Goal 22, Protection of the Environment 	<ul style="list-style-type: none"> • Noted, with recommendation for retention of overlays and the principle measures enunciated in the strategy for selection of additional rural living opportunities, the Consultants consider there is reasonable compliance demonstrated with State environmental protection requirements.

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					<ul style="list-style-type: none"> Impacts of agriculture not dealt with adequately in Strategy. 	<ul style="list-style-type: none"> Consultants consider the issues is adequately addressed.
86	Shire Wide				<ul style="list-style-type: none"> Lists 4 heritage items of State Significance. Reminds Council approval of OEH is needed for development affecting state listed items. State listed items in the strategy mapping might be separately identified 	<ul style="list-style-type: none"> Noted and comment to be added to strategy final Noted To add in final draft.
87	Shire Wide	Y		<ul style="list-style-type: none"> Supportive of the overall document. 	<ul style="list-style-type: none"> Support the broad recommendations of the Strategy. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support retention of the Native Vegetation overlay. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Support in particular activities that support local and diverse economy such as all aspects of food production, value-adding and marketing to encourage agile, adaptive communities. Encourages flexible approaches to business experimentation. 	<ul style="list-style-type: none"> Noted, several strategies recommended to further these objectives and monitoring actions to continue progressing local initiatives.
88	Shire Wide	Y		<ul style="list-style-type: none"> Concerns raised over the transparency and personal agendas of the RLS Steering Committee. 	<ul style="list-style-type: none"> Endorsement for submission #90. 	<ul style="list-style-type: none"> Noted.
				<ul style="list-style-type: none"> Thanks offered for the additional workshop provided for agricultural producers to discuss future trends and support given for the points raised there. 	<ul style="list-style-type: none"> Additional comments include general support for the RLS and recommendations made particularly in supporting economic development for small-scale local producers as well as promotion of 'buy-local and in season' initiatives. 	<ul style="list-style-type: none"> Noted.

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					<ul style="list-style-type: none"> Personal support offered to deliver and refine the recommendations made in the strategy. 	<ul style="list-style-type: none"> Noted. One of the recommendations relates to further interaction between Council economic development section and local food groups to expand marketing and opportunities for production and employment.
					<ul style="list-style-type: none"> Council to pursue any policy changes that can assist smaller scale farming, such as determining what is considered "intensive" and "extensive" farming. Council to do more to support local agriculture and raise awareness, such as through its procurement policies. 	<ul style="list-style-type: none"> Noted. A widening of small farm opportunities is recommended in the draft Strategy. Noted. The recommendations include consideration for further Council input and facilitation of training and marketing. Procurement requirements of the Local Government Act mean Council needs to ensure value for money but local procurement preference is possible if the benefits are identified.
89	Potato Point			<ul style="list-style-type: none"> Detailed reasons given for support of the proposed zonings and lot sizes. 	<ul style="list-style-type: none"> Objects to zoning of RU1 with minimum lot size of 100 ha. 	<ul style="list-style-type: none"> Noted. See table 3.
					<ul style="list-style-type: none"> Requests consideration of RU4 with no minimum lot size as a first preference, or E4 as a second preference. Failing that, if RU1 it to be retained, then for the minimum lot size to be considered at 20 ha, or at the very least to be maintained at its current 40 ha minimum lot size for a dwelling entitlement. 	<ul style="list-style-type: none"> Noted see Sections 3.8 and 3.9. No minimum lot size is not considered desirable or practical. Development densities need to be managed to lessen adverse impacts on the community, economy and environment.
90	Shire Wide	Y			<ul style="list-style-type: none"> Support the 20 year vision for rural lands. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Suggest adding a specific aim recognising the Eurobodalla Shire has a very strong strategic competitive 	<ul style="list-style-type: none"> Noted. Several groups such as SAGE are helping develop the special attributes the region and its production methods

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					<p>advantage to position itself as a "clean and green" local food region for production and tourism.</p>	<p>give to creating a "special" food and fibre market. This generates value adding.</p> <ul style="list-style-type: none"> The draft Strategy and additional recommendations from exhibition makes a number of recommendations to facilitate turning these special marketing attributes into increased product value
					<ul style="list-style-type: none"> Support long term conservation of good agricultural land and protection of large holdings for agriculture. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support proposed mix of RU1 and RU4 zones. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Suggests use of the term "local food economy" in the strategy and "farming" rather than "agri-business". 	<ul style="list-style-type: none"> Noted. Consultants accept there is both "agri-business" as a term for large scale commercial mechanised agriculture activities in the Shire but also the local food economy is a different mode of many small operations producing special local products and seeking value adding. The expansions recommended to the exhibition draft add to this differentiation.
					<ul style="list-style-type: none"> Suggests the strategy recognise the potential for more young people to be trained and employed or self-employed in local food production. 	<ul style="list-style-type: none"> Noted and agreed to expand comment on employment.
					<ul style="list-style-type: none"> Suggest the focus on local food be highlighted over the potential for exporting. 	<ul style="list-style-type: none"> Noted. There are some export prospects for targeted local products of high value such as oysters but accepted the bulk of the focus for local food will be regional.
					<ul style="list-style-type: none"> Suggest that Council support local farmers markets and other innovative supply chain solutions. 	<ul style="list-style-type: none"> Noted. The Strategy includes such recommendations.

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					<ul style="list-style-type: none"> Support review of food health and safety regulations to simplify rules for small scale producers. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Suggest Council work with the local industry to develop a rural food tourism strategy. Support improvement in telecommunications. 	<ul style="list-style-type: none"> Noted and recommended in draft strategy.
					<ul style="list-style-type: none"> Suggest Council investigate how other Councils have addressed the affordability of rural land with a dwelling entitlement and support simpler leasing arrangements. 	<ul style="list-style-type: none"> Noted. Some research on this issue has been carried out as part of the Strategy. Not many examples of techniques beyond what Council is considering in the draft Strategy, have been discovered.
					<ul style="list-style-type: none"> Suggest Council initiate actions to identify holders of dormant water allocations and investigate a water trading / buy back scheme. 	<ul style="list-style-type: none"> Noted and is a recommendation flowing from the additional Producers Workshop.
					<ul style="list-style-type: none"> Support Council working with the NSW Government regarding a more flexible policy on farm dams (an increase to 20% may be appropriate in coastal areas). 	<ul style="list-style-type: none"> Noted and is a recommendation from the additional producers Workshop
					<ul style="list-style-type: none"> Prefer the use of the E3 zone for areas properly ground-truthed and known to be environmentally sensitive and do not support all deferred land being zoned RU1, given extensive agriculture is permitted without consent. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Support continued use of the E2 zone as presented in LEP 2012. 	<ul style="list-style-type: none"> Noted and draft Strategy recommends E2 retention.
					<ul style="list-style-type: none"> Supports promotion of mechanisms such as voluntary conservation agreements and biodiversity offsets to increase protection of environmentally significant rural lands. 	<ul style="list-style-type: none"> Noted see discussion at Section 3.5.

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					<ul style="list-style-type: none"> Support the continued use of Native Vegetation overlays using the revised mapping data from OEH. Suggest the overlays be updated and made more accurate through surveys and ground truthing. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
91	Shire Wide	Y			<ul style="list-style-type: none"> Support overall for the draft Strategy. In particular to preserve and protect the agricultural potential of rural lands for current and future communities. Preservation and protection of rural lands should be the primary consideration when considering proposed development or subdivisions. 	<ul style="list-style-type: none"> Noted.
92	Narooma	N	Y	<ul style="list-style-type: none"> History of land entitlements and surrounding area detailed in submission. 	<ul style="list-style-type: none"> Request a dwelling entitlement. 	<ul style="list-style-type: none"> Noted see Section 3.8.1 and table 4.
					<ul style="list-style-type: none"> Object to overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
93	Nelligen				<ul style="list-style-type: none"> Support RU1 zoning with 40 ha lot size to enable dwelling entitlement. 	<ul style="list-style-type: none"> Noted and see table 3.
94	Shire Wide	N			<ul style="list-style-type: none"> Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
95	Shire Wide	Y			<ul style="list-style-type: none"> Support the overall recommendations of the Strategy, especially the options 6.1 to 6.4 in Discussion Paper 7. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support encouraging smaller scale farming. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Subdivision of the small amount of fertile rural land should be strongly discouraged. 	<ul style="list-style-type: none"> Noted. The draft recommendations seek to keep the larger holdings of agricultural land.

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					<ul style="list-style-type: none"> Leasing of portions of land with good soils and access to water should be encouraged. 	<ul style="list-style-type: none"> Noted - recommendations to help facilitate small lot farms and leasing are made in the draft.
					<ul style="list-style-type: none"> Support use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
				<ul style="list-style-type: none"> Education establishments (other than small agricultural based establishments) should not be a permitted use on rural lands. 	<ul style="list-style-type: none"> Noted. The comment evidently relates to the prospects of a wide range of private establishments siting in the agricultural areas. However the Consultants see some merit in the option being open. Some such establishments could have an agricultural focus and the DA process allows Council to sieve out proposals with adverse impacts on a rural locality. Recommend the use be added to the permissible Uses for RU1 zone. 	
				<ul style="list-style-type: none"> Lobbying for upgrading of roads to allow for B-Doubles is unlikely to have any general benefit and may have perverse outcomes from small scale agriculture. 	<ul style="list-style-type: none"> Noted. Agreed B Double access may not assist many small producers but others might benefit from haulage efficiencies if the scale can be increased to tap into metropolitan markets. The "local" focus for food is important but there are also markets unsatisfied in the larger urban centres and limited agricultural land left in these areas to service it. Specifically dairy producers have identified economic benefits in B Double access. 	
				<ul style="list-style-type: none"> Positive discrimination by Council for authentic farmers markets in the Shire will result in more growers and a renewed local food economy. 	<ul style="list-style-type: none"> Noted and recommended in the revised draft. 	
				<ul style="list-style-type: none"> Support mix of RU1 and RU4 zoning. 	<ul style="list-style-type: none"> Noted. 	

