



Planning Proposal

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

Volume 2

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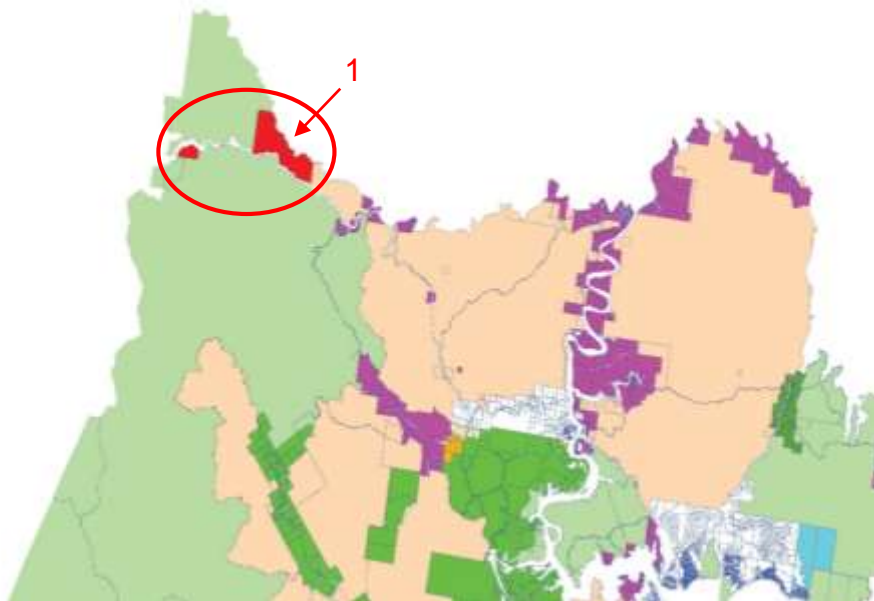
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AREA 1 – Kings Highway, Murrenengberg

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 200ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This area is remote from settlement, surrounded by National Park and State Forest and is constrained by access, topography, vegetation and bushfire. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 200ha minimum lot size does not provide for further subdivision or new dwelling entitlements.</p> <p>Whilst it is not prime agricultural land, it is in a rural area and some rural activities could be undertaken. Rural tourism activities may be appropriate in this area. Forestry activities may also be appropriate.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	4	0
Dwellings	1	1*	1	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on sensitive environmental areas as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

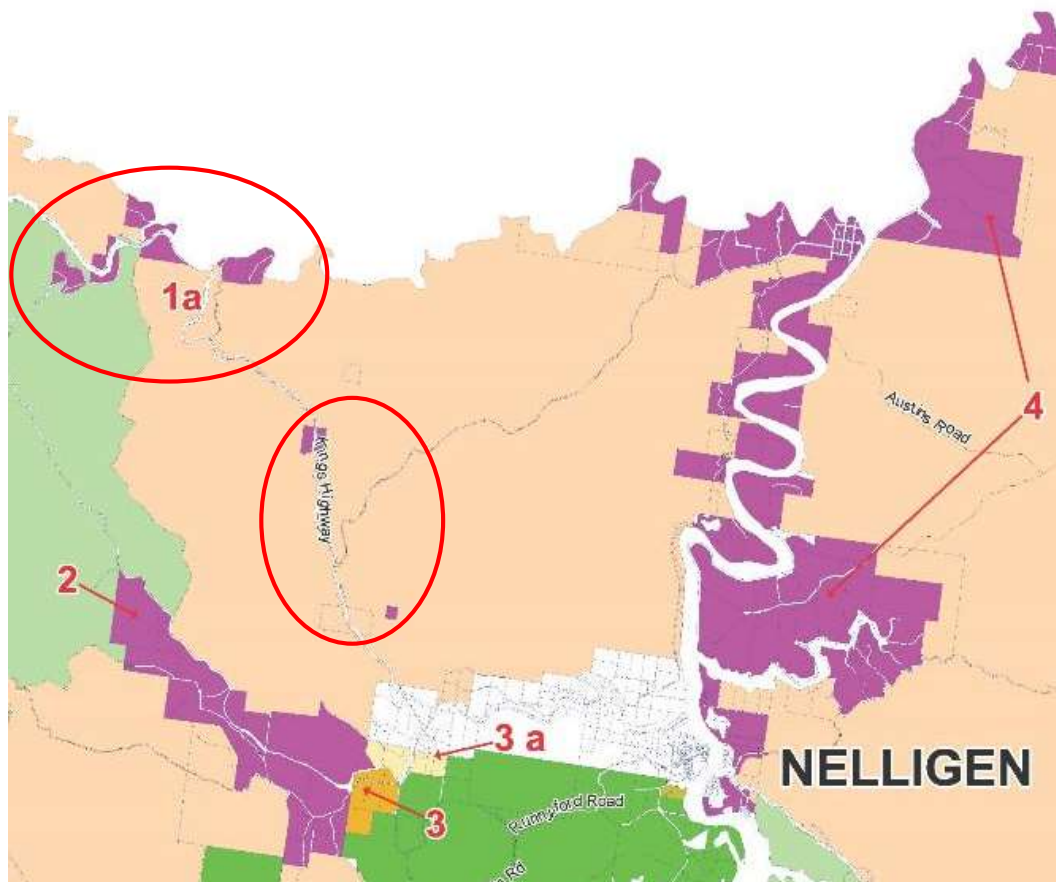
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area (site 200 in OEH submission), the OEH recommendation is that the land is not suitable for additional development. As no additional subdivision or dwellings are proposed, the planning proposal is consistent with the recommendations of the OEH.

AREA 1a – Kings Highway, Currowan

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This area is remote from settlement, surrounded by National Park and State Forest and is constrained by access, topography, vegetation and bushfire. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 40ha minimum lot size does not provide for further subdivision or new dwelling entitlements.</p> <p>Whilst it is not prime agricultural land, it is in a rural area and there are some small clearings where some rural activities could be undertaken. Rural tourism activities may be appropriate in this area. Forestry activities may also be appropriate.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	7	7*	7	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on sensitive environmental areas as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

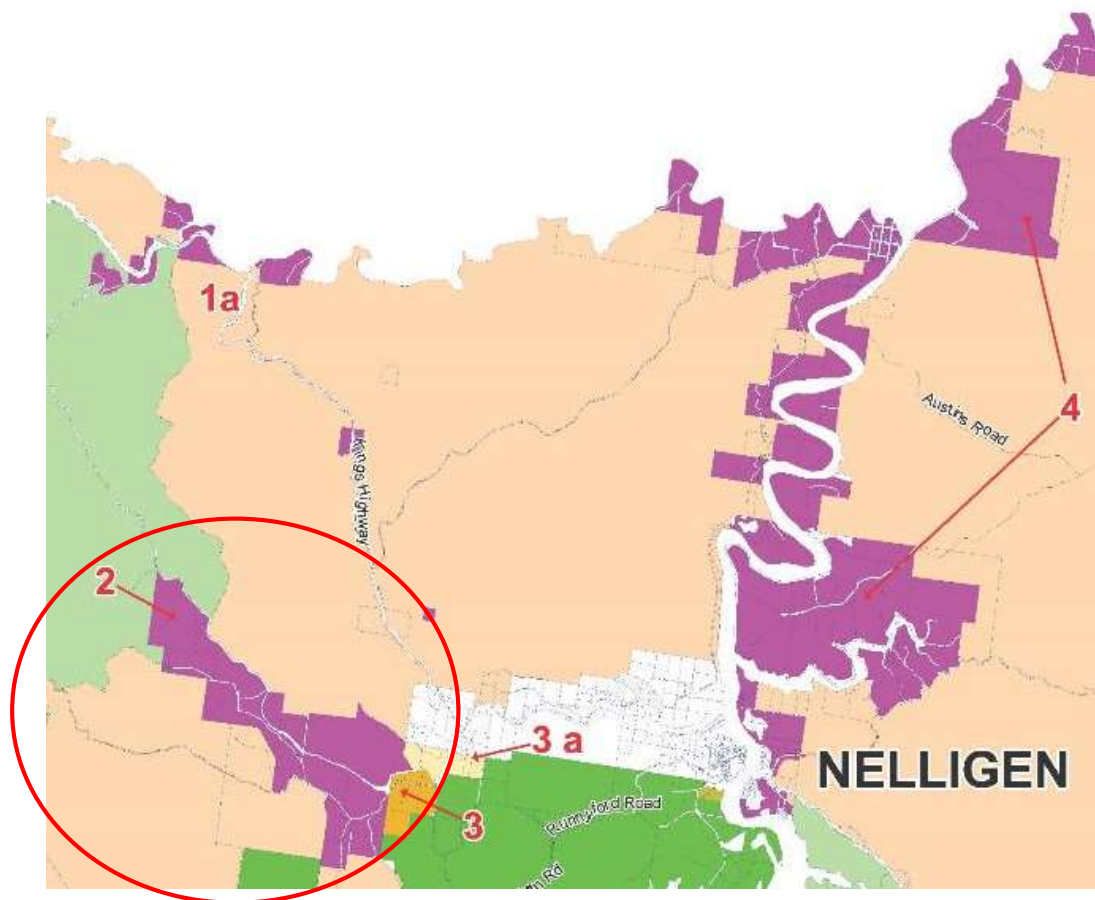
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area (site 59 in OEH submission), the OEH recommendation is that the land is not suitable for additional development. As no additional subdivision or dwellings are proposed, the planning proposal is consistent with the recommendations of the OEH.

AREA 2 – Nelligen Creek Road, West Nelligen

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 3 Dwellings: 3
Discussion:	This area adjoins rural residential areas to the east and extends into more remote lands surrounded by National Park and State Forest. The land is somewhat constrained by access, vegetation and bushfire. The land follows the Nelligen Creek Valley and contains some extensively cleared farming areas and some hillier vegetated areas. Minimal additional subdivision or dwelling yield is proposed, in addition to existing dwelling entitlements. A 40ha minimum lot size potentially provides for up to three new lots and dwellings.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	15	15	18	3
Dwellings	11	12*	15	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, it is known that at least one property is a vacant 1963 parcel with a dwelling entitlement.

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

There is no alternative way to achieve the intended outcome of providing a zone and minimum lot size for the land.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. Given the small number of additional lots and dwellings provided for in the planning proposal, it is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4 and 5 agricultural lands. In this area the density of land would only potentially increase by up to three lots and dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area adjoins land containing a gravel pit which is zoned RU3 Forestry. While the planning proposal would permit three additional lots and dwellings in this area, the sites that benefit are not immediately adjoining the gravel pit site and any future dwellings in these locations would not cause land use conflict with the extractive industry.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only three more dwellings possible in an area of 11 existing dwellings, plus at least one existing dwelling entitlement. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. It is expected that development for the building of new dwellings and/or subdivision on this lot would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural

residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area.

Through road access is available on the Kings Highway via Old Bolaro Road and Nelligen River Road. Access to the Kings Highway is over 200 metres and alternate access to properties is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to the Kings Highway can be minimised by locating building sites closer to Old Bolaro Road. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the adjacent Monga National Park and Buckenbowra and Currowan State Forests.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision as a result of this planning proposal does not affect lots where threatened ecological communities are known or likely to occur.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats and woodland birds are likely to use this area as habitat or foraging from time to time. It is expected that habitat and foraging opportunities would still be available because remnant native vegetation patches and paddock trees would still be available and would connect with the adjacent National Park and State Forests. Further, additional potential clearing as a result of this planning proposal is minimal compared with what can be currently undertaken.

Properties in this area are generally already selectively cleared or fully vegetated. However, there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not increase the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

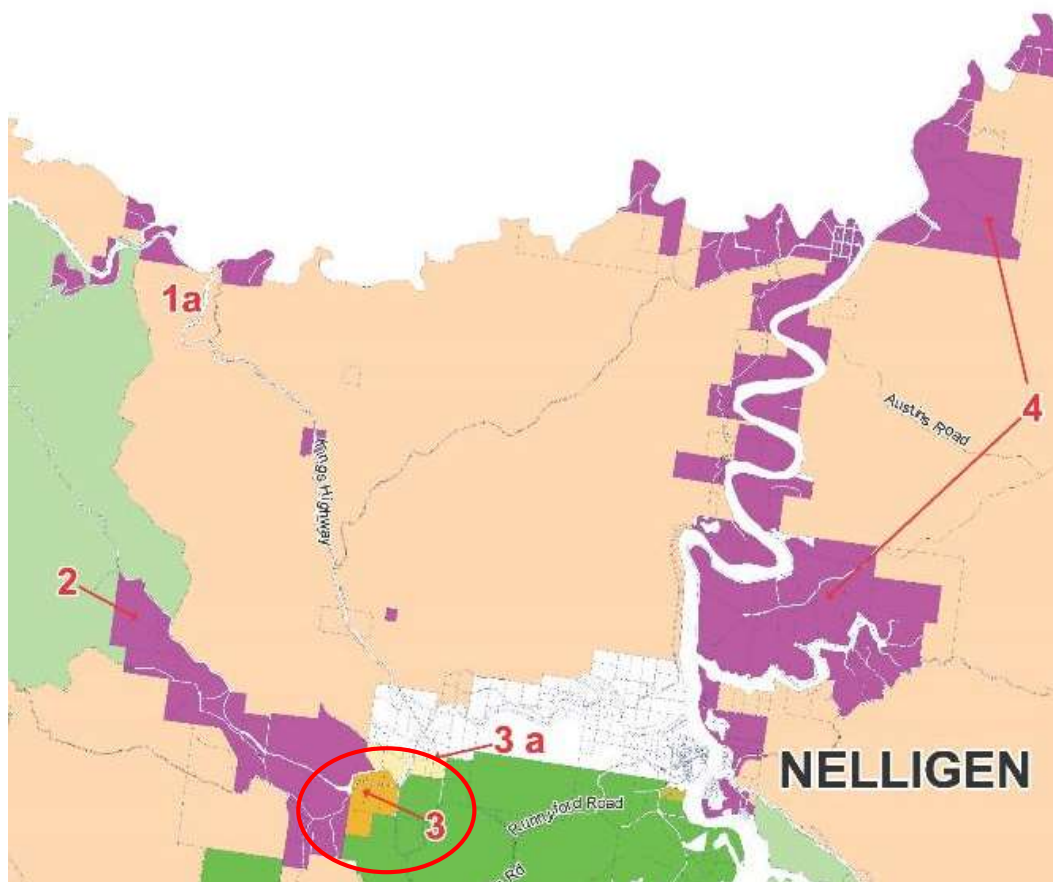
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area (site 199 in the OEH submission), the OEH recommendation is that the land is not suitable for increased subdivision potential. As the planning proposal provides a minimum lot size that would facilitate some subdivision to create up to 3 additional lots, it is inconsistent with the recommendations of the OEH. However, for the reasons outlined in Section 7 above, this inconsistency is considered to be justified.

AREA 3 – Old Bolaro Road (south), West Nelligen

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 3
Discussion:	<p>This small area consists of 4 rural lots between 10 and 20ha in size. It is located to the south of an existing rural residential area. The land is partly cleared with a mix of class 4 and 5 agricultural land.</p> <p>No additional subdivision is anticipated, however there is potential for one additional lot to be created, and each existing lot will have a dwelling entitlement. A 10ha minimum lot size provides for up to three new dwellings.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	5	1
Dwellings	2	2*	5	3

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only three more dwellings possible. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to three dwellings and subdivision to create one additional lot would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Kings Highway via Old Bolaro Road. Access to the Kings Highway is over 200 metres and alternate access to properties is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to the Kings Highway can be minimised by locating building sites closer to Old Bolaro Road. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid

impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby Monga National Park and Buckenbowra and Currowan State Forests.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts threatened ecological communities that are known or likely to occur in this area such as River-flat Eucalypt Forest.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities would remain because remnant native vegetation patches and paddock trees would still be available and existing levels of wildlife connectivity can be retained. Opportunities to minimise clearing and to avoid high quality habitat (including riparian zones) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates one additional lots and three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area. The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

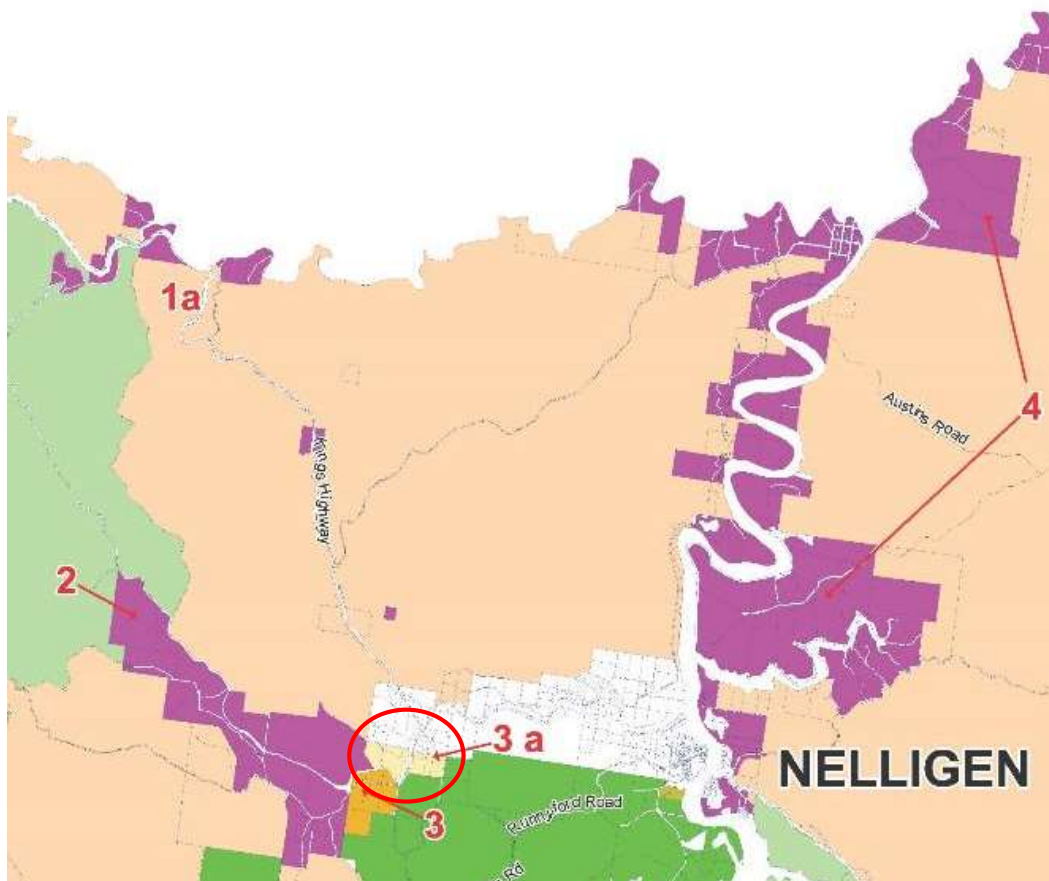
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 3a – Old Bolaro Road (central), West Nelligen

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 5ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 5
Discussion:	<p>This small area consists of 7 lots where a portion of 6 of these lots is currently zoned RU4 2ha (no change is proposed to the zoning or minimum lot size of those parts of each lot). It is proposed to extend the RU4 zone over the whole of these lots, with a 5ha minimum lot size over the currently deferred area, to minimize the number of additional lots that could be created. The land is mostly vegetated with some small clearings and is mostly class 5 agricultural land.</p> <p>The proposal could result in one additional lot and five additional dwellings in the subject area, however taking into account the total area of each lot and the 2ha minimum lot size on some portions of the lots, up to 7 lots and 8 dwellings could be achieved.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	8	1
Dwellings	1	2*	7	5

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only four more dwellings possible. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to four dwellings and subdivision to create two additional lots would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Kings Highway via Old Bolaro Road. Access to the Kings Highway is over 200 metres and alternate access to properties is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to the Kings Highway can be minimised by locating building sites closer to Old Bolaro Road. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development or land clearing to minimise and

avoid impacts to high quality habitat or connectivity on private property. There is also more suitable habitat and options for wildlife connectivity in the nearby Monga National Park, Buckenbowra and Currowan State Forests.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts threatened ecological communities that are known or likely to occur in this area such as River-flat Eucalypt Forest.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities would remain because small remnant native vegetation patches and paddock trees would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat (including riparian zones) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates one additional lots and four additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area. The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

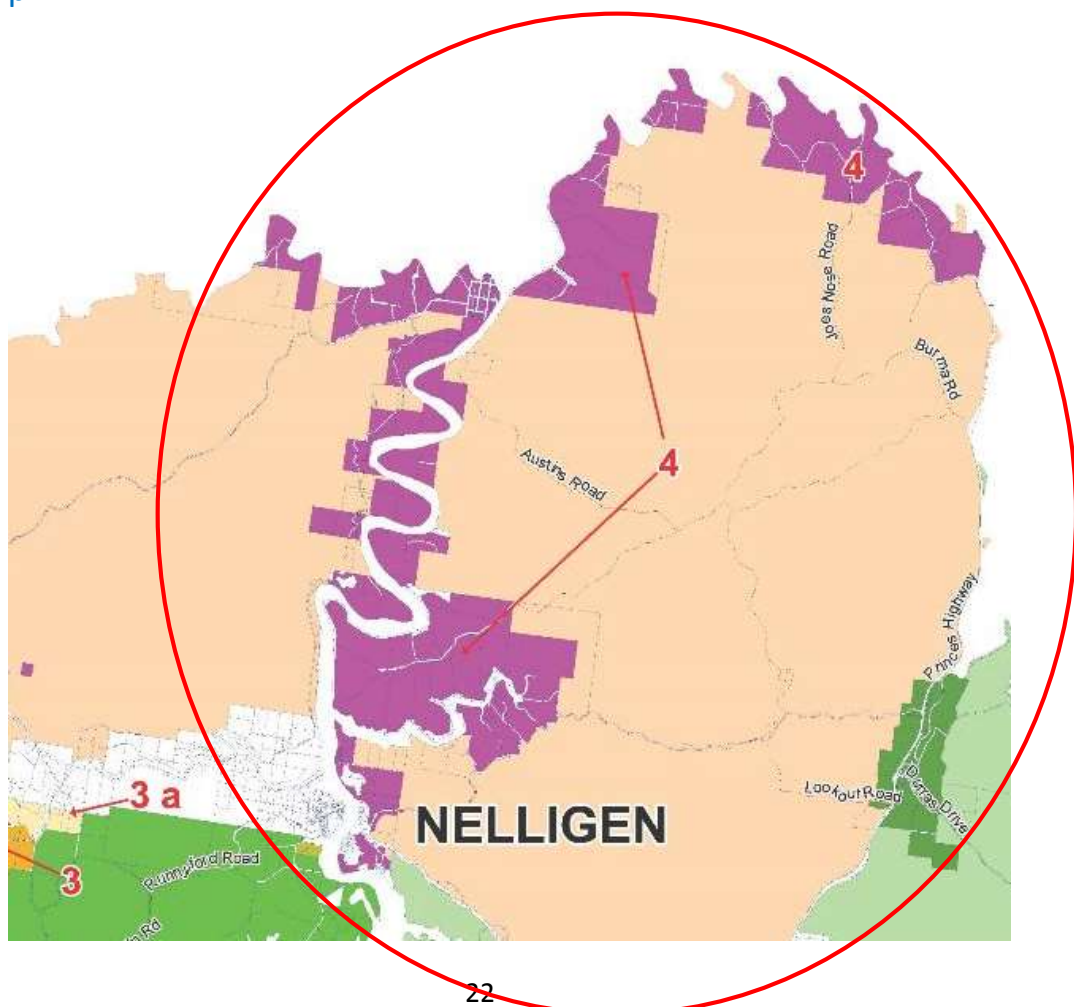
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 4 – Currowan, Benandarah and East Lynne

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E4 – 1ha (for Lot 29 DP 755933 and Lot 1 DP 119109) E4 – 1500m ² (for Lots 56, 57 and 58 DP 755933)
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 6
Discussion:	This area is remote from settlement, surrounded by State Forest and is constrained by access, topography, vegetation and bushfire. This area contains a mix of heavily forested and steep land with cleared agricultural lands along the Clyde River and Currowan and Cockwhy Creeks. A 40ha minimum lot size for this area is the most reflective of the existing subdivision pattern, however it does provide for some larger lots to be subdivided, creating up to four new 40ha minimum lots. In addition to up to six new dwellings being facilitate by this planning proposal, at least four existing vacant lots with dwelling entitlement will remain.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	205	205	209	4
Dwellings	70	74*	80	6

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, the properties on Windywoppa Road were subdivided for the purpose of enabling dwellings to be built. Three of these lots remain vacant and will continue to have the right to apply for development consent for a dwelling. A fourth lot on Bridge View Road, Nelligen is vacant and is known to have a dwelling entitlement.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for appropriate zones (RU1 and E4) and minimum lot sizes (40ha for RU1 portion and 1ha / 1500m² for E4 portions) which result in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy, with the exception that two small areas east of Nelligen are proposed to be zoned E4 Environmental Living.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent

SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
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For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Clyde River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Clyde River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the majority of this area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3, 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing

agricultural holdings in this area. In this area the density of land would potentially increase by up to four lots and six dwellings. This will facilitate some additional small-scale agricultural production opportunities that recognises the changing nature of agriculture in the region. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. This area contains two archaeological sites (a Ship Building site and a Starch Factory site). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the additional dwellings that could result from the planning proposal would not be on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only six more dwellings possible in an area of 70 existing dwellings. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to six dwellings and subdivision to create four additional lots would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on NSW Forestry roads that lead to the Princes Highway and the Kings Highway. Access to the Princes Highway and the Kings Highway is over 200 metres for most properties however alternate access to properties is available via the NSW Forestry road network in this area. The siting of future dwellings away from ridge tops and steep slopes is possible in this area, and the distance to dwellings can be minimised by locating building sites closer to roads (ie shorter internal access tracks). There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents and logging trucks in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible

is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby State Forests (Boyne, Currowan, South Brooman, Benandarrah and Shallow Crossing).