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					<ul style="list-style-type: none"> • Access to adequate irrigation water is a limiting factor to growth for many existing and potential rural producers. Suggest Council initiate actions to identify holders of dormant water allocations and investigate a water trading / buy back scheme. 	<ul style="list-style-type: none"> • Noted and now recommended as an additional action in the revised strategy draft.
					<ul style="list-style-type: none"> • Supports Council working with the NSW Government regarding a more flexible policy on farm dams (an increase to 20% may be appropriate in coastal areas). 	<ul style="list-style-type: none"> • Noted and an additional recommendation to this effect is proposed in the revised strategy.
					<ul style="list-style-type: none"> • Council to do more to support local agriculture and raise awareness, such as through its procurement policies. 	<ul style="list-style-type: none"> • Noted. The draft Strategy recommends more liaison between Council economic development section and local producers.
96	Moruya				<ul style="list-style-type: none"> • Request for consideration of appropriate zoning and minimum land size to be able to subdivide land into two parcels. A new dwelling would like to be constructed and to do this subdivision is required. 	<ul style="list-style-type: none"> • Noted see Section 3.8.2 and table 3.
97	Shire Wide			<ul style="list-style-type: none"> • Advised of previous submission and comments made. No specific referral in draft Strategy for the protection of extractive industries nor any mapping provided showing the location of significant mineral and extractive resources. 	<ul style="list-style-type: none"> • Retaining the RU1 zone over the bulk of the general rural area will allow for current and future primary industry opportunities, including extractive industry. 	<ul style="list-style-type: none"> • Noted and see more detailed comment in Section 2.4.4.
					<ul style="list-style-type: none"> • Under the Mining SEPP, mining and extractive industries can be carried out (with consent) on any land where agriculture or industry is allowed. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Reference made to range of online available through their website. 	<ul style="list-style-type: none"> • Noted.

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					http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/geoscience-information/services/online-services	
98	Shire Wide	Y		<ul style="list-style-type: none"> Advised of previous submission and comments made. 	<ul style="list-style-type: none"> Support for the overall recommendations of the Strategy. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for the proposal to zone the deferred lands RU1 in combination with a Native Vegetation overlay. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Support for RU1 zoning only be used on the better agricultural lands. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for the use of RU1 and RU4 for smaller holdings. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Supports the continued use of the E2 zone as presented in LEP 2012. E2 should also be used for "forests that are of high habitat value and endangered ecological communities". 	<ul style="list-style-type: none"> Noted, for the reasons developed in Section 3.2.2 and in the Discussion on the OEH submission in Section 2.4.1, it is preferred E2 be confined to areas of wetland and the vegetation overlay identify the other important vegetation.
99	Shire Wide	N		<ul style="list-style-type: none"> Some background given on the involvement of the ERA and the establishment of the RLSC as well as 'wins' obtained as a result of lobbying done to date. Comments on the overall process and draft Strategy have been provided. 	<ul style="list-style-type: none"> Objects to the use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Recommend to Council the removal from the LEP of all E zones, all references to biobanking and voluntary biodiversity agreements and rural landscape guidelines. 	<ul style="list-style-type: none"> Noted see Sections 3.2 , 3.3.2 and 3.5

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					<ul style="list-style-type: none"> Support smaller lot sizes than are proposed, lot averaging and further housing entitlements on rural blocks. 	<ul style="list-style-type: none"> Noted see Section 3.9.
					<ul style="list-style-type: none"> Request a public post-mortem meeting. 	<ul style="list-style-type: none"> Noted- matter for Council
100	Shire Wide	Y		<ul style="list-style-type: none"> General concerns expressed for the overall lack of protection for the biodiversity of the regional landscape being addressed in the strategy, with Council and the RLSC more focused on making fast cash now rather than protecting long term assets for future generations. 	<ul style="list-style-type: none"> The draft Strategy does not adequately provide for the protection of the native vegetation. Further subdivision of rural land will deplete even more of our isolated primary production lands. 	<ul style="list-style-type: none"> Noted. The draft proposals seek to create modest supply across the rural landscape and the development of these opportunities can be planned in a way that minimises impacts on important vegetation and agricultural lands. A strategy principle is to conserve larger agricultural and remote forested holdings.
					<ul style="list-style-type: none"> Supports use of vegetation overlays. Particularly in RU1 zones. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Support the continued use of the E2 zone for EECs and significant wetlands. 	<ul style="list-style-type: none"> Noted
					<ul style="list-style-type: none"> Object to removal of E3 zones. 	<ul style="list-style-type: none"> Noted see discussion at Section 3.2
					<ul style="list-style-type: none"> Even with a biodiversity overlay in place, Council has little, if any, ability to control the use of land unless a DA is lodged. 	<ul style="list-style-type: none"> Noted and largely true. But most native vegetation is protected by the State processes surrounding the Native Vegetation Act.
					<ul style="list-style-type: none"> Support the actions for encouraging local food production and rural tourism. Disappointed the Council didn't consider the environmental sector of employment within this strategy. 	<ul style="list-style-type: none"> Noted. The point is accepted that environmental restoration and management is not covered sufficiently in the strategy and further discussion is presented in Section 3.10.3.2.
					<ul style="list-style-type: none"> Concern for short-term gain rather than long-term protection of natural assets of self-interested parties. 	<ul style="list-style-type: none"> Noted. The Consultants in assessing all submissions and proposals for individual rezonings have applied regional principles to ensure proper social, environmental and economic

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						consideration. Individual requests for increased development potential should only be supported where the net community benefit is positive.
101	Shire Wide	Y			<ul style="list-style-type: none"> The 20 year vision goes some way towards acknowledging the needs and wishes of the local community, however the draft Strategy does not include adequate protection for biodiversity assets on public or private land. 	<ul style="list-style-type: none"> Noted. See discussion at Sections 3.5.
					<ul style="list-style-type: none"> Recommends the current use of E2 and E3 zoned be retained. 	<ul style="list-style-type: none"> Current use of E2 is recommended for retention. There is no current E3 but it is interpreted the submission seeks E3 for deferred areas. This is not supported for the reasons explored in the original draft Strategy and in the further discussion in Section 3.2 and the OEH assessment in Section 2.4.1.
					<ul style="list-style-type: none"> Object to removal of E3 zones. Do not support the deferred lands being zoned RU1. 	<ul style="list-style-type: none"> Noted and see comment above.
					<ul style="list-style-type: none"> Support continued use of E2 zone for wetlands, littoral forests and coastal areas. 	<ul style="list-style-type: none"> Noted and recommended in the Strategy.
					<ul style="list-style-type: none"> Support actions proposed for promotion of local food production and rural tourism. 	<ul style="list-style-type: none"> Noted.
102	Moruya		Y	<ul style="list-style-type: none"> History of land and existence of dual occupancy dwellings provided. Reasons for request of special consideration for subdivision outlined. 	<ul style="list-style-type: none"> Request 1 ha minimum lot size. 	<ul style="list-style-type: none"> Noted see Section 3.8.3 and table 3.

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103	Merricumbene			<ul style="list-style-type: none"> Current lot size is 20 ha. 	<ul style="list-style-type: none"> Object to 500 ha lot size if existing dwelling entitlement will be affected. 	<ul style="list-style-type: none"> The draft strategy does not propose to remove any existing lawful entitlement for consideration of a dwelling.
104	Kianga		Y	<ul style="list-style-type: none"> History of existing DA provided along with justification for special consideration. Lot size currently 20 ha. 	<ul style="list-style-type: none"> Request a dwelling entitlement for lot by reducing minimum lot size to 20 ha, or by another means. Current proposal is for a 40 ha minimum lot size. 	<ul style="list-style-type: none"> Noted see Section 3.8.1 and see table 4
105	Dignams Creek	N		<ul style="list-style-type: none"> Very detailed submission provided further to the points summarised here. Request made to refer to submissions made for the LEP that provides background information on the points made for this submission as they are thought to be highly relevant to the draft Strategy. 	<ul style="list-style-type: none"> Support the more balanced approach in the draft Strategy than was presented in the LEP. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support the removal of the E3 zone. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for the removal of the sealed road provision for dwelling entitlement. 	<ul style="list-style-type: none"> Noted but see discussion on interpretations in Section 3.10.1.2.
					<ul style="list-style-type: none"> Support the protection of the rural landscape and recognition of the need to balance environmental protection with economic development. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support the increased flexibility for changing rural lot boundaries. Concerns include: <ul style="list-style-type: none"> - lack of long term, visionary approach to location of development (development should occur on lands with the least environmental and agricultural value); - Constraints to economically viable primary production imposed by 	<ul style="list-style-type: none"> Noted. Noted. Revised recommendation is for 40 ha lot size in Dignams Creek section. Noted see discussion on overlays at Section 3.2.6. Strategy is not proposing these services for rural lands. Sunset provision recommended for removal.

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
					<p>minimum lot size of 100 ha (Dignams Creek is suitable for lot sizes of 20-40 ha). Request review of lot size minimum in the area.</p> <ul style="list-style-type: none"> - - Use of overlays to achieve the same outcomes as inclusion of E3 zoning. - - Requirement for access, sewer, water and internet for development. - - Retention of sunset provision in relation to unused dwelling entitlements. - - Lack of clarification of whether detached dual occupancy will be permitted (as currently occurs) or prohibited (as in the 2012 LEP). - - Lack of clarity about permitted use in RU1, particularly for rural workers dwellings, farm forestry and aquaculture. - - Constraints based on locations for rural based tourism activities. - - Equity issues where existing permitted uses are restricted for the benefit of the community. Suggests compensation for the landowner. 	<ul style="list-style-type: none"> • Proposing detached dual occupancy in R5 RU4 and E4. Already permissible in RU1. • Rural workers dwellings unnecessary with dual occupancy provisions, aquaculture permissible in RU1. Farm Forestry currently regulated by State Government. • Compensation options are limited and there is a long history of the community accepting reasonable constraints for the wider good.
					<ul style="list-style-type: none"> • Comments made and concerns raised about the overall process, community consultation, onerous amount of documentation provided and accuracy of the documentation and mapping provided. 	<ul style="list-style-type: none"> • Noted. A comprehensive rural strategy requires some wide ranging research and detail. Some other submissions have supported the detail and approach of dividing issues into separate papers to allow interest focus.
106	Central Tilba		Y		<ul style="list-style-type: none"> • No objection to proposed zoning and minimum lot size, providing each of the 	<ul style="list-style-type: none"> • Noted. The draft Strategy proposals seek to retain all current dwelling entitlements.

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					owner's lots maintains a dwelling entitlement. Concerned that the 100 ha minimum lot size removes existing dwelling entitlements.	For example where vacant lots exist that were created under former planning schemes for the purposes of a dwelling such right is retained. See also table 3.
107	Turlinjah	Y			<ul style="list-style-type: none"> Support the draft Rural Lands Strategy. Support minimum lot size of 40 ha. Support the local food economy, with Council support. 	• Noted.
					<ul style="list-style-type: none"> Support for vegetation overlay in LEP. 	• Noted and see Section 3.2.6.
					<ul style="list-style-type: none"> Support good and accurate mapping of the prime agricultural land and to have that land reserved for agricultural uses only. 	• Noted. It is a strategy recommendation that Council further explore the potential for more detailed mapping of the quality agricultural lands and avoid uses for these areas that compromise their agricultural capacity.
					<ul style="list-style-type: none"> Support minimum lot size of 40 ha. 	• Noted.
108	Bodalla		Y	<ul style="list-style-type: none"> Current lot size 32 ha and is zoned RU1 and DM. 	<ul style="list-style-type: none"> Request zoning to legitimise existing business and enable a dwelling and eco cabins. 	• Noted see Section 3.8.2 and table 3.
109	Mogo		Y	<ul style="list-style-type: none"> Current lot size 4000 m². Lots have full access to sewerage, town water and power and located on edge of Mogo. 	<ul style="list-style-type: none"> Subject land was previous identified by Council as suitable for future redevelopment, but the draft Strategy proposes the RU1 zone with 40 ha minimum lot size. While zoning is not an issue, the difficulty has been no provision for restoring development applications that have lapsed and obtaining rational decisions from Council on a new application and the time it takes for developments to come to fruition. 	• Noted. This area has been identified as in need of further investigations beyond the scope of the Strategy.

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110	Mogo		Y	<ul style="list-style-type: none"> Owner of small acreage. Lots have full access to sewerage, town water and power and located on edge of Mogo. 	<ul style="list-style-type: none"> Subject land was previous identified by Council as suitable for future redevelopment, but the draft Strategy proposes the RU1 zone with 40 ha minimum lot size. While zoning is not an issue, the difficulty has been no provision for restoring development applications that have lapsed and obtaining rational decisions from Council on a new application and the time it takes for developments to come to fruition. 	<ul style="list-style-type: none"> See comment on previous submission.
					<ul style="list-style-type: none"> Comment on lack of tourism initiatives currently undertaken by the Council. Would support all recommendations of tourism development made in the draft Strategy. 	<ul style="list-style-type: none"> Noted.
111	Shire Wide				<ul style="list-style-type: none"> Notice of eviction of ESC to cease and desist their trespass on private property by use of its unlawful proposed "Rural Lands Strategy". 	<ul style="list-style-type: none"> Noted.
112	North Moruya		Y	<ul style="list-style-type: none"> Current lot size approx. 4.5 ha. 	<ul style="list-style-type: none"> Request lot size to enable two lot subdivision. 	<ul style="list-style-type: none"> Noted see Section 3.8.2 and table 3.
113	Bergalia	N			<ul style="list-style-type: none"> Objects to vegetation overlays in LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Consideration should be given to areas on larger RU1 landholdings that have portions that are unsuitable for general agriculture be given the opportunity to qualify for building entitlement. 	<ul style="list-style-type: none"> Noted. The Strategy position at this time is that there can be adequate supply of smaller lots generated without placing subdivision pressure on larger rural holdings. Some discrete areas of larger holdings may need to be considered for urban and rural residential expansion as part of the reviews over the coming 10 years.

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					<ul style="list-style-type: none"> Object to the proposal to develop a Scenic and Cultural Landscape Code, as it would have no benefit to the community and may impact future opportunities and land values. The DA process if the appropriate procedure for determining landscape impacts. 	<ul style="list-style-type: none"> Noted. See Section 3.3.2 for discussion.
114	Shire Wide	Y		<ul style="list-style-type: none"> A detailed submission providing several suggestions on how Council could possibly support local rural economies and how to be better protect the areas natural assets and encouraging sustainable living. 	<ul style="list-style-type: none"> Support Council encouraging small scale local production, independent of SAGE. 	<ul style="list-style-type: none"> Noted. The draft strategy recommendations suggest Council extend assistance to all local production groups.
					<ul style="list-style-type: none"> Solar power should be encouraged for agriculture and rural living. 	<ul style="list-style-type: none"> Noted and evidence of increased interest and use is demonstrated already in the rural areas. But agree more State and federal support is needed.
					<ul style="list-style-type: none"> Overlays of all sorts are essential for an LEP and must be included. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Carrying capacity in relation to uniqueness must be a focal point of a rural lands strategy. Eurobodalla Shire should have an optimal population target. 	<ul style="list-style-type: none"> Noted. Longer term positions about ultimate development capacities of specified areas are suggested in the draft strategy but a wider discussion on overall capacities of the Shire is beyond the scope of this strategy. It is clear there is some range of community views on the population scope of Eurobodalla.
					<ul style="list-style-type: none"> Support value adding to local forestry products. Exclude forestry, mining and hunting from drinking water catchments. Bangalay Sand Forest between North Head and Broulee must be protected. 	<ul style="list-style-type: none"> Noted. Sees discussion on submission #23 which references Bangalay importance (Section 2.4.1)

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					<ul style="list-style-type: none"> Plan for sea level rise and climate change. 	<ul style="list-style-type: none"> Noted, recommended additional development proposals in the draft strategy are considered buffered from climate change impacts but general Strategies are needed across the community to allow adaption.
					<ul style="list-style-type: none"> The use for the E2 zone should be expanded. 	<ul style="list-style-type: none"> Noted this is not supported at this time as reasoned in Section 3.2.2
					<ul style="list-style-type: none"> Scenic roads should be kept to low speed limit. Minimise visual impacts of development. Towns should be entered by green space, not ribbon development. Biodiversity should be protected. 	<ul style="list-style-type: none"> Noted these are mostly good principles The draft Strategy proposes some modest guidelines for scenic protection, biodiversity protection and rural tourism but there is also strong objection to further formal controls of this nature from some in the rural community and a balance is important in the interests of community cohesion and achieving these goals by cooperation where possible.
					<ul style="list-style-type: none"> Monitoring of natural waterways should be kept up. No fracking in Eurobodalla. 	<ul style="list-style-type: none"> Noted the Additional Rural Producers meeting identified a need for more detailed water monitoring and this is recommended for Council 's consideration
					<ul style="list-style-type: none"> Low key tourism. Keep and provide more primitive camping areas. Protect marine parks. 	<ul style="list-style-type: none"> Noted. The draft Strategy recommendations include suggestions to expand primitive camping options.
115	Shire Wide				<ul style="list-style-type: none"> All landholders should have the right to farm and utilise their properties for the purpose they were purchased for, e.g. <ul style="list-style-type: none"> - dual occupancy - option of smaller farming lots - less red tape - encourage possibilities of small animal 	<ul style="list-style-type: none"> Noted. No existing rights are proposed to be lessened. In a number of cases options are proposed to be increased. Expansion of options has been explored with the current abattoir operator but