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities that are known or likely to occur in this area such as River-flat Eucalypt Forest and Swamp Oak Floodplain Forest.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and white footed Dunnart are likely to use this area as habitat or foraging from time to time. Threatened orchids have also been recorded in the vicinity of these properties however are more likely to have a restricted distribution and therefore could be avoided if habitat or population is found on land with potential for development. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing e.g. routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities would remain because small remnant native vegetation patches and paddock trees would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands associated with the Clyde River adjacent to this area. The planning proposal would not change or intensify land uses in the area. Additional dwellings are not on lots in the vicinity of wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage did not object to applying the RU1 zone to the hinterland areas of the Shire. For this specific area, the OEH made specific recommendations for 15 separate locations, as outlined in the following table:

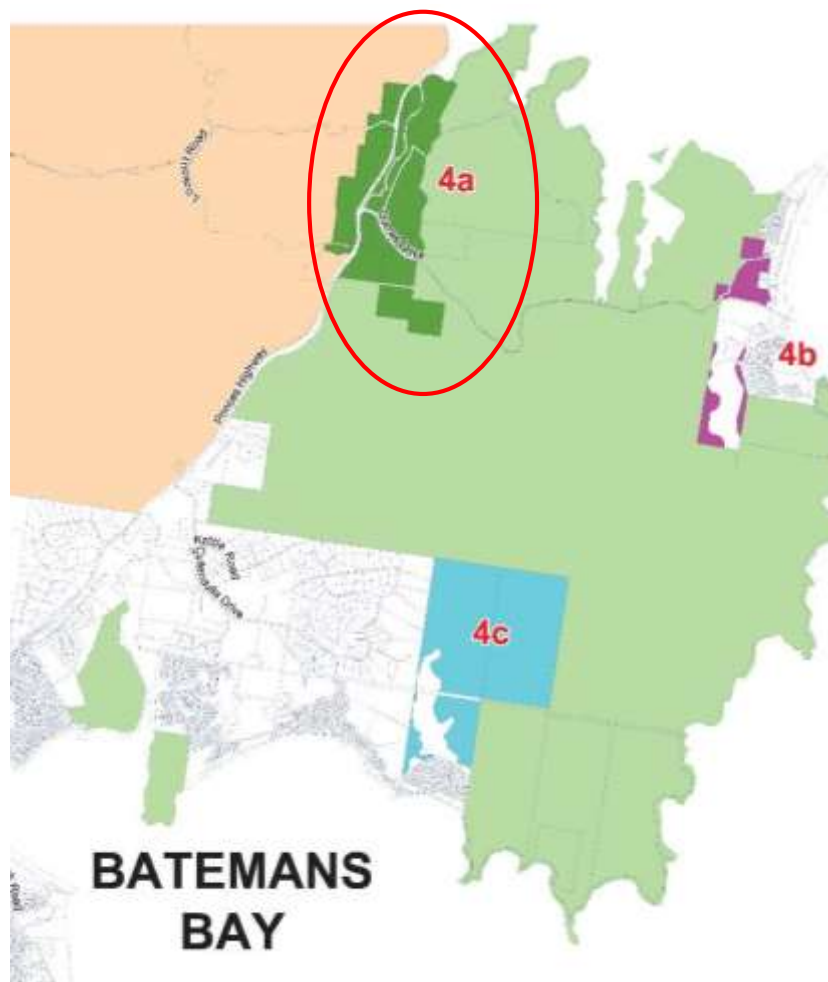
Site No. (from OEH submission)	OEH Recommendation	Strategy Recommendation	Comments and Planning Proposal Recommendation
26	Not suitable for subdivision. E zone recommended.	No change to current zoning.	Subject land is Crown Land and was recently rezoned to RE1 Public Recreation, consistent with the previous 6(a1) Public Open Space zone. No further change is proposed.
37, 38, 39	Not suitable for denser subdivision – Rural.	RU1 – 40ha	No further subdivision possible. Planning proposal is consistent with the OEH recommendation. Proceed with Strategy Recommendation.
40, 44, 46	Generally no suitable increased lot yield fronting Clyde River – Environmental Zone	RU1 – 40ha	The subject area is part of a larger rural lot used for agricultural purposes. Under the Strategy recommendation, the site is not large enough for further subdivision. Proceed with Strategy Recommendation.
41, 43, 45	Not suitable for further subdivision – Environmental zone	RU1 – 40ha	Subject land is mostly vegetated however is surrounded by cleared farmland and could be used for a number of rural activities, including rural tourism. Under the Strategy recommendation, the lots are not large enough for further subdivision. Proceed with Strategy Recommendation.
42	Not suitable for further subdivision. Crown lot within the river should be E2.	RU1 – 40ha	Subject land is mostly vegetated however is surrounded by cleared farmland and could be used for a number of rural activities, including rural tourism. Under the Strategy recommendation, the lots are not large enough for further subdivision. The Crown lot has a permissive occupancy for the purpose of grazing.

			For these reasons, proceed with Strategy Recommendation.
47	Not suitable for further subdivision – Environmental zone	RU1 – 40ha	Subject land was subdivided for the purpose of dwellings, with only a few remaining vacant lots. Under the Strategy Recommendation no further subdivision is permitted. Proceed with Strategy Recommendation.
48	Not suitable for further development. Areas of Crown Land along river surrounding SEPP 14 wetland and EEC should be E2.	RU1 – 40ha	Subject land is mostly vegetated and is not likely to be used for agricultural purposes, however rural tourism activities could be appropriate. Crown Lands have advised that there are Aboriginal Land Claims over the Crown reserves and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. On this basis, it is proposed to proceed with Strategy Recommendation.
49	Not suitable for further development as adjoins SEPP 14 wetland – E4.	RU1 – 40ha	Subject land, consisting of three lots, sits between land zone RU1 and E4. Two of the lots front Bridge View Road, one contains a dwelling and the other has a dwelling entitlement. E4 zoning of these lots, consistent with adjoining lots, is supported. A 1ha minimum lot size is proposed to prevent further subdivision. The third lot is in the same ownership as the adjoining rural property to the south and therefore an RU1 zoning of this lot is considered appropriate.
50	Not suitable, adjoining SEPP 14 wetland. Crown reserve should be zoned E2.	RU1 – 40ha	Subject land includes land addressed in site 26 above. Some other land in this area consists of a number of small Crown lots that are fully vegetated and three privately owned lots, two with dwellings. Crown Lands have advised that there are Aboriginal Land Claims over the Crown lots and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. On this basis, it is proposed to proceed with Strategy Recommendation for the Crown lands.

AREA 4a – Princes Highway, Benandarah

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 3
Discussion:	<p>This area contains a total of 16 properties along the Princes Highway or with access to Durras Drive. The majority of properties are under 20ha in size and all but two contain a dwelling and/or other development. The land contains a mix of Class 4 and Class 5 agricultural land.</p> <p>The RU4 zone and a minimum lot size of 40ha enables the remaining two vacant lots to have dwelling entitlement and one lot to be subdivided into two, for a total of up to three new dwellings.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	15	15	16	1
Dwellings	13	13*	16	3

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land would potentially increase by up to one lot and up to three dwellings. This will facilitate some additional small-scale agricultural production opportunities that recognises the changing nature of agriculture in the region. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. This area contains a number of heritage items (timber barn, sawmill, tram line, former school and cricket pitch and a residence). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only three more dwellings possible in an area of 13 existing dwellings. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to three dwellings and subdivision to create one additional lot would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Princes Highway which is within 200 metres of most properties. Four properties are further than 200 metres from the Princes Highway and alternate access is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads accessing the properties is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby Boyne and Benandarah State Forests and Murramarang National Park.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are no threatened ecological communities mapped in this area but potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts to native vegetation in any case.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats and woodland birds are likely to use this area as habitat or foraging from time to time. Threatened orchids have also been recorded in the vicinity of these properties however are more likely to have a restricted distribution and therefore could be avoided if habitat is found on land with potential for development. Properties in this area are generally already selectively cleared or largely vegetated and there are existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation patches and paddock trees would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates one additional lot and three dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All lots currently have frontage or access to a Council maintained sealed road (Durras Drive) or the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

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

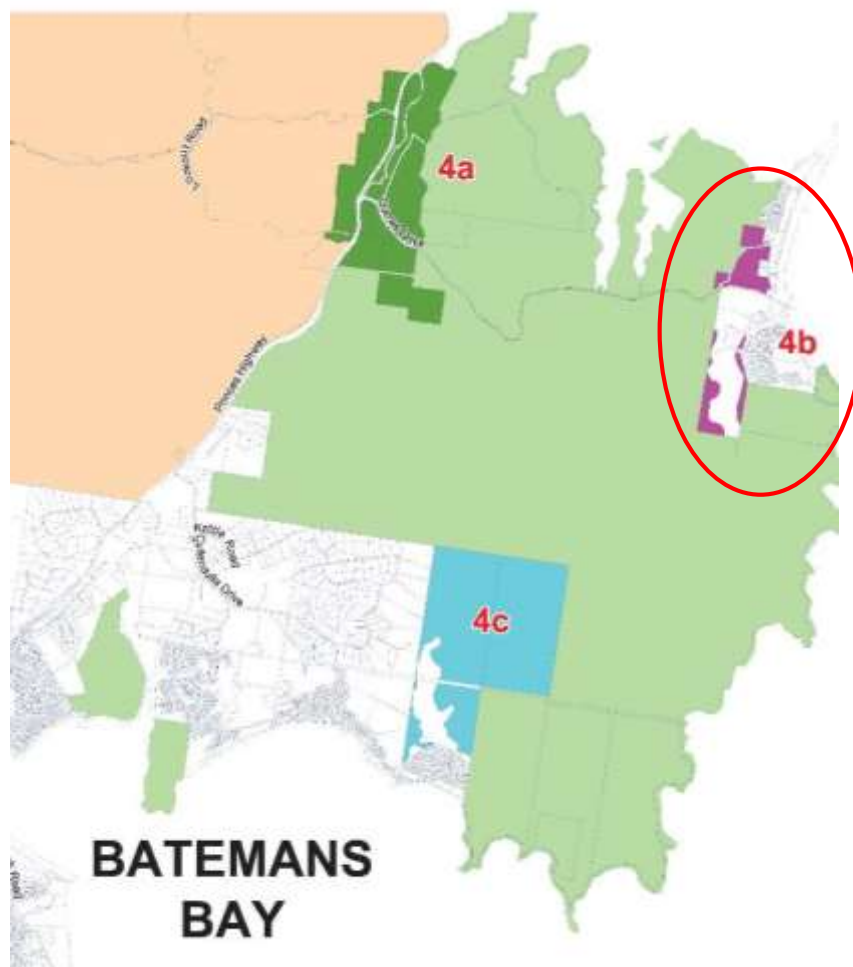
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified two specific sites in this area (sites 197 and 198), recommending that the land is not suitable for further development. As the planning proposal recommends the RU4 with a minimum lot size of 40ha, one additional lot could be created and three additional dwellings would be permissible. The planning is therefore inconsistent with the recommendations of the OEH, however, for the reasons outlined in Section 7 above, this inconsistency is considered to be justified.