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					slaughter with existing abattoirs. - listen to rate payers before imposing costly consultancy fees as has been in the past.	volumes need to increase first and that is a focus of the strategy recommendations.
116	Shire Wide	N			<ul style="list-style-type: none"> Support the more balanced approach in the draft Strategy than was presented in the LEP, but concerned by a number of matters: 	<ul style="list-style-type: none"> Noted
					<ul style="list-style-type: none"> Object to vegetation of overlay in LEP. Use of overlays to achieve the same outcomes as inclusion of E3 zoning. 	<ul style="list-style-type: none"> Noted see Section 3.2.6 for discussion.
					<ul style="list-style-type: none"> Requirement for access, sewer, water and internet for development. 	<ul style="list-style-type: none"> No requirement proposed for reticulated water or sewer to rural areas in the Strategy. Internet expansion desirable but not imposed in the strategy as any development constraint.
					<ul style="list-style-type: none"> Constraints based on locations for rural based tourism activities. 	<ul style="list-style-type: none"> Noted
					<ul style="list-style-type: none"> Retention of sunset provision in relation to unused dwelling entitlements. 	<ul style="list-style-type: none"> Noted removal of sunset provision is recommended.
					<ul style="list-style-type: none"> Lack of clarification of whether detached dual occupancy will be permitted (as currently occurs) or prohibited (as in the 2012 LEP). 	<ul style="list-style-type: none"> Currently permissible in RU1 and recommended for R5, RU4 and E4.
					<ul style="list-style-type: none"> Lack of clarity about permitted use in RU1, particularly for rural workers dwellings, farm forestry and aquaculture. 	<ul style="list-style-type: none"> Rural workers dwellings unnecessary given dual occupancy provisions. Aquaculture is permissible in RU1. Farm forestry is regulated by State Government
					<ul style="list-style-type: none"> Constraints to economically viable primary production imposed by minimum 	<ul style="list-style-type: none"> Noted revised lot size of 40 ha now recommended for this area.

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					lot size of 100 ha (Dignams Creek is suitable for lot sizes of 20-40 ha).	
					<ul style="list-style-type: none"> Lack of long term, visionary approach to location of development (development should occur on lands with the least environmental and agricultural value); 	<ul style="list-style-type: none"> Noted Consultants feel the draft Strategy demonstrated application of this principle.
117	Mystery Bay		Y	<ul style="list-style-type: none"> Submitted on behalf of owner. 	<ul style="list-style-type: none"> No objection to proposed zoning and minimum lot size, providing each lot maintains a dwelling entitlement. Concerned that the 100 ha minimum lot size removes existing dwelling entitlements. 	<ul style="list-style-type: none"> See Submission 106 and table 3.
118	Shire Wide	N		<ul style="list-style-type: none"> Strong views expressed that community views and those advocated by the RLSC have not been reflected in the draft Strategy. 	<ul style="list-style-type: none"> Rural Lands Strategy should be suspended until the new legislation is finalised and the implications known to land owners. 	<ul style="list-style-type: none"> Noted mater for Council but Consultants do not agree. Important for Council to not indefinitely suspend its rural planning
					<ul style="list-style-type: none"> Objects to vegetation overlays in LEP and elsewhere and E-zones 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> The principle of "stewardship" was rejected by the community but is applied throughout the draft Strategy. All suggestions and strategies which incorporate this principle should be deleted. 	<ul style="list-style-type: none"> Noted. Stewardship as a term is not mentioned in the Strategy that Consultants are aware. But proper planning and land management for future generations is strongly supported by the Consultants. See Section 3.5.3 for discussion.
					<ul style="list-style-type: none"> Objects to use of a Scenic and Cultural Landscape Code. 	<ul style="list-style-type: none"> Noted see Section 3.3.2.
					<ul style="list-style-type: none"> Object to use of biodiversity and offset agreements as part of development assessment. 	<ul style="list-style-type: none"> Noted see Section 3.5.

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					<ul style="list-style-type: none"> • Oppose subdivision restrictions which do not allow the increase of smaller lot sizes for rural living. 	<ul style="list-style-type: none"> • Noted see Sections 3.8 and 3.9.
					<ul style="list-style-type: none"> • Oppose biocorridors, especially where their mapping is not immediately available to a landowner. Biocorridors must not be required as part of a DA process - it must be a voluntary decision of a land owner. 	<ul style="list-style-type: none"> • Noted see Section 3.5.
					<ul style="list-style-type: none"> • Oppose imposing a hierarchy of preferred development across the shire which can result in land use conflict or 'merit' considerations, e.g. the emphasis on promoting tourism must not impose restrictions on other landowners' property rights or legitimate land uses. 	<ul style="list-style-type: none"> • Noted DA process reasonably assesses and regulates conflicts. Reasonable flexibility of land uses is promoted in the strategy. But there is recognition of the need for justifiable controls in the community benefit.
119	Congo		y	<ul style="list-style-type: none"> • Owner provides description of the land and surrounding area and justification for the request for special consideration. 	<ul style="list-style-type: none"> • Request E4 zoning with lot sizes ranging between 5 and 10 ha. 	<ul style="list-style-type: none"> • Noted see Section 3.8.2 and table 3.
120	Dignams Creek	N			<ul style="list-style-type: none"> • Object to vegetation of overlay in LEP. Use of overlays to achieve the same outcomes as inclusion of E3 zoning. 	<ul style="list-style-type: none"> • Noted see Section 3.2.6 and table 3.
					<ul style="list-style-type: none"> • Concerned about requirement for access, sewer, water and internet for development. 	<ul style="list-style-type: none"> • See earlier submission comments. The draft Strategy imposes no such restrictions.
					<ul style="list-style-type: none"> • Concerned about constraints based on locations for rural based tourism activities. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Opposed to retention of sunset provision in relation to unused dwelling entitlements. 	<ul style="list-style-type: none"> • Noted and strategy proposes removal of sunset provision.

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					<ul style="list-style-type: none"> Lack of clarification of whether detached dual occupancy will be permitted (as currently occurs) or prohibited (as in the 2012 LEP). 	<ul style="list-style-type: none"> Permissible now in RU1. Proposed to be permissible in R5 RU4 and E4.
					<ul style="list-style-type: none"> Lack of clarity about permitted use in RU1, particularly for rural workers dwellings, farm forestry and aquaculture. 	<ul style="list-style-type: none"> No need for rural workers dwellings given dual occupancy provisions. Farm forestry is a State regulation responsibility. Aquaculture is permissible now in RU1 as it is part of the definition of agriculture.
					<ul style="list-style-type: none"> Concerned about constraints to economically viable primary production imposed by minimum lot size of 100 ha (Dignams Creek is suitable for lot sizes of 20-40 ha). 	<ul style="list-style-type: none"> Noted report now recommends 40 ha lot size for this area.
					<ul style="list-style-type: none"> Concerned about lack of long term, visionary approach to location of development (development should occur on lands with the least environmental and agricultural value). 	<ul style="list-style-type: none"> Noted Consultants feel the draft Strategy demonstrated application of this principle.
121	Broulee	N		<ul style="list-style-type: none"> Agrees that the draft Strategy provides an excellent snapshot of the agricultural scene in the Shire. A previous submission made in May 2015 was also included for reference. 	<ul style="list-style-type: none"> Support for proposals to assist local food production and tourism 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for recommendations for additional uses in the different zones 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for removal of the sunset clause for housing 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for the LEP not mapping biocorridors. 	<ul style="list-style-type: none"> Noted.

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					<ul style="list-style-type: none"> Tourism enterprises in appropriate locations should be encouraged by appropriate zoning (such as SP3), and where necessary split zoning. 	<ul style="list-style-type: none"> Noted – draft strategy supports this principle.
					<ul style="list-style-type: none"> Object to the use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Object to the proposal that biodiversity be forced on landholders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas. 	<ul style="list-style-type: none"> Noted see Section 3.5.
					<ul style="list-style-type: none"> The draft Strategy does not provide enough additional smaller lot sizes for affordable lifestyle blocks. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> See Sections 3.8 and 3.9. Detached dual occupancy is currently permissible in RU1 and proposed for RU4, E4 and R5.
					<ul style="list-style-type: none"> RAMAs should apply to all rural properties, not just agricultural. 	<ul style="list-style-type: none"> Noted.
122	Shire Wide				<ul style="list-style-type: none"> Changes to the permissible land uses on holdings over 40 ha is not needed and they should remain in the RU1 zone. 	<ul style="list-style-type: none"> Noted.
123	Shire Wide	N		<ul style="list-style-type: none"> Submission commends the Consultant on the overall preparation of the report despite some serious concerns as outlined, but does support a number of recommendations made. A background document is also provided for further information. 	<ul style="list-style-type: none"> Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.

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					<ul style="list-style-type: none"> Object to proposal to develop a Scenic and Cultural Landscape Code. 	<ul style="list-style-type: none"> Noted see Section 3.3.2.
					<ul style="list-style-type: none"> Object to the proposal that biodiversity be forced on landholders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas. 	<ul style="list-style-type: none"> Noted see Section 3.5.
					<ul style="list-style-type: none"> Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> Noted see Sections 3.8 and 3.9.
					<ul style="list-style-type: none"> Support for recommendations to assist local food production and tourism initiatives. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for recommendation for additional uses in the different zones. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for removal of the sunset clause for housing. 	<ul style="list-style-type: none"> Noted.
124	Shire Wide	Y			<ul style="list-style-type: none"> Support primary agricultural land being identified and preserved from any development other than agriculture. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support native vegetation overlays in the LEP, providing they are examined, accurate and current. The 20 year timeframe of the strategy needs to allow small, mixed, integrated farming systems to gain greater traction 	<ul style="list-style-type: none"> Noted see Section 3.2.6. Noted. The draft strategy recommendations and proposed

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					and form a significant part of our economy. The local food industry, although small is a significant and a growing contributor to the local economy.	revisions following consideration of submissions are targeted at these goals.
					<ul style="list-style-type: none"> Farmers markets and other supply chain solutions must be supported by Council. Council has a role to help growers access private land more readily through leasing arrangements, supporting smaller producers. Creating a local food economy needs workable food safety legislation for value adding of local primary produce. 	<ul style="list-style-type: none"> Noted. Draft strategy and revised recommendations support these goals.
125	Deua River Valley	Y			<ul style="list-style-type: none"> Council to support a study into the local supply of high value agricultural land and preserve this land for future generations to use. Support RU1 or RU4 zoning of this high value agricultural land with a vegetation overlay to protect environmental values. Retain minimum lot sizes to preserve agricultural land potential. 	<ul style="list-style-type: none"> Noted. Consultants consider the strategy does address these issues sufficiently for Council policy direction.
					<ul style="list-style-type: none"> Support for vegetation overlays in LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6.
					<ul style="list-style-type: none"> Council to encourage lot aggregation to minimise the potential fragmentation of land ownership in rural area, perhaps by providing additional dwelling incentives for amalgamation. 	<ul style="list-style-type: none"> Noted. Lot aggregation is not needed if lot size balance is achieved in the LEP as lots below size will not have entitlement unless such entitlement already exists. Consolidation of lots is sometimes a requirement to assemble a lot of size to address the Lot Size specification for a dwelling.
					<ul style="list-style-type: none"> Council to educate land owners about the importance of riparian vegetation. 	<ul style="list-style-type: none"> Noted. A new farmer guide is recommended to include these topics.

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					<ul style="list-style-type: none"> Additional water rights are required on the Deua River to facilitate more small scale farms. 	<ul style="list-style-type: none"> Noted. The Additional Rural Producers Workshop identified this issue and it has now been developed as a recommendation to Council.
126	Turlinjah	N		<ul style="list-style-type: none"> Submission commends the Consultant on the overall preparation of the report despite some serious concerns as outlined, but does support a number of recommendations made. A background document is also provided for further information. 	<ul style="list-style-type: none"> Request retention of RU1 zoning. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support not mapping biocorridors. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Object to proposal to develop a Scenic and Cultural Landscape Code. 	<ul style="list-style-type: none"> Noted and see Section 3.3.2 for discussion.
					<ul style="list-style-type: none"> Object to the proposal that biodiversity be forced on landholders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas. 	<ul style="list-style-type: none"> Noted and see Section 3.5 for discussion.
					<ul style="list-style-type: none"> Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> Noted se Sections 3.8 to 3.9.
					<ul style="list-style-type: none"> Support for recommendations to assist local food production and tourism initiatives. 	<ul style="list-style-type: none"> Noted.

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
					<ul style="list-style-type: none"> • Support for recommendation for additional uses in the different zones. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support for removal of the sunset clause for housing. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> • Noted see Section 3.2.6 for discussion.
127	Turlinjah	N		<ul style="list-style-type: none"> • Submission commends the Consultant on the overall preparation of the report despite some serious concerns as outlined, but does support a number of recommendations made. A background document is also provided for further information. 	<ul style="list-style-type: none"> • Request retention of RU1 zoning. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Support not mapping biocorridors. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Object to proposal to develop a Scenic and Cultural Landscape Code. 	<ul style="list-style-type: none"> • Noted see Section 3.3.2.
					<ul style="list-style-type: none"> • Object to the proposal that biodiversity be forced on landholders through development offsets and planning agreements. Favour the establishment of priorities for areas where endangered ecological species exist in their natural habitat. Landholders should be compensated to protect those areas. 	<ul style="list-style-type: none"> • Noted see Section 3.5
					<ul style="list-style-type: none"> • Further consideration should be given to more R5 4000 m² lots. There needs to be flexibility in providing for housing entitlements where the farm enterprise requires the operator to be close to the enterprise and where detached dual occupancies are required for retirement. 	<ul style="list-style-type: none"> • Noted see Sections 3.8 and 3.9.

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
					<ul style="list-style-type: none"> Support for recommendations to assist local food production and tourism initiatives. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for recommendation for additional uses in the different zones. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Support for removal of the sunset clause for housing. 	<ul style="list-style-type: none"> Noted.
					<ul style="list-style-type: none"> Object to use of overlays in the LEP. 	<ul style="list-style-type: none"> Noted.
128	Deua River Valley			<ul style="list-style-type: none"> Previous submission for the LEP process made referred to and stated that comments remain pertinent. Comment made about the long drawn out process and discord among the RLSC and potential for self-interest rather than public good. Owner looks forward to a resolution and adoption of the strategy to provide future certainty for planning processes. 	<ul style="list-style-type: none"> Support need for planned and regulated development for rural land. Returning to a register/monitor process whereby the maintenance of a pool of appropriately zoned land becomes the trigger for possible further land rezonings is supported, not need to permit spot rezonings. Support retention of quality agricultural land, however support making small lots available from small intensive agricultural proposals or perhaps opportunity for leasing land. 	<ul style="list-style-type: none"> Noted. Noted Consultants agree zoning changes need to address strategic requirements and not just spot requests in isolation. Noted. The draft strategy supports such principles.
					<ul style="list-style-type: none"> More water allocations are needed, or Council could make available some of its allocation. 	<ul style="list-style-type: none"> Noted and additional recommendations are made from consideration of these issues raised at the additional Producers Workshop.
					<ul style="list-style-type: none"> Objectives of old Rural 1(a) zoning should be retained. 	<ul style="list-style-type: none"> Noted many of the 1(a) objectives are retained. The environmental issues are also retained through provision of a vegetation overlay.
					<ul style="list-style-type: none"> Use of land in National Parks and State Forests should be subject to Council review. 	<ul style="list-style-type: none"> Noted these areas are outside of Council control and as such of little point

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
						assessing in the Strategy beyond the boundary issues and impacts.
					<ul style="list-style-type: none"> Real endeavours should be made to establish hard wood forest plantations on degraded farm land along with efforts to minimise native forest harvesting. 	<ul style="list-style-type: none"> Noted. It is understood the State Government may be looking to expand farm forestry options as part of the biodiversity review.
					<ul style="list-style-type: none"> The RLS should make a statement about the low importance of commercial native forestry within the Shire's rural landscape. 	<ul style="list-style-type: none"> Noted the Consultants brief limits discussion to the private rural lands.
					<ul style="list-style-type: none"> Biodiversity banking proposals seem to have no benefit to the community - development proposals should stand or fail upon the merits of each individual assessment. 	<ul style="list-style-type: none"> Noted see Section 3.5 for discussion.
129	Malua Bay		Y		<ul style="list-style-type: none"> Request RU4 zoning for whole of lot. 	<ul style="list-style-type: none"> Noted see Section 3.8.2 and table 3.
130	Shire Wide	Y			<ul style="list-style-type: none"> Refutes of the submission #99 made the Eurobodalla Rate Payers Association. Does not reflect his views at all. 	<ul style="list-style-type: none"> Noted.
131	Shire Wide				<ul style="list-style-type: none"> The draft strategy should remove restrictions on farming and free up dwelling entitlements. 	<ul style="list-style-type: none"> Noted.
132	Shire Wide	Y			<ul style="list-style-type: none"> The Native Vegetation overlay and other legal protections for EEC are sufficient for protection of biodiversity on certain Crown Lands (Malabar Lagoon and South Durras). However, an E2 zone for these lands would be supported. 	<ul style="list-style-type: none"> Noted and see more detailed discussion in Sections 2.4.1 and 2.4.5.
					<ul style="list-style-type: none"> Supports use of vegetation overlays in LEP. 	<ul style="list-style-type: none"> Noted see Section 3.2.6 for discussion.

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
133	North Moruya	N		Concerns voiced over the length of time taken for this process and the community angst it has caused.	Support proposed RU4 zone.	• Noted.
134	Shire Wide	N			• Objects to use of vegetation overlays in LEP.	• Noted see Section 3,2,6.
					• Objects to scenic landscape controls	• Noted see discussion Section 3.3.2.
					• Need more flexible dwelling entitlements for large holdings to retain retirees, etc. on farm	• Noted see Section 3.8.1.
					• Additional small lifestyle blocks and small farms needed beyond Strategy recommendations	• Noted see Sections 3.8 and 3.9.
					• Objects to use of Biodiversity offsets and agreements. Instead landholders should be encouraged with appropriate compensation.	• Noted. See Section 3.5.
					• Senate Committee recommended where the community has need of a private asset, then the cost of acquiring that asset should be borne by the community.	
					• Supports proposals for local food and tourism.	• Noted.
					• Supports additional permissible uses.	• Noted.
					• Supports removal of sunset clause.	• Noted.
	• Supports no mapping in LEP of biocorridors.	• Noted.				
135	Runnyford	N	Y		• Opposes overlays in LEP.	• Noted see Section 3.2.6.