AREA 4b – South Durras

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No minimum lot size (for Crown Lands, Lots 92 to 95 and 169 DP 755904)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This land consists of some Crown lands north of Durras Drive and some portions of a private property south of Durras Drive. This land is environmentally sensitive and the majority of one of the subject lots is zoned E2 Environmental Conservation (this zoning is proposed to be retained).</p> <p>The RU1 zone with a 40ha minimum lot size and the proposed E2 zone do not enable any further subdivision or dwellings to be developed on the subject land.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	7	0
Dwellings	1	1*	1	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for appropriate zones (RU1 and E2) and minimum lot sizes (40ha for the RU1 portion) which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy, with the exception of the zoning of some Crown Land to E2 Environmental Conservation.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land and will therefore have no negative social or economic effects.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

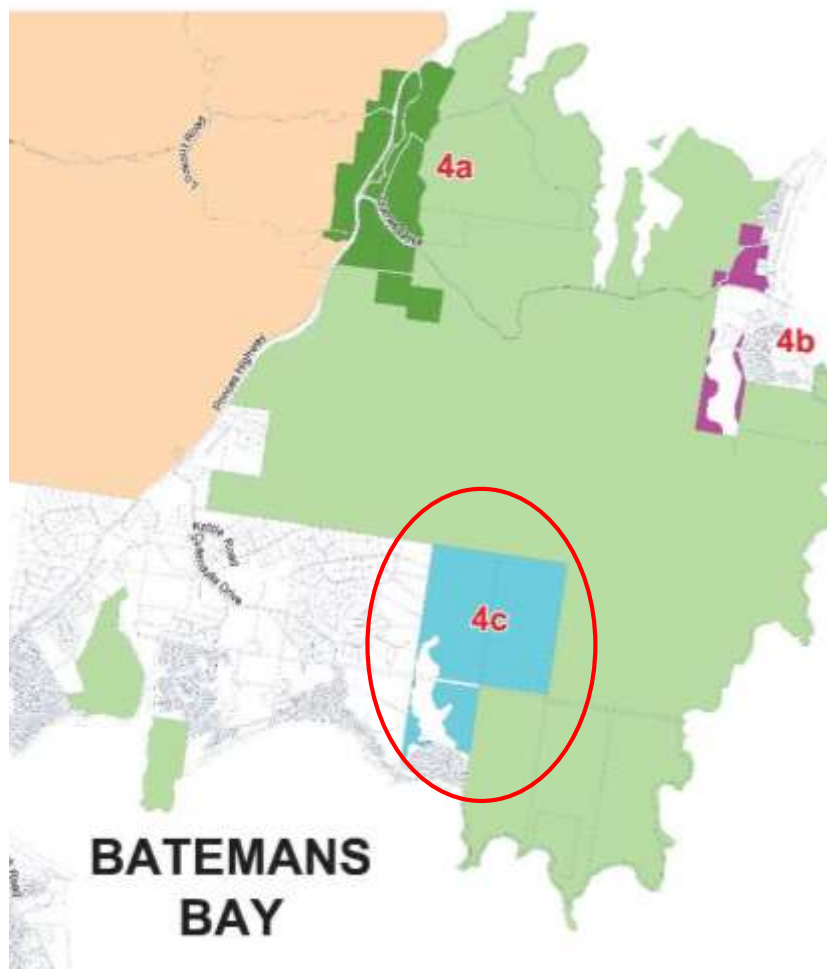
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified one specific site in this area (site 33), recommending that the land is not suitable for further development and should be zoned E2. The submission from Crown Lands supported an E2 zoning for the subject land. The planning proposal provides for no additional lots or dwellings in this area and subject to zoning the Crown Land within this area E2, the planning proposal is consistent with the recommendations of the OEH.

AREA 4c – Maloneys Beach

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 4 lots to the north of Maloneys Beach and to the east of Long Beach. The land also adjoins the Murramarang National Park. The land is heavily vegetated and contains a SEPP 14 wetland that is zoned E2. The RU1 zone with a 100ha minimum lot size does not enable any further subdivision or dwellings in the area. However, it should be noted that the two larger lots in this area already have dwelling entitlement.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	4	0
Dwellings	1	3*	3	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, both of the existing lots that are larger than the proposed minimum lot size already have dwelling entitlement and are currently vacant.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.1 Environment Protection Zones

Inconsistent but of minor significance. This area contains a small area of 7(a) zoning that is beyond the boundaries of the SEPP 14 wetland that is currently zoned E2 Environmental Conservation. This area is proposed to be zoned RU1 Primary Production. In this area, no additional development will be facilitated by the planning proposal. Given the E2 zoning of the SEPP 14 wetland, the small area of additional 7(a) zoning adjoining the mapped SEPP 14 wetland and that no additional development potential is being facilitated on the subject lot, the inconsistency with the Ministerial Direction is considered to be justified in this instance.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

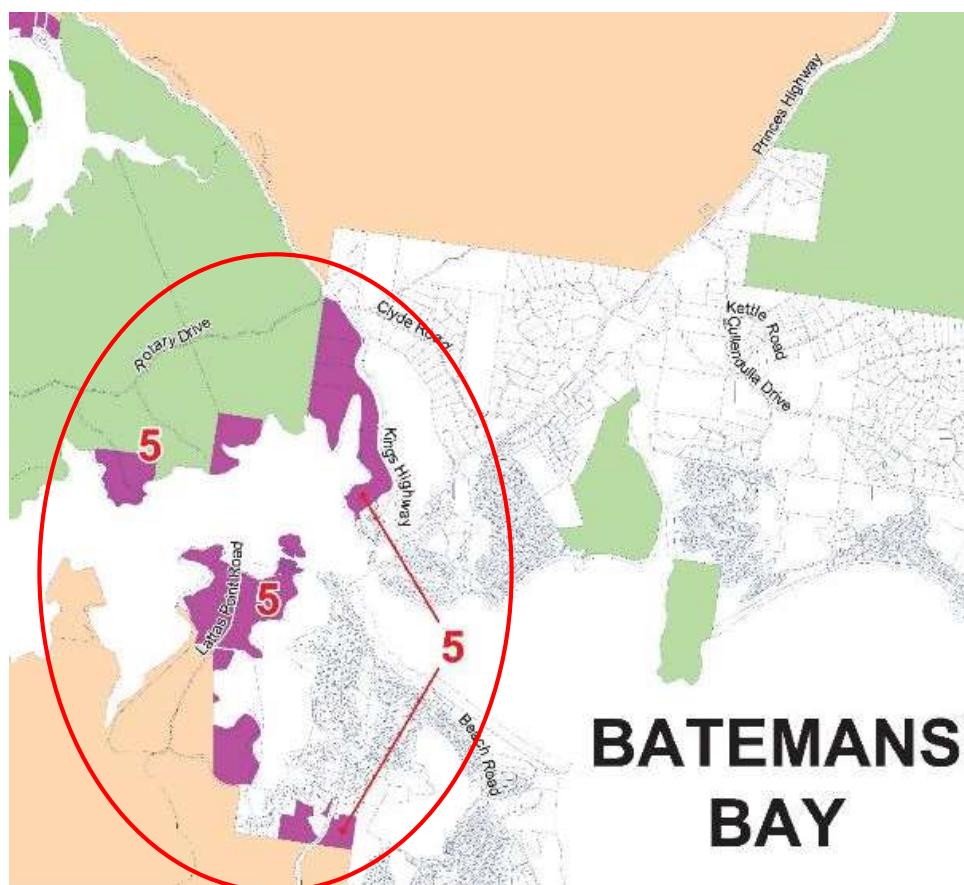
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified one specific site in this area (site 9), recommending that the current 7(a) zoning be replaced with the equivalent E2 zoning. This applies to land immediately adjoining the SEPP 14 wetlands which are zoned E2 Environmental Conservation. Given the current E2 zoning is equivalent to the boundary of the SEPP 14 wetland, and given the planning proposal does not provide for additional lots or dwellings in this area, the proposed RU1 zoning of the land is considered appropriate notwithstanding the inconsistency with the OEH recommendation.

AREA 5 – West Batemans Bay

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This area is located to the north, west and south of the Batemans Bay Town Centre and is surrounded by the Clyde River, National Park and State Forest. Much of this area is used to access oyster leases in the Clyde River estuary.</p> <p>The RU1 zone with a 100ha minimum lot size does not enable any further subdivision or dwellings in the area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	27	27	27	0
Dwellings	4	4*	4	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

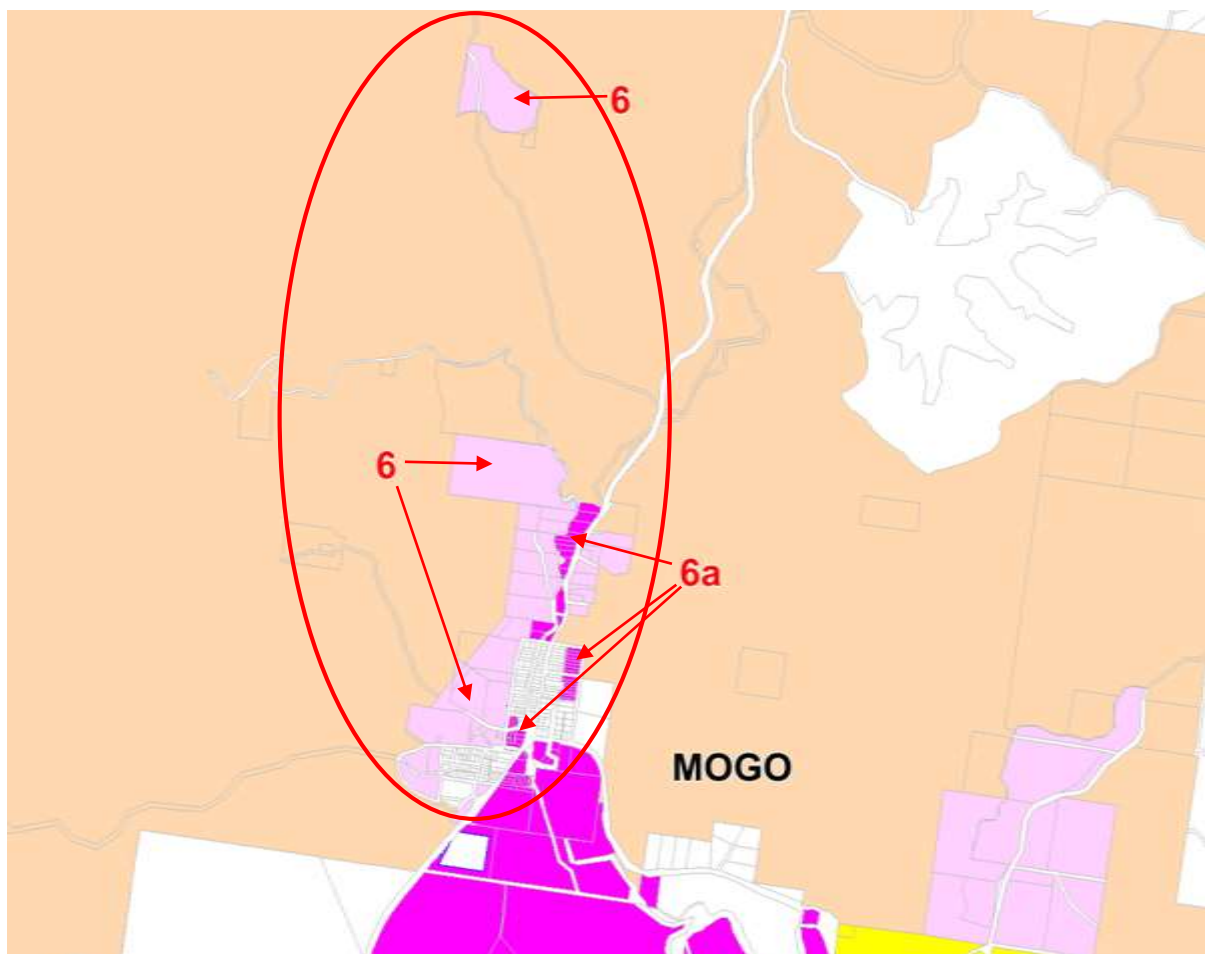
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified several sites in this area (sites 22, 31 and 95 to 100), recommending that the land is not suitable for further subdivision and should have an E zoning. Two specific sites were recommended for an E2 zone, being Budd Island outside the oyster sheds (site 97) and a portion of Crown land (site 96). All of the lots within this area are currently zoned Rural 1(a) under the Rural LEP 1987. The equivalent zone under LEP 2012 is RU1 Primary Production. As no additional subdivision or dwellings are proposed, the planning proposal is considered appropriate notwithstanding the inconsistency with the OEH recommendation on the two specific sites.

AREA 6 – North and West Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 7
Discussion:	<p>This area is located north and west of Mogo and includes one small rural property north of Mogo on Runnyford Road. The land is surrounded by State Forest. The majority of lots are under 1ha in size but a small number are larger than 5ha.</p> <p>The RU4 zone reflects the existing small rural nature of the majority of lots and enables a dwelling to be permissible on each lot, resulting in up to seven new dwellings. The 20ha minimum lot size does not enable any further subdivision.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	39	39	39	0
Dwellings	30	30*	37	7

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. It also states that “the scale of development within and adjacent to existing villages and rural towns will support the role of the town in serving surrounding communities and preserve its character, scale, cultural heritage and social values.

The planning proposal provides for an appropriate zone and minimum lot size which results in up to seven additional dwellings in this area which adjoins Mogo Village. The planning proposal provides for a significant number of potential additional small lot rural businesses with dwelling entitlement, that can support the role of Mogo in serving the surrounding community, and given this is not an urban expansion of the village, it also preserves the character, scale, cultural heritage and social values of Mogo. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is generally consistent with Council’s Rural Lands Strategy. However, area 6 in the Rural Lands Strategy was slightly larger than in this planning proposal. During the preparation of this planning proposal, the results of a flood study have become available identifying that some lots along Mogo Creek are within a floodway or are not of a size suitable to accommodate on-site sewage management. Further, some lots along Princes Highway are in a location where the road speed limits and sight distances would prevent access to dwellings. For these reasons, that part of this area as shown in the Rural Lands Strategy is now proposed to be zoned RU1 with a minimum lot size of 40ha and has therefore been included with area 6a.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4 and 5 agricultural lands. While the planning proposal does not facilitate any additional lots in this area, up to seven dwellings could result from this planning proposal. It is considered that this will facilitate an increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this place (Former Gold Counting House). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. However, for all of the affected lots there are ample opportunities to achieve the development yield away from the flood affected areas.

4.4 Planning for Bushfire Protection

Consistent. No subdivision would result from the planning proposal in this area however it could result in up to seven dwellings. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to seven dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on lots with the potential for dwellings in this area. The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway which is within 200 metres of most properties. Where properties are not within 200 metres there is possible alternate access available via the power easement to the west. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property. There is also suitable habitat and options for wildlife connectivity in the nearby Mogo State Forest.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are no threatened ecological communities mapped in this area (although there is potential for River Flat Eucalypt Forest). Potential new dwellings as a

result of this planning proposal would be able to minimise direct impacts to native vegetation through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats and woodland birds are likely to use this area as habitat or foraging from time to time. Some properties in this area are selectively cleared or fully vegetated but there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and would be able to take advantage of already cleared areas on most lots.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The proposed zoning in this area but could result in up to seven dwellings which would provide for settlement and housing that would contribute to the social and economic welfare of the rural community in this area.

Section D – STATE and COMMONWEALTH INTERESTS

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

The majority of lots that will obtain a dwelling entitlement as a result of the planning proposal have frontage to a Council maintained sealed road, or to a potential extension of such road. As the lots will be retained in a rural zone, on site sewer and water supply is likely to continue to be appropriate, as it is not Council's practice to service rural areas with reticulated water and sewer infrastructure.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

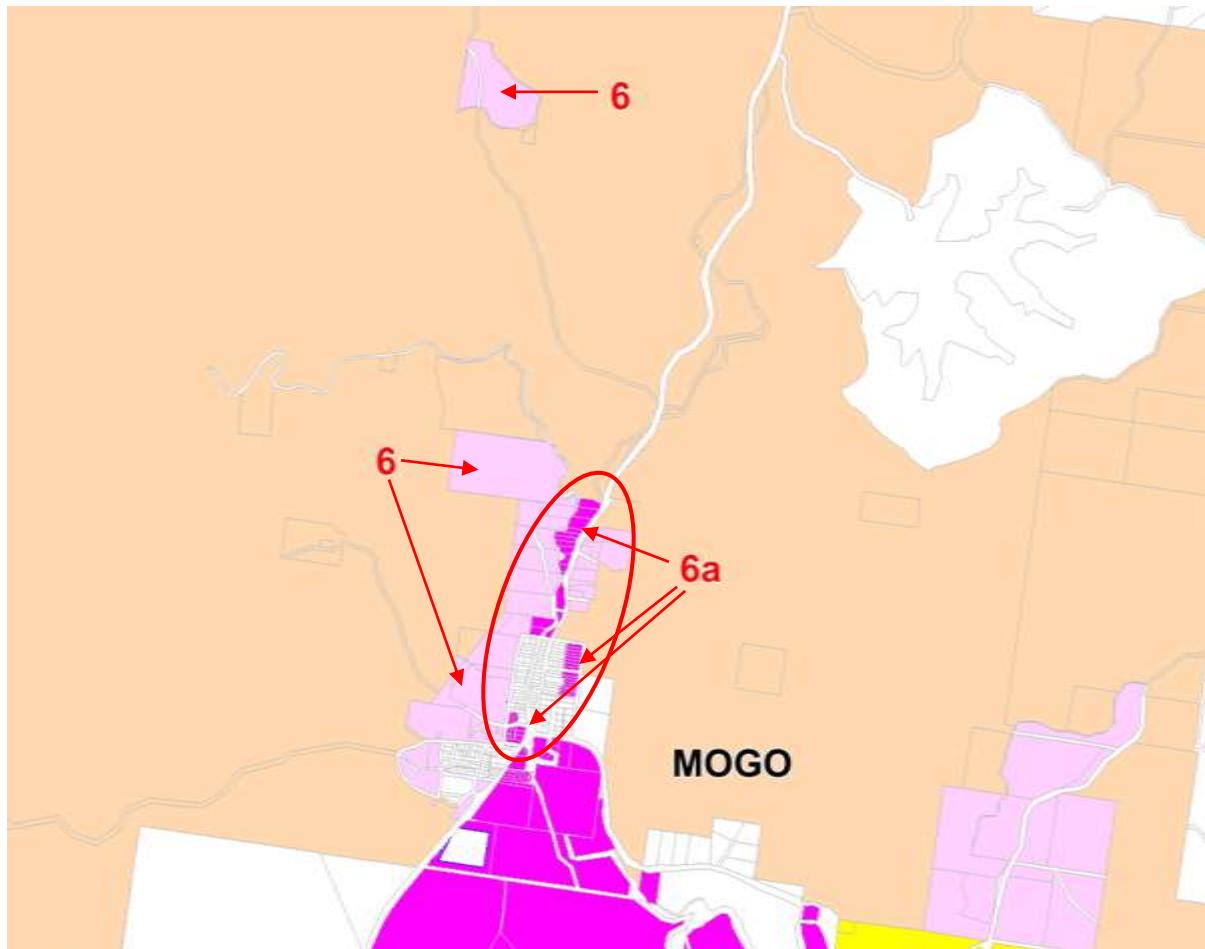
The Office of Environment and Heritage's detailed submission identified two specific sites in this area (sites 93 and 94), recommending that the land is not suitable for large scale expansion, with an environmental zoning recommended for the vegetated areas. As the planning proposal recommends

the RU4 with a minimum lot size of 20ha, no additional lots could be created but up to two new dwellings in site 93 and one new dwelling in site 94 would be permissible. This is not considered to be a “large scale expansion” and the planning proposal is therefore considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas.

AREA 6a – Goba Lane, Mogo

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This area immediately adjoins the existing Mogo village and includes land fronting the Princes Highway north of Mogo.</p> <p>The RU1 zone reflects the current situation and existing constraint (vegetation, topography, flooding) where no further subdivision or dwellings are permitted. More detailed investigations as part of a separate planning proposal is required to investigate the potential for additional development of this land.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	41	41	41	0
Dwellings	4	4*	4	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal is generally consistent with Council’s Rural Lands Strategy. However, area 6a in this planning proposal has been slightly enlarged compared to what was identified in the Rural Lands Strategy. During the preparation of this planning proposal, the results of a flood study have become available identifying that the land between Mogo Creek and the Princes Highway is a floodway. For this reason, that part of area 6 as shown in the Rural Lands Strategy is now proposed to be zoned RU1 with a minimum lot size of 40ha and has therefore been included with area 6a.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

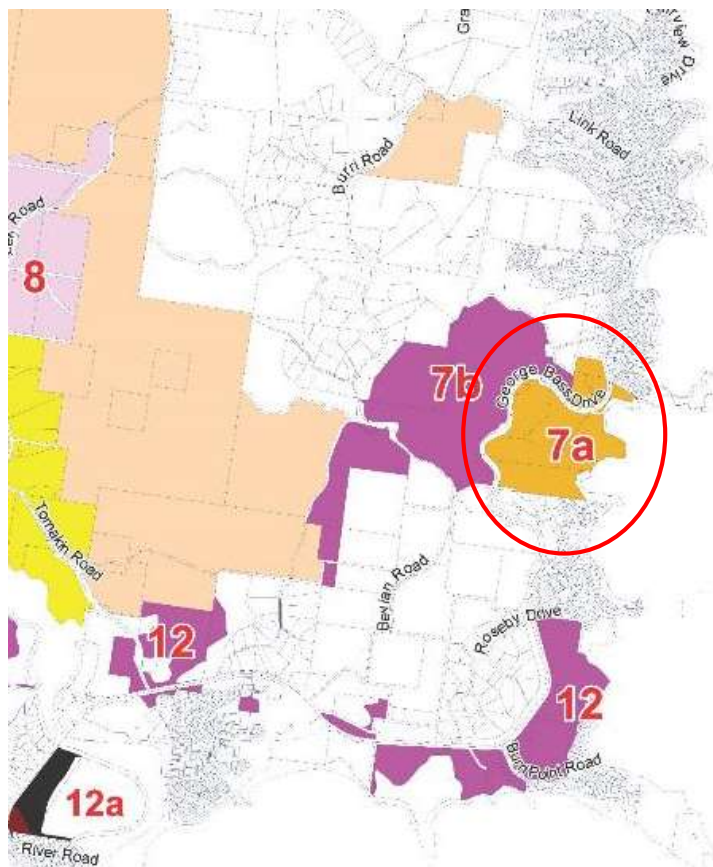
The Office of Environment and Heritage’s detailed submission identified the land in this area (site 93), recommending that the land is not suitable for large scale expansion, with an environmental zoning

recommended for the vegetated areas. As the planning proposal recommends the RU1 with a minimum lot size of 40ha, no additional lots or dwellings are possible in this area. On this basis, the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas.