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
					<ul style="list-style-type: none"> • Opposes any form of E zones in LEP. 	<ul style="list-style-type: none"> • Noted see discussion in Section 3.2.
					<ul style="list-style-type: none"> • Opposes any formal controls on Landscape protection. 	<ul style="list-style-type: none"> • Noted. See Section 3.3.2.
					<ul style="list-style-type: none"> • Suggests additional development potential is possible beyond Strategy yields at Runnyford. 	<ul style="list-style-type: none"> • Noted see Section 3.8.2
136	Shire Wide	N			<ul style="list-style-type: none"> • Objects to the use of Vegetation overlays in the LEP. 	<ul style="list-style-type: none"> • Noted see Section 3.2.6.
					<ul style="list-style-type: none"> • Objects to scenic landscape controls. 	<ul style="list-style-type: none"> • Noted see Section 3.3.2.
					<ul style="list-style-type: none"> • Need more flexible dwelling entitlements for large holdings to retain retirees, etc., on farm. 	<ul style="list-style-type: none"> • Noted see section 3.8.2 and 3.9 for discussion.
					<ul style="list-style-type: none"> • Additional small lifestyle blocks and small farms needed beyond Strategy recommendations. 	<ul style="list-style-type: none"> • Noted see Sections 3.8 and 3.9.
					<ul style="list-style-type: none"> • Objects to use of Biodiversity offsets and agreements. Instead landholders should be encouraged with appropriate compensation. 	<ul style="list-style-type: none"> • Noted see Section 3.5.
					<ul style="list-style-type: none"> • Supports proposals for local food and tourism. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Supports additional permissible uses. 	<ul style="list-style-type: none"> • Noted.
					<ul style="list-style-type: none"> • Supports removal of sunset clause. 	<ul style="list-style-type: none"> • Noted.
137	Shire Wide				<ul style="list-style-type: none"> • Supports concept of larger lot sizes where there is poorer road access. 	<ul style="list-style-type: none"> • See Section 2.4.4 for analysis.
					<ul style="list-style-type: none"> • Notes proposals for encouraging roadside stalls and could not support on classified roads unless parking and vehicle access was adequate. 	

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
					<ul style="list-style-type: none"> • Recommends Council ensure developers meet the cost of additional road improvements. Example is given where Council might require S94 contributions towards upgrading of intersections of roads to carry more development where they enter a highway. 	
138	Shire Wide				<ul style="list-style-type: none"> • A general requirement for additional rural living to meet the requirements of Section 117 direction 4.4 "Planning for Bushfire Protection". 	<ul style="list-style-type: none"> • See Section 2.4.5 for analysis
					<ul style="list-style-type: none"> • RFS considers some areas in the Strategy proposed for increased development are highly constrained. Especially some areas have steep slopes, high risk vegetation and non-complying access. 	<ul style="list-style-type: none"> • Noted and discussed further in Section 2.4.5.
					<ul style="list-style-type: none"> • Generally not supportive of creation of Asset protection Zones on land mapped as High Conservation Value. 	<ul style="list-style-type: none"> • Noted and supported.
					<ul style="list-style-type: none"> • Supports the use of overlays depicting High Conservation Value land. 	<ul style="list-style-type: none"> • The Consultants agree and note the usefulness of overlays suggested by RFS as a fire warning tool as well as a conservation tool.
					<ul style="list-style-type: none"> • Points out the proposed additional uses in RU1 such as Function Cents may qualify as Special Fire Protection Purpose developments and be limited as to where they might be approved. 	<ul style="list-style-type: none"> • The Consultants accept these additional uses would require merit assessment and may not gain consent in higher fire risk areas but permissibility is still supported.
					<ul style="list-style-type: none"> • RFS provides some specific comments to apply to areas it considers would be rural isolated locations 	<ul style="list-style-type: none"> • See Section 2.4.5 for analysis

Submission Number	Locality	Vegetation Overlay Y/N	Request for Rezoning or Dwelling	General Background/ Information Provided	Matters Raised for Comment/Review	Consultant's Comment
139	Shire Wide			The submission makes 6 recommendations.		<ul style="list-style-type: none"> • See Section 2.4.9 for an analysis of this submission

APPENDIX 7: REZONING, LOT SIZE AND DWELLING ENTITLEMENTS

Table 3: Rezoning and Lot Size

Rezoning and Lot Size Requests from the November 2015 Exhibition			
Submission No.	Area	Owner Comments	Consultants comment
1	Benandarah	Request RU4 zone.	Strategy recommends RU4 zone for subject area.
2	Moruya	Request RU4 zone.	Strategy recommends RU4 zone for subject area.
3	North Batemans Bay	Oppose change to the zoning of our R5 zoned property.	Current zoning of R5 seems appropriate for this area. And no change is recommended.
7	Nelligen	Request whole lot be zoned RU4 with 2 ha minimum lot size. Request road reserve be closed.	Recommended lot size is 5 ha. Smaller lot size not recommended. Recommended zone is E4 which would allow a dwelling on the lot
9	Nelligen	Request whole lot be zoned RU4 with 2 ha minimum lot size.	Recommended lot size is 5 ha. Smaller lot size not recommended. Recommended zone is E4 which would allow a dwelling on the lot.
10	Bodalla	Request removal of E2 zone from property.	Current E2 zoning across the shire is considered to be appropriate. E2 in this land is wetland, however further assessment as part of planning proposal is recommended.
11	Moruya	Request ability to subdivide lot into 2 lots (request a 1 ha minimum lot size).	Recommended that existing 2ha minimum lot size be retained. Council staff consider the land in the cleared section of this area might accommodate lots down to 1 ha. Recommended the potential for a section of this area to have a reduced lot size be further investigated as part of the 5 year review.
15	Currowan	Request 50 acre (or preferably 25 acre) minimum lot size.	Strategy recommendation is 40 ha lot size. No further lowering is recommended given access and fire hazards.
16	Nelligen	Request whole lot be zoned RU4 with 2 ha minimum lot size.	Strategy recommendation of E4 with 5 ha lot size is recommended
19	Currowan	Request 16 ha minimum lot size to enable dwelling entitlement.	Strategy recommendation for this area is 40 ha. As such the request is not supported
21	Mystery Bay	Request RU4 zoning with 2 ha minimum lot size for a portion of the property.	The revised strategy recommendation is this land and some surrounding area be the subject of further review as part of the 5 year revision for rural small holdings and urban expansion.

Rezoning and Lot Size Requests from the November 2015 Exhibition			
Submission No.	Area	Owner Comments	Consultants comment
24	Coila	Minimum lot sizes in the Coila area should be further reduced. People need building entitlements and security over their land.	The area is recommended for zoning RU1 with a 20 ha lot size. The land is large enough for potential subdivision into 2 lots, should the recommendations proceed.
25	Kianga	Agree with RU1 zoning. The minimum lot size in RU1 should be 10-15 ha and minimum averaging would be appropriate on certain properties where the topography is such that an easy subdivision is not possible.	The subject land is in the exhibited Narooma proposed RU1 with 40 ha lot size which is considered appropriate given the areas constraints for access and bushfire. As the lot is larger than 80ha in size, subdivision to create an additional lot would be possible. The recommendation with respect to minimum averaging is that Council review the option further as part of the 5 year review but not introduce the option now as the implications could be significant and need further modelling.
26	Mogo	Support the proposed RU4 zoning with 20 ha lot size.	The submission supports the recommended proposal for RU4 with 20 ha lot size.
29	Moruya	Lot size for R5 should be 0.4ha.	Subject land has a minimum lot size of 2ha which is considered suitable for this area.
32	Jeremadra	Request a zoning that enables a 10 ha minimum lot size.	The recommended lot size is 40 ha with RU1 zoning which is considered appropriate given the land and access constraints
33	North Batemans Bay	Request further subdivision potential in the North Batemans Bay area.	Subject land has a minimum lot size of 2 ha with R5 zoning. 2 ha pattern is considered suitable for this neighbourhood. Land types appear poor for effluent disposal for large scale at higher densities.
35	Nelligen	Support proposed E4 zoning.	Submission supports the recommended E4 zoning with 5 ha lot size. The subject ownership is large enough for subdivision but has some constraints. Perhaps 4 lots might be considered on merit assessment.
36	North Narooma	Request a 20 ha minimum lot size.	The recommended lot size is 40 ha. As the lot is more than 80ha in size, there is potential for a subdivision of 2 lots.
40	Moruya	Request RU4 zone.	Strategy recommends RU4 zone for subject area.
42	Bergalia	Support proposed RU4 zone.	The submission supported the recommended proposal for RU4.
44	Woodlands	Support proposed RU4 zoning, but request a 10 ha minimum lot size.	The subject land is within the recommended RU4 zone with 20 ha lot size. Given fire and biodiversity constraints the higher lot size is recommended