AREA 7a – George Bass Drive (East), Malua Bay

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f1) - No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	E4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	<p>This area contains a total of 10 properties along George Bass Drive to the south of the existing Malua Bay urban area. The majority of properties are under 20ha in size and all but two contain a dwelling. The land is Class 5 agricultural land.</p> <p>The E4 zone reflects the environmental attributes of the land and facilitates a dwelling entitlement on all of the lots. One of the vacant lots already has dwelling entitlement, so the planning proposal results in one additional dwelling in this area. The 10ha minimum lot size does not facilitate any additional subdivision of this land.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	8	9*	10	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area it is known that one existing vacant lot was subdivided for the purpose of a dwelling.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.1 Environment Protection Zones

Consistent. This majority of this area is currently zoned 7(f1), which is an environmental protection zone for coastal lands. In this area, an E4 Environmental Living zone is proposed and is therefore consistent with the Ministerial Direction.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the one additional dwelling that could result from the planning proposal is not on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. No subdivision would result from the planning proposal in this area however it could result in one dwelling. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on George Bass Drive which is within 200 metres of all lots. There is also enough land available to incorporate an appropriate combination of other bushfire protection

measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Swamp Oak Floodplain Forest and Bangalay Sand Forest). Threatened ecological communities are not mapped on the lot that could build a dwelling as a result of this planning proposal potential new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-Headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Building sites could easily avoid potential habitat. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Most properties in this area are largely vegetated but there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal (due to one additional dwelling) however it is considered minimal compared with what can be currently undertaken. Further, a dwelling would not result in the entire lot being cleared and so potential habitat (if found) would be able to be retained.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land E4, one additional dwelling could be developed, providing for additional supply of rural residential opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. All lots in this area have frontage to a Council maintained sealed road (George Bass Drive). The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

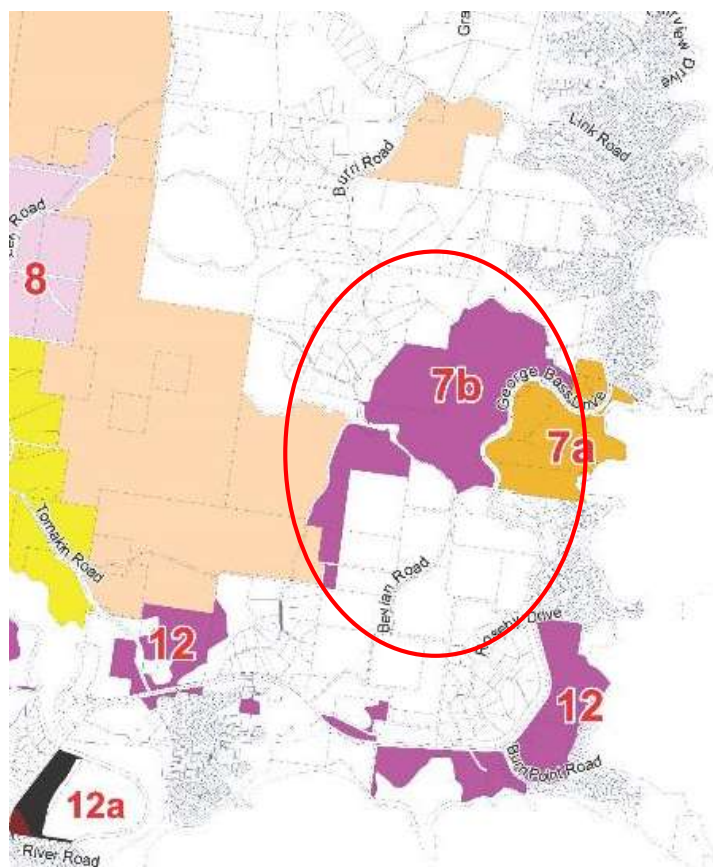
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage’s detailed submission identified the land in this area (site 1), recommending that the current 7(f1) zoning be replaced with the equivalent E zoning. The OEH also advise that the land currently zoned Rural 1(a) warrants an E zone. As the planning proposal provides for an E4 zoning for the whole of this area, it is consistent with the OEH recommendation.

AREA 7b – George Bass Drive (West), Malua Bay

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	This area contains four lots on the western side of George Bass Drive to the south of the existing Malua Bay urban area and small portions of three additional lots (the remaining portions of which are included in the Rosedale Urban Release Area). One of the lots is currently used for extractive industry. The land is a mix of lass 4 and Class 5 agricultural land. The RU1 zone reflects the existing zoning and use of the land. The 40ha minimum lot size facilitates the potential for one lot to be subdivided into two, each with a dwelling entitlement. This is the lot that contains the extractive industry, so it is unlikely that a subdivision would occur until the existing extractive industry operations cease.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	8	1
Dwellings	1	1*	3	2

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area and the density of land would not significantly increase with potential for only one additional lot. Two dwellings could result from this planning proposal which would not adversely impact on the agricultural production value of the land. The planning proposal would facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and two additional dwellings in this location, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in one additional lot and two additional dwellings in this area. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on George Bass Drive which is within 200 metres of all lots with potential for future dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest). Potential subdivision and new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-Headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Building sites could easily avoid potential habitat. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. The lot that would could potentially be subdivided and dwellings built on in this area is largely vegetated. There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Further, a dwelling would not result in the entire lot being cleared so potential habitat and foraging opportunities for threatened species would remain. Remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a one additional lots and two dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The developable lots in this area have access to a Council maintained sealed road (George Bass Drive).

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

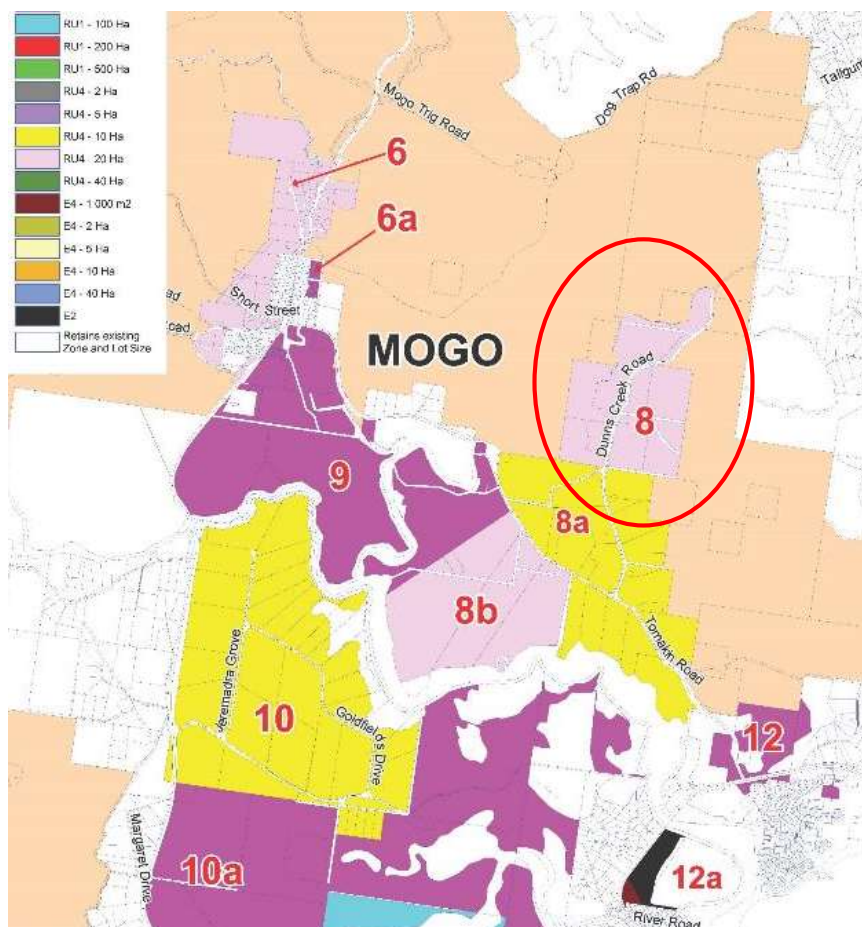
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (site 1), advising that the land currently zoned Rural 1(a) warrants an E zone. As the planning proposal recommends the RU1 zone with a minimum lot size of 40ha, only a small number of additional lots and dwellings are provided for in this area. On this basis, the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH suggestion regarding zoning.

AREA 8 – Dunns Creek Road (North), Woodlands

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 6
Discussion:	<p>This area is a section of existing larger lots and holdings fronting Dunns Creek Road at Woodlands. Some of the land is used for agricultural activities and is a mix of Class 4 and Class 5 agricultural land.</p> <p>The RU4 zones facilitates continued and additional small lot rural activities on the land. Given the existing lot sizes in this area, no additional lots can be created with a 20ha minimum lot size, however there is potential for the largest holding to be re-formed into smaller holdings that might result in up to 6 new dwellings.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	11	11	11	0
Dwellings	5	5*	11	6

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4 and 5 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but up to six dwellings could result from the planning proposal. It is considered that this will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in six additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Dunns Creek Road which is within 200 metres of all lots with potential for future dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal and there are cleared areas already available on some lots. There are opportunities available for development or land clearing to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest). New dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Building sites could easily avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. All existing lots have frontage to Dunns Creek Road which is a Council maintained sealed road. The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

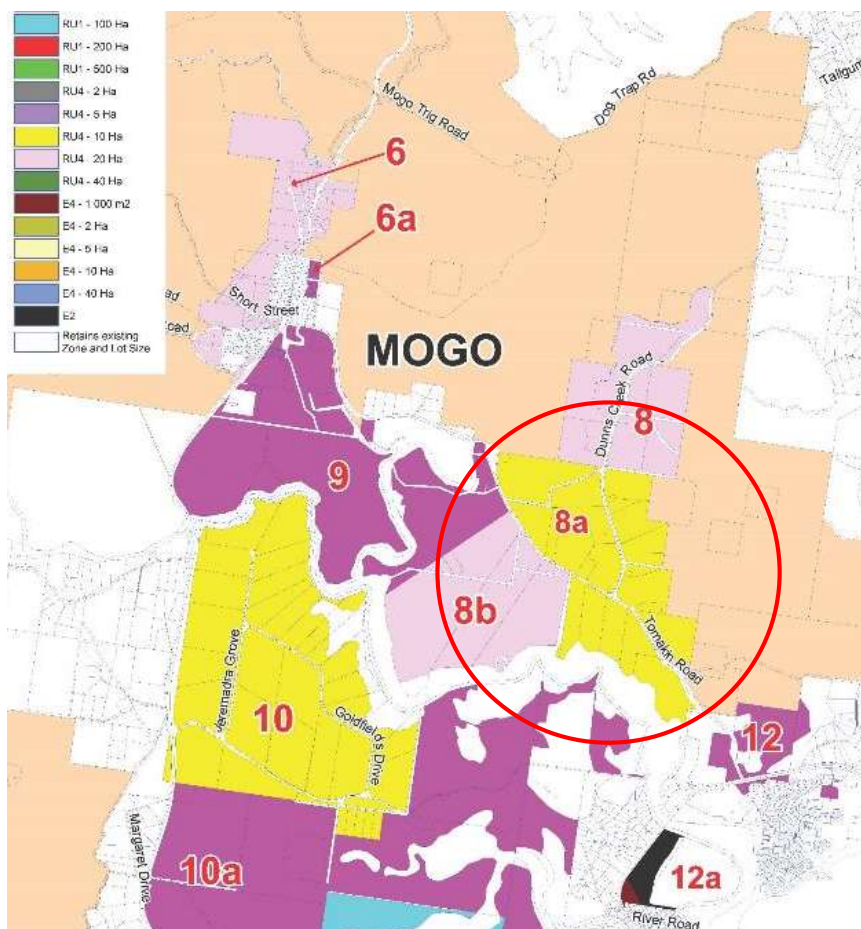
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 92), recommending that the land is not suitable for large scale expansions and an environmental zoning for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 20ha, a small number of additional dwellings are provided for in this area. On this basis, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 8a – Tomakin Road and Dunns Creek Road (South), Woodlands

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	This area is a section of existing smaller (10ha) lots fronting Dunns Creek Road and Tomakin Road at Woodlands. Some of the land is used for small-scale agricultural activities and is a mix of Class 4 and Class 5 agricultural land. All but one of the existing lots contains a dwelling. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for one lot to be subdivided into two and with one existing vacant lot, the total potential additional dwellings in this area is 2.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	29	29	30	1
Dwellings	28	28*	30	2

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are five lots adjacent to the Tomaga River which contains Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The density of land would only potentially increase by one lot and up to two dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Directions, it is considered to be consistent with the Direction’s objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the one additional lot and two dwelling that could result from the planning proposal are not on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in one additional lot and up to two additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Dunns Creek Road and Tomakin Road which is within 200 metres of all lots with potential for future subdivision or dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal and the lots with potential for subdivision or new dwellings are already largely cleared. There are opportunities available for development to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest). New dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection in already cleared areas.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Building sites could easily avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access

tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Remnant native vegetation would still be available and existing levels of wildlife connectivity can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to five lots in this area (within the Tomaga River). The planning proposal would not change the existing land uses or intensify land uses in the area. The lots with potential for subdivision or additional dwellings in the area are not adjacent to the river. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates one additional lot and two dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All existing lots have access to Dunns Creek Road or Tomakin Road which are both Council maintained sealed roads. The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