Rezoning and Lot Size Requests from the November 2015 Exhibition			
Submission No.	Area	Owner Comments	Consultants comment
46	Narooma	Request RU4 zoning.	The subject land is recommended for RU1 zoning at 20 ha lot size. The property area is significantly smaller than 20ha plus the land has access and biodiversity constraints, however rezoning or smaller lot size could be considered as part of next rural lands review.
48	Mossy Point	Request the south western corner of the lot be rezoned to reflect the adjoining land in Mossy Point. The draft Strategy provides the opportunity to facilitate subdivision of the land into 14 lots.	The exhibited strategy recommendation of E4 zoning with 2 ha lot size has been reviewed following closer examination of the biodiversity, coastal and bushfire constraints. The revised recommendation proposes zoning the south – west corner E4 with a 1000m ² lot size and the remainder be zoned E2.
51	Benandarah	Request RU4 zoning. Request retention of existing industrial use. Intention is to undertake a future subdivision of land into 3 lots.	Revised recommendation is for RU4 zoning with 40 ha lot size. The subject land is approximately 31 ha but the RU4 zoning sets a dwelling right for all existing lots. So a dwelling would be permissible subject to development consent.
55	North Moruya	Reject RU1 zoning of land.	The subject land is flood prone and as such a dwelling is not supported and the RU1 zone with 100 ha lot size is recommended.
60	Bodalla	Request RU1 zoning with 40 ha lot size. Request dwelling entitlement and ability to do a dual occupancy.	The revised recommendation is for 40 ha lot size and RU1 zoning. As such a dwelling would be permissible with consent as would a dual occupancy.
61	Bodalla	Request RU4 zoning for a portion of property separated from farm by the Princes Highway. Request less than 100 ha to enable subdivision. Request minimum averaging in circumstances like ours.	The recommended lot size is 100 ha and the property size is 229 ha approximately. As such a subdivision for 2 lots would be permissible with consent. The recommended zone is RU1. The land north and south of the highway where a potential 40 ha lot might be created is heavily forested and hence suitable as one lot. Minimum averaging can be an advantage but is recommended to be the subject of further research as to the Shire wide implications, before a decision should be made.
70	Narooma	Support RU4 zoning with 5ha lot size.	The submission supports the recommended proposal for RU4 with 5ha minimum lot size.
76	Bodalla	Request addition to Schedule 1 of the LEP to enable subdivision of an existing dual occupancy.	The recommended lot size for the area is 20 ha and the subject land is not large enough to subdivide. Permitting subdivision basically suggests a lot size for the area of 10 ha which is not sustainable in the location. The request is not supported.

Rezoning and Lot Size Requests from the November 2015 Exhibition			
Submission No.	Area	Owner Comments	Consultants comment
79	Jeremadra	Request review of zoning and lot size to enable rural residential subdivision.	Not supported at this time. Should be considered as part of a site specific planning proposal.
84	Congo	Request ability for subdivision to expand Congo Village.	The subject land is recommended to be zoned RU1 with 40 ha lot size as a holding action pending further assessment in the 5 year rural residential and urban review.
89	Potato Point	Do not support proposed RU1 zoning with 100 ha minimum lot size. Request RU4 zoning to gain dwelling entitlement. Second preference for zoning would be E4. Alternatively we request reconsideration of minimum lot size to 20 ha enable a dwelling entitlement (or 40 ha).	The revised recommendation is for RU1 with a 40 ha lot size and as such a DA could be submitted for assessment subject to the variance clause.
93	Nelligen	Support RU1 zoning with 40 ha lot size to enable dwelling entitlement.	Submission supports 40 ha lot size recommendation.
96	Moruya	Wish to be able to subdivide land into two parcels. A new dwelling would like to be constructed and to do this subdivision is required.	Land is currently zoned RU4 with 2ha lot size which is considered appropriate for this area. Further subdivision not recommended.
102	Moruya	Request 1 ha minimum lot size.	Recommended that existing 2ha minimum lot size be retained. Council staff consider the land in the cleared section of this area might accommodate lots down to 1 ha. Recommended the potential for a section of this area to have a reduced lot size be further investigated as part of the 5 year review.
103	Merricumbene	Object to 500 ha lot size if existing dwelling entitlement will be affected.	The subject land is in the recommended 500 ha lot size area and has an area of approximately 21 ha. While the lot size would not permit a dwelling, there is no proposal to remove existing dwelling rights and if the land holds such a right that would continue under the strategy recommendations.
106	Central Tilba	No objection to proposed zoning and minimum lot size, providing each lot maintains a dwelling entitlement. Concerned that the 100 ha minimum lot size removes existing dwelling entitlements.	The recommended lot size is 100 ha but the strategy proposes to retain existing dwelling rights.
108	Bodalla	Request zoning to legitimise existing business and enable a dwelling and eco cabins.	The recommended lot size is 20 ha. As the subject lot is larger than 20 ha, a dwelling would be permissible with consent.
112	North Moruya	Request lot size to enable two lot subdivision.	The recommended lot size is 100 ha. As the lot is significantly smaller than 100 ha, the request cannot be supported.

Rezoning and Lot Size Requests from the November 2015 Exhibition			
Submission No.	Area	Owner Comments	Consultants comment
117	Mystery Bay	No objection to proposed zoning and minimum lot size, providing each lot maintains a dwelling entitlement. Concerned that the 100 ha minimum lot size removes existing dwelling entitlements.	The recommended lot size for the area is 100 ha but the strategy recommendations also do not propose to remove existing dwelling entitlements. This area for appropriate for further analysis as part of the 5 year review.
119	Congo	Request E4 zoning with lot sizes ranging between 5 and 10 ha.	The revised recommendation is that most of these lands be zoned RU1 with a 40 ha lot size as a holding action pending the proposed 5 year review.
129	Malua Bay	Request RU4 zoning for whole of lot.	The steeper and mostly forested lands on the subject lot are zoned E4 which is considered appropriate.

Rezoning and Lot Size Requests Received Under Previous Consultation

Submission No.	Area	Owner Comments	Consultant comments
Previous exhibition	Broulee	Request SP3 zoning. Request LEP facilitates activities crucial to supporting tourism, such as restaurant, conference facilities, farm gate sales, cellar door sales and the like, especially on tourist routes. Zoning should follow the characteristics of the land, not lot boundaries. Single zoning on large lots may not produce an optimal environmental or economic outcome. There is ample research and evidence to demonstrate a strong demand all year round for many types of rural tourism attractions and accommodation.	<p>The request is outside the scope of the rural strategy.</p> <p>The site may have attributes for more intensive tourist development than may be permitted under RU1 zoning. But the land demonstrates some constraints with issues such as bushfire and biodiversity.</p> <p>Council might indicate a willingness to examine a planning proposal from the owner but a first priority should be given to an assessment of the site constraints to clarify site development capacity.</p>
Previous exhibition	Broulee	The land is zoned RU1 but is not used for agriculture and contains a dual occupancy. Request ability to subdivide dual occupancy.	<p>The revised recommendation for this area is E4 with 5 ha lot size. The subject land is not large enough to subdivide.</p> <p>The recommendation is that the area still be proposed for lot sizing to 5 ha. As such subdivision would not be permissible.</p>
Previous exhibition	Tomakin	Object to E2 and E3 zonings over property which has a dual occupancy and horses and cattle. Wish to be able to subdivide so that each house has its own title.	Exhibited proposal is E4 with 20 ha lot size. The subject land might be considered for subdivision to create 2 lots under the variation clause, should the 20 ha lot size proceed.
Previous exhibition	Mogendoura	Request RU1 zoning.	The exhibited proposal is for RU1 zoning with 100 ha lot size.
Previous exhibition	Central Tilba	I recommend that the area be rezoned to allow a Kyla Park style development on the 5 and 15 ha areas. This size of property would allow for environmental protection of the Lake and surrounds and allow for maintenance of minor rural related activities.	<p>The revised recommendation is this area be referred to the 5 year review for examination of possible rural residential and or expansion needs for urban use.</p> <p>In the interim the recommendation is RU1 zone with 100 ha lot size.</p>
Previous exhibition	Moruya	Property is 10.2 ha in size and will one day be too much to maintain, but we don't want to move. Would like to be able to subdivide the	Recommended lot size is 10 ha. Subdivision into half ha lots is not recommended in this area and 10 ha lot size is considered appropriate.

Rezoning and Lot Size Requests Received Under Previous Consultation			
Submission No.	Area	Owner Comments	Consultant comments
		land. Wish to be able to subdivide land to create three additional 5000 m ² lots along the road frontage.	
Previous exhibition	Jeremadra	Boundaries between two zones on property follows a contour and it would be beneficial to straighten the boundary. Request consideration of a smaller lot size. Currently 10 ha. Need more than 20 blocks to be economical, given limited road frontage.	The subject land is a mix of RU4 and E4 zones. The existing 10 ha lot size seems appropriate given the topography and biodiversity constraints of the site. However Council might possibly allow the owner at his expense to effect preliminary surveys to establish if the constraints can be addressed to allow some areas of smaller lot size.
Previous exhibition	South Durras	Crown Land portions 92-95 should be zoned E2. Attached copy of an independent assessment of the ecological conservation values of the portions to support rezoning. Private land to the west of South Durras village be variously given E2 and E3 zoning, as they constitute an important catchment area for Durras Creek. Attached submission to LEP which expands on these points.	The strategy recommendation is that a further review be carried out with OEH and Crown Lands regarding appropriate zoning of Crown lands in the coastal areas.
Previous exhibition	Nelligen	We would like to be able to build a dual occupancy (unattached) and to subdivide in the future.	Subject land has a lot size of 2 ha. The lot is large enough to subdivide. The revision of the strategy supports detached dual occupancy in E4. So the request would be permissible with consent should the proposals proceed.
Previous exhibition	Bodalla	Our land is deferred matter, which was proposed to be E3. Land such as ours, where there is a sealed road frontage and no impact on any infrastructure, could be subdivided into lots of 2 to 10 ha, providing more opportunity for small businesses, rural lifestyle and landscape while maintaining environmental objectives. Such smaller lots zoned say RU2 or E3 could not be seen to be inconsistent with	The subject has a recommended lot size of 20 ha. The lot is large enough to be subdivided into 2 lots.