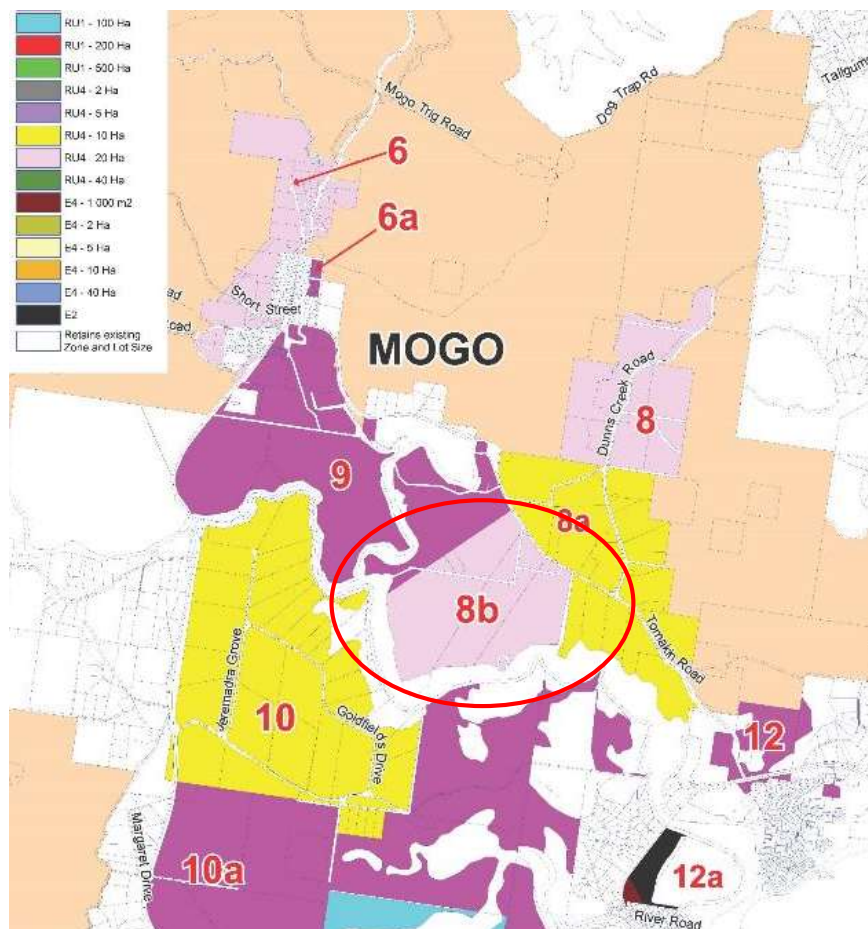
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 90 and 92), recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, a small number of additional dwellings are provided for in this area. On this basis, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 8b – Tomakin Road, Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 3 Dwellings: 3
Discussion:	This area contains three larger lots on the southern side of Tomakin Road at Mogo. Two of the lots are fully vegetated, while the other is partly cleared for agricultural purposes. The land is class 5 agricultural land. The RU4 zone enables continued and additional small lot rural activities on the land. The 20ha minimum lot size facilitates up to three additional lots and dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	7	3
Dwellings	4	4*	7	3

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There lots are adjacent to the Tomaga River which contains Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The density of land would only potentially increase by up to three lots and up to three dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Directions, it is considered to be consistent with the Direction’s objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, including one lot that would have potential for subdivision resulting in up to two additional lots. This is not considered a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to three additional lots and up to three additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Tomakin Road which is within 200 metres of all lots. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat or connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (Swamp Oak Floodplain Forest). Any subdivision or new dwellings as a result of this planning proposal would be able to avoid direct impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Brush-tailed Phascogale and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots, zoned E2 in one location and could be avoided. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken. Remnant native vegetation would still be available and adequate levels of wildlife connectivity can be retained for this area. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. There is enough space for dwellings to be sited away from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All existing lots in this area have access to Tomakin Road which is a Council maintained sealed road. The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

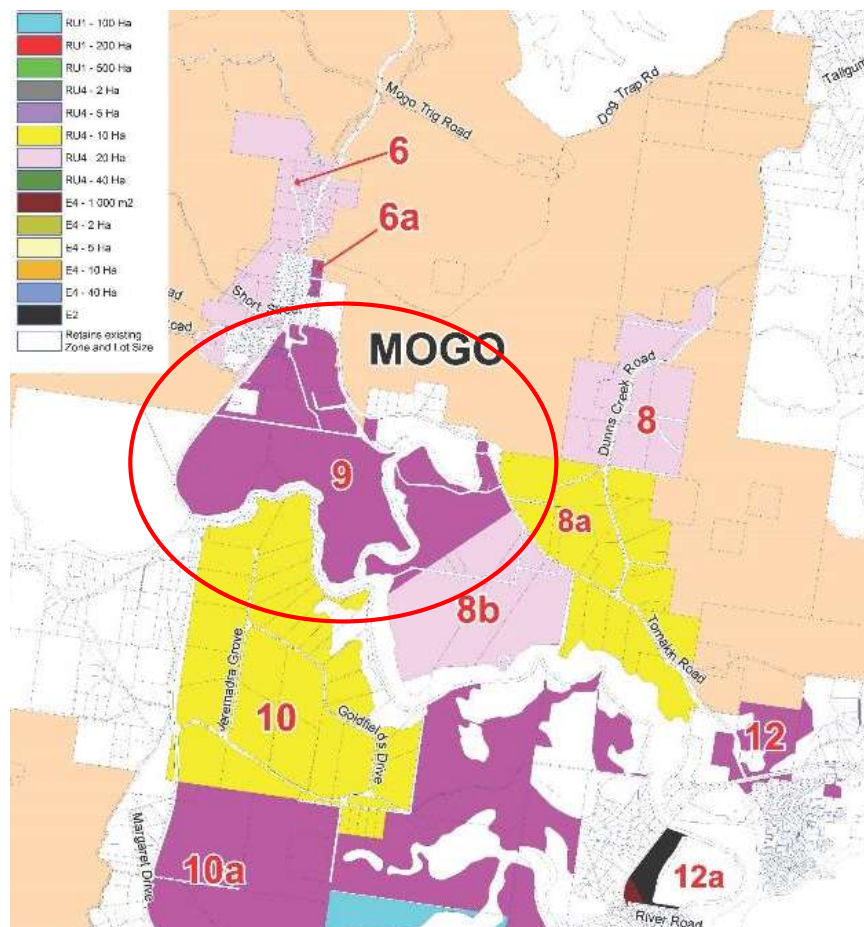
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 90), recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 20ha, a small number of additional lots and dwellings are provided for in this area. On this basis, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 9 – South Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	<p>This area is mostly good quality agricultural land to the south of the Mogo Village. One of the lots is currently used for extractive industry. The land is a mix of Class 2, 3 and 4 agricultural land.</p> <p>The RU1 zone reflects the existing zoning and use of the land. The 40ha minimum lot size facilitates one additional lot in this area and with one vacant lot larger than 40ha, a total of two additional dwellings could be provided. The vacant lot is the lot that contains the extractive industry, so it is unlikely that a dwelling will be proposed until the existing extractive industry operations cease.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	18	1
Dwellings	10	10*	12	2

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent See below.
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent See below.
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent See below.

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There lots are adjacent to the Tomaga River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. 40ha is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 3-5 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but up to two new dwellings could result. This will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and two additional dwellings in this location, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling on a lot identified as flood prone land however this is not considered a significant increase in the development of that land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to two additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Tomakin Road and the Princes Highway which is within 200 metres of most lots. Where the distance to a through road is greater than 200 metres there is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, River Flat Eucalypt Forest and Saltmarsh). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. There is enough space for potential future dwellings to be sited where they will not be likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates additional supply of one lot for agricultural purposes.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. All existing lots in this area have access to a Council maintained sealed road (Tomakin Road) or to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

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

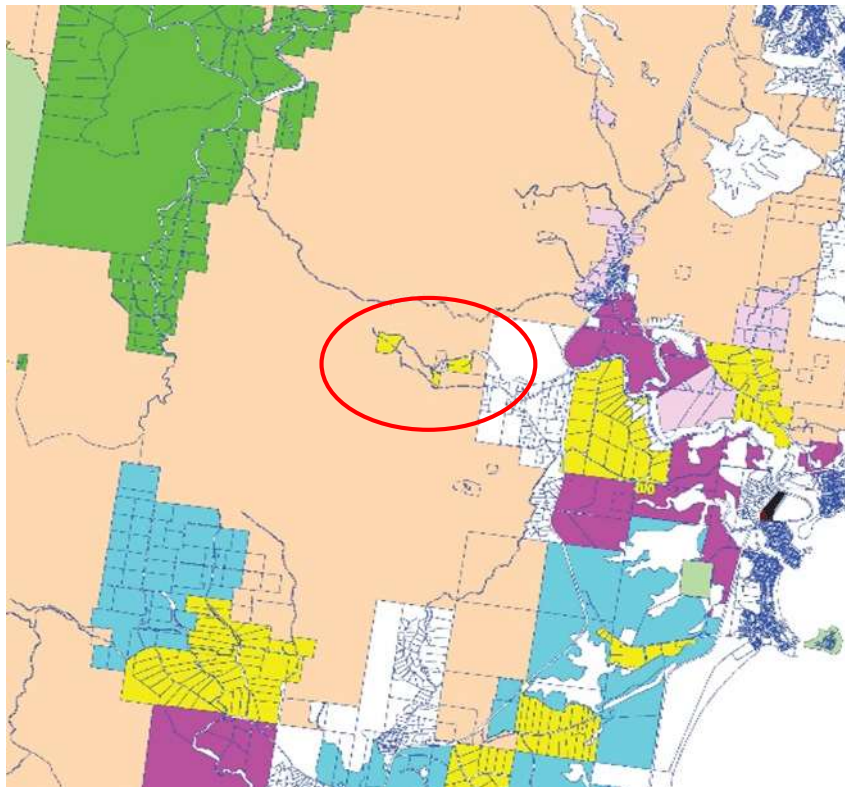
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 9a – Maulbrooks Road, Mogo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area includes five small rural properties to the west of the Princes Highway along Maulbrooks Road. Some of the land is used for small-scale agricultural activities and is a mix of Class 4 and 5 agricultural land. Three lots contain a dwelling and one has an existing dwelling entitlement. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size does not provide for subdivision in this area but there is potential for 1 additional dwelling.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	5	5	5	0
Dwellings	3	4*	5	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, it is known that one existing vacant lot has a dwelling entitlement.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 4-5 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but could result in one additional dwelling. This will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in one additional dwelling in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway, via Maulbrooks Road. The through road access is over 200 metres from the potential new dwelling. There is enough cleared land already available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the lot is already cleared.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. There is enough space for potential future dwellings to be sited away from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed zone facilitates one additional dwelling providing for additional supply of rural residential.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area.