Rezoning and Lot Size Requests Received Under Previous Consultation

Submission No.	Area	Owner Comments	Consultant comments
		the rural landscapes of the area as there are already small lots which are RU1.	
Previous exhibition	Moruya	Submission made on behalf of landowner. Attached development application concept for subdivision of land in an environmentally friendly manner - options for residential or small rural are being considered.	The subject land adjoins residential zoned lands and may have potential for eventual extension. The exhibited proposal was RU1 with 40 ha lot size. It is recommended this proposal remain as a holding action but the land be referred the 5 year review.
Previous exhibition	Batemans Bay	Interested in developing a conference and function centre with accommodation and a restaurant, adjacent to a working organic farm. The position is enhanced by the available local supply of oysters and other seafood. Southern part of the property would be suited to up to eighty quarter acre house sites and six one acre house sites.	The exhibited lot size is 40 ha with RU1 zoning. The land is not large enough to subdivide and appears to have biodiversity and access constraints. Recommend to retain as 40 ha lot size as a holding action but assess in more detail at the 5yearly review.
Previous exhibition	Belowra	Request that property be zoned RU1 or RU4. Future plans for property may include private native forestry and/or cabins for tourist accommodation. Policy directions support this. Land not currently used for commercial agriculture, however the potential for future use needs to be recognised through using RU1 or RU4 zone. Land adjoins a National Park. Previous inspections by State Forests personnel has shown the land suitable for forestry.	The land is proposed to be zoned RU1. Much of the development requested in the submission is permissible with consent. Retention of the proposed RU1 and 100 ha lot size is recommended
Previous exhibition	Bingie	Overtime we have advanced compelling and unique reasons for rezoning of land and/or a building entitlement. Some RU1 lands have no potential use, are unviable and have no existing activities.	Exhibited proposal is 20 ha lot size and RU4 zoning. As such, each existing lot would have a dwelling entitlement.

Rezoning and Lot Size Requests Received Under Previous Consultation			
Submission No.	Area	Owner Comments	Consultant comments
Previous exhibition	Narooma	Request rezoning of land to RU4 to allow 2 lot subdivision, so that the two dwellings on the lot can be separated.	Recommended proposal is RU1 with 20 ha lot size. The lot is not large enough to be subdivided. The retention of the 20 ha lot size is appropriate for this area.
Previous exhibition	Moruya	Object to the LEP R5 zoning over our property as it prohibits us doing many farm activities, for example, build farm buildings, extensive agriculture, aquaculture, turf farming, hobby farming. This takes away our rights to use our land the way we need. Please reconsider this zoning.	The land is now proposed to be zoned RU4.
Previous exhibition	Belowra	Land should be zoned RU1.	The land is proposed to be zoned RU1.
Previous exhibition	Moruya Heads	Land should not be zoned E3 as it is extremely restrictive and made no reference to primary production. We need a zone that supports primary producers.	Strategy recommends RU1 zoning for deferred section. The small area of existing E2 is wetland and E2 zoning of this section is warranted.
Previous exhibition	Cadgee	Request RU1 zoning.	Strategy proposes RU1 zoning
Previous exhibition	Bodalla	Request RU4 zoning for cleared area and an environmental zone for the remaining area.	Strategy proposal is RU1 with 40 ha lot size. Subject land is large enough for a dwelling to be permissible with consent. RU4 zoning not warranted in isolation.
Previous exhibition	North Moruya	Pleased to see equine industry included. Wish to retain rural zoning. Potential for dual occupancy and subdivision in the future. Wants simple like for like zoning.	Strategy recommendation is for RU4 Zoning with 10 ha lot size. The Subject land is not large enough to be subdivided. Detached dual occupancy is proposed to be permissible with consent.
Previous exhibition	Potato Point	Would like to be able to subdivide property in two for children so they have a title each and can make their own decisions for the future. The land is not agricultural land. We do not want to divide it into small blocks.	Recommended lot size is 20 ha with RU1 zoning. Subject land is not large enough to be subdivided. 20 ha is considered appropriate for this area.

Table 4: Dwelling Entitlements

(Note: the assumption is made by the Consultants that the following requests are for land without a current entitlement)

Dwelling Entitlement Requests Received Under Previous Consultation			
Submission No.	Area	Owner Comments	Consultant Comments
Previous exhibition	Narooma	The ultimate issue we are faced with is that we do not hold a building permit and because of the zoning of our property, we are not permitted to build a dwelling. We welcome Council's examination of alternative rural settlement opportunities, which could involve permitting dwelling houses on farming land. A dwelling would be an incentive to implement new sustainable farming methods.	The subject land is proposed to be zoned RU4 with 5 ha lot size in the recommend strategy. As such a dwelling would become permissible on this land with consent.
Previous exhibition	Narooma	We bought our land with the hope to build a home and retire there. We were told that the block was an original entitlement block and would be eligible for a building entitlement. We wonder why some blocks have entitlements and others don't.	<p>The minimum lot size recommended is 40 ha. As the land is smaller than 40 ha, a dwelling would remain not permissible on this land. The parcel is heavily forested with high bushfire risk. The strategy conclusion is that this district should remain 40 ha.</p> <p>The owners suggest they have advice that they were told a dwelling was permissible. If this can be established then the request might be judged on equity considerations but cannot be supported on planning grounds.</p>
Previous exhibition	Eurobodalla.	Will the Strategy allow for a dwelling entitlement on the lot.	The strategy recommendation for this district is 100 ha and is supportable given the constraints of access and bushfire. As the lot is significantly smaller than 100 ha, a dwelling would remain not permissible on the lot.
Previous exhibition	North Moruya	Would like 2 building permits for the land.	<p>The submissioner appears to own several parcels and it is not clear as to the exact intent of the request. Parts of the subject land are currently zoned RU1, E4 and IN1. The strategy proposal is for RU1 at a 100 ha lot size.</p> <p>The request requires detailed site planning given the complex surrounding zones and uses and is recommended for deferral to the 5 year review.</p>

Dwelling Entitlement Requests Received Under Previous Consultation			
Submission No.	Area	Owner Comments	Consultant Comments
Previous exhibition	Benandarah	Request a dwelling entitlement on land. Request rezoning of land to RU1.	<p>The subject lot is recommended for 40 ha lot size. The lot is not large enough to qualify for dwelling entitlement.</p> <p>The locality might be examined for additional development in the 5 year review, but the recommendation is to set a lot size of 40 ha at this time and as such a dwelling would remain not permissible on this lot.</p>
Previous exhibition	Narooma	All we have ever wanted is a dwelling entitlement for our two blocks. We currently use the amenities in our oyster shed. We believe we have been paying rates on a valuation assuming there is a dwelling entitlement and have been doing so since 1988.	<p>The recommended lot size is 40 ha. The lot is not large enough to qualify for dwelling entitlement.</p> <p>The locality might be examined for additional development in the 5 year review, but the recommendation is to set a lot size of 40 ha at this time and as such a dwelling would remain not permissible on this lot.</p>
Previous exhibition	Bingie	Land is a lifestyle farm, suitable for a rural dwelling and small scale primary production / farm tourism. Farmers should be offered the chance to offset areas of high conservation in return for minor subdivision approvals.	The recommended lot size is 20 ha. The lot is large enough to qualify for a dwelling entitlement. Therefore a dwelling would be permissible subject to consent.

Dwelling Entitlement Requests from the November 2015 Exhibition			
Submission No.	Area	Owner Comments	Consultant comments
1	Benandarah	Request dwelling entitlement.	The strategy recommendation of RU4 zone facilitates a dwelling entitlement on the subject lot.
8	Nelligen	Request building entitlement on property.	The recommended lot size is 40 ha. The lot is not large enough to qualify for a dwelling entitlement. The recommendation is not to further reduce the lot size from 40 for this area and as such a dwelling would remain not permitted on this land.
50	Deua River Valley	Request dwelling entitlement.	The recommended lot size for this section on the Deua Valley is 40 ha. The subject land is well below recommended lot size for the area and much of the land is forested with access is problematic. As such the request is not supported and a dwelling should remain prohibited.
52	Bergalia	Request dwelling entitlement.	The strategy proposes a minimum lot size of 100ha. The lot is large enough to qualify for a dwelling entitlement. Therefore, a dwelling would be permissible with consent.
54	Deua River Valley	Request a dwelling entitlement to live on farm. Both Bega and Palerang Councils have "ancillary dwelling entitlement".	The recommended lot size is 20 ha. The lot is large enough to qualify for a dwelling entitlement. Therefore a dwelling would be permissible subject to consent.
56	Yowrie	Request dwelling entitlement.	The recommended lot size is 100 ha. The lot is not large enough to qualify for a dwelling entitlement. The subject lot is held with land to the south, is heavily forested and has poor access. The 100 ha recommendation remains and as such a dwelling would remain not permissible on the lot.
65	Potato Point	Request a dwelling entitlement and dual occupancy.	The recommended lot size is 40 ha. The lot is large enough to qualify for a dwelling entitlement. Therefore a dwelling and dual occupancy would be permissible subject to consent.
92	Narooma	Request dwelling entitlement.	The recommended lot size is 40 ha. The lot is not large enough to qualify for a dwelling entitlement. The 40ha recommendation remains and as such a dwelling would remain not permitted on this land.
104	Kianga	Request a dwelling entitlement for Lot 1, by reducing minimum lot size to 20 ha, or by another means.	The recommended lot size is 40 ha. The subject land is just over half lot size, is heavily forested and adjoins sensitive wetlands. The submission is not supported and the land should remain not permissible for a dwelling.