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

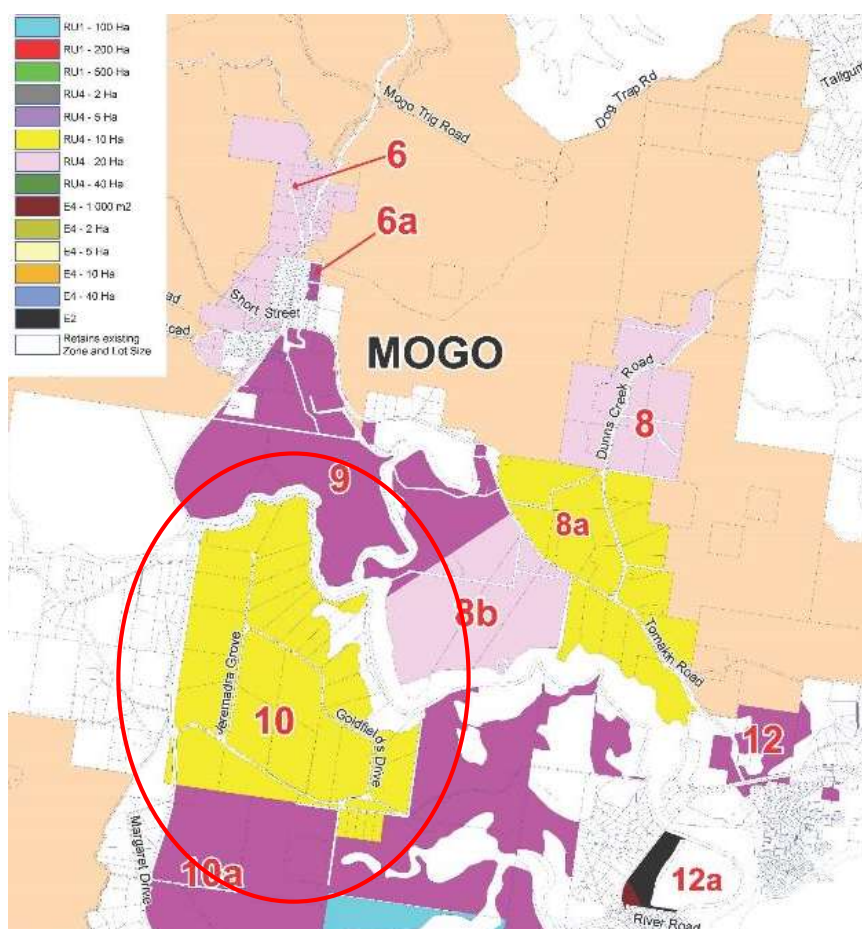
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 105) recommending that the site is not suitable for further subdivision or dwellings. The lot the subject of this recommendation already has a dwelling entitlement and no further subdivision is proposed by the planning proposal. On this basis, the planning proposal is consistent with the OEH recommendation.

AREA 10 – Jeremadra Grove and Goldfields Drive, Jeremadra

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 7 Dwelling: 7
Discussion:	<p>This area is a section of existing smaller (10 to 20ha) lots fronting Old Mossy Point Road, Jeremadra Grove and Goldfields Drive, Jeremadra. Some of the land is used for small-scale agricultural activities and is a mix of Class 3, 4 and 5 agricultural land. All but six of the existing lots contain a dwelling, but those six have existing dwelling entitlement.</p> <p>The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for seven lots to be subdivided into two and a potential for seven additional dwellings in this area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	34	34	41	7
Dwellings	28	34*	41	7

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, the existing vacant lots were subdivided for the purpose of a dwelling, therefore up to 6 additional dwellings are possible under current planning rules.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Tomaga River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up to seven lots and dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone than what is already permitted.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to seven lots and dwellings in this area, which already has 28 dwellings. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway which is over 200 metres from most lots and alternate access is not available. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide some wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are two threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest and River Flat Eucalypt Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Brush-tailed Phascogale could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with Swamp Oak Flood Plain Forest and riparian zones. Swamp Oak Floodplain Forest has been mapped on the edges of lots. The leafless tongue orchid is also recorded within 10km and has a more general or unknown habitat preference. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands within the Tomaga River adjacent to this area. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal are not on lots adjacent to the Tomaga River. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the increase in lot and dwelling yield in this planning proposal. All existing and proposed lots in this area will have access to a Council maintained sealed road or a good quality unsealed road. The additional development is unlikely to result in an increase in level of maintenance of the roads through this area. The proposed minimum lot size is large enough to facilitate on site sewerage management.

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

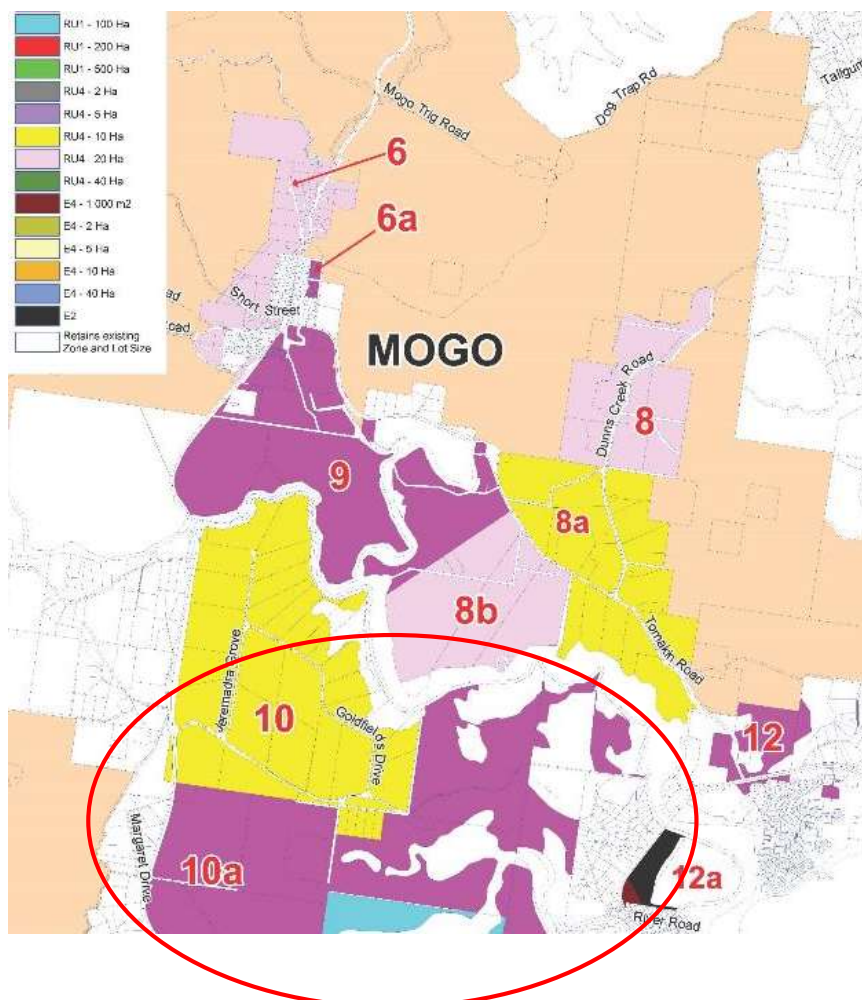
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 88) recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, a small number of additional lots and dwellings are provided for in this area. As 10ha is the current predominant lot size in this area, the planning proposal is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 10a – Springwater Road, Jeremadra & George Bass Drive, Broulee

<p>Current Zone and Minimum Lot Size:</p>	<p>RU1 – 1000ha (ELEP 2012)</p> <p>1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p>
<p>Proposed Zone and Minimum Lot Size:</p>	<p>RU1 – 40ha</p> <p>E2 – No minimum lot size (for part of Lot 11 DP 1066592).</p>
<p>Potential Additional Lots and/or Dwellings</p>	<p>Lots: 1</p> <p>Dwellings: 3</p>
<p>Discussion:</p>	<p>This area contains 16 lots of various sizes between the Princes Highway and George Bass Drive in Jeremadra and Broulee. One of the lots is used for extractive industry and significant areas of wetland exist in this area (the wetlands are zoned E2 and no change to this zoning is proposed).</p> <p>The RU1 zone reflects existing zoning and land use and the 40ha minimum lot size limits additional potential development to one new lot and up to three new dwellings.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	16	16	17	1
Dwellings	8	8*	11	3

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of a small part of a parcel of land north of Broulee to be zoned E2 Environmental Conservation.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008	Consistent

To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Tomaga River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Tomaga River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up one lot and up to three dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and three additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.1 Environment Protection Zones

Consistent. This area contains a small area of 7(a) zoning that is beyond the boundaries of the SEPP 14 wetland that is currently zoned E2 Environmental Conservation. This area is proposed to be zoned E2 Environmental Conservation and is therefore consistent with the Ministerial Direction.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling to be built on flood prone land than what is already permitted which is not considered a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to one lot and up to three dwellings in this area. The area already has about eight dwellings. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on the Princes Highway via Old Mossy Point Road or George Bass Drive. Access which is over 200 metres from most lots and alternate access is not available. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide adequate wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, River Flat Eucalypt Forest and Bangalay Sand Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of Tall Knotweed and Waterwheel Plant. Both plants are generally associated with Swamp Oak Floodplain Forest, riparian zones or wetlands in this area. Habitat in this area has been zoned E2 and would not be adversely impacted by the proposed reduced lot size of RU1 zoned land in this area.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to this area. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal could be located at least 100 metres from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The

proposed minimum lot size facilitates one additional lot and three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area.

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

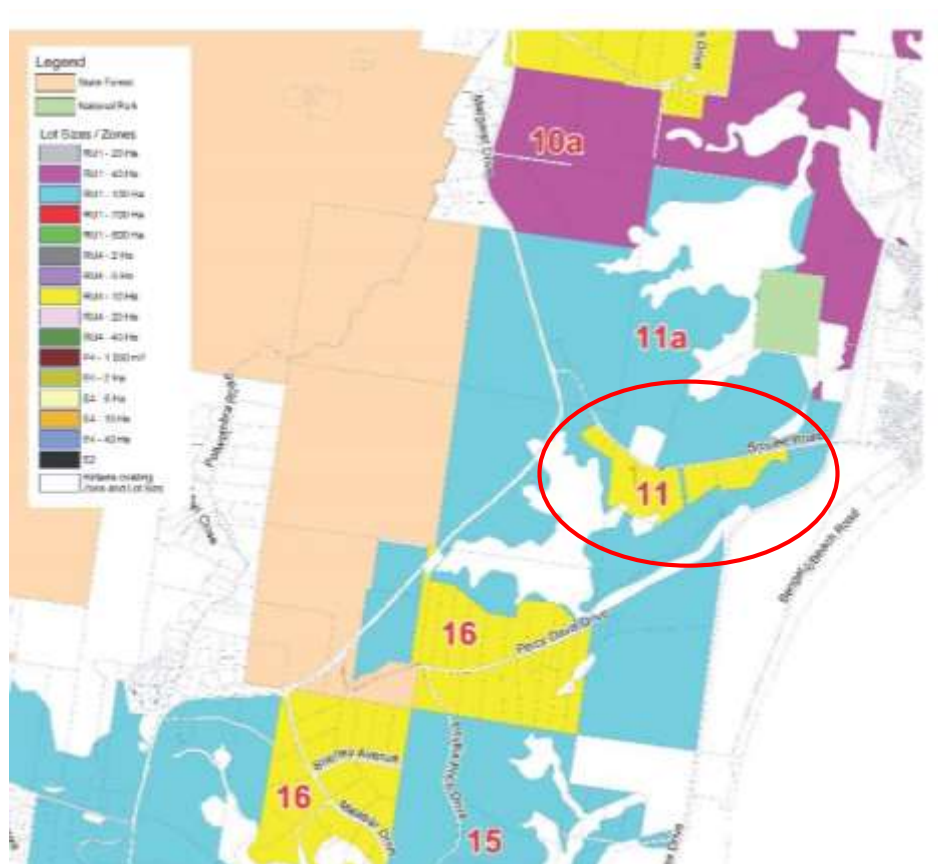
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 88, 89 and 90), recommending that the land is not suitable for large scale expansions and that an environmental zone is essential for the vegetated areas. As the planning proposal recommends the RU1 zone with a minimum lot size of 40ha, a small number of additional lots and dwellings are provided for in this area. This is not considered to result in a large scale expansion of the area and is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning of the vegetated areas.

AREA 11 – Broulee Road, Broulee

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 3
Discussion:	This area is a section of existing smaller (2 to 30ha) lots on the southern side of Broulee Road, Broulee. Some of the land is used for small-scale agricultural activities and is a mix of Class 3 and 5 agricultural land. All but four of the existing lots contain a dwelling, with three of those having dwelling entitlement. The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for one lot to be subdivided into three and a potential for 3 additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	8	8	10	2
Dwellings	4	7*	10	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, it is known that three vacant lots were subdivided for the purpose of a dwelling.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up to two lots and up to three dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on flood prone land than what is already permitted. This is not considered to be a significance increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to two lots and up to three dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to

incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Broulee Road which within 200 metres of all. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide adequate wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There is one threatened ecological community mapped in this area (Freshwater Wetlands). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Long-nosed Potoroo and Brush-tailed Phascogale could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with the Freshwater Wetlands. Freshwater Wetlands are on the edges of some lots. Development would be able to avoid any direct or indirect impacts to Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there are already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to this area and zoned E2. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal could be located at least 100 metres from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The subject area is on a Council maintained sealed road (Broulee Road) and the proposed minimum lot size is large enough to facilitate on site sewerage management.

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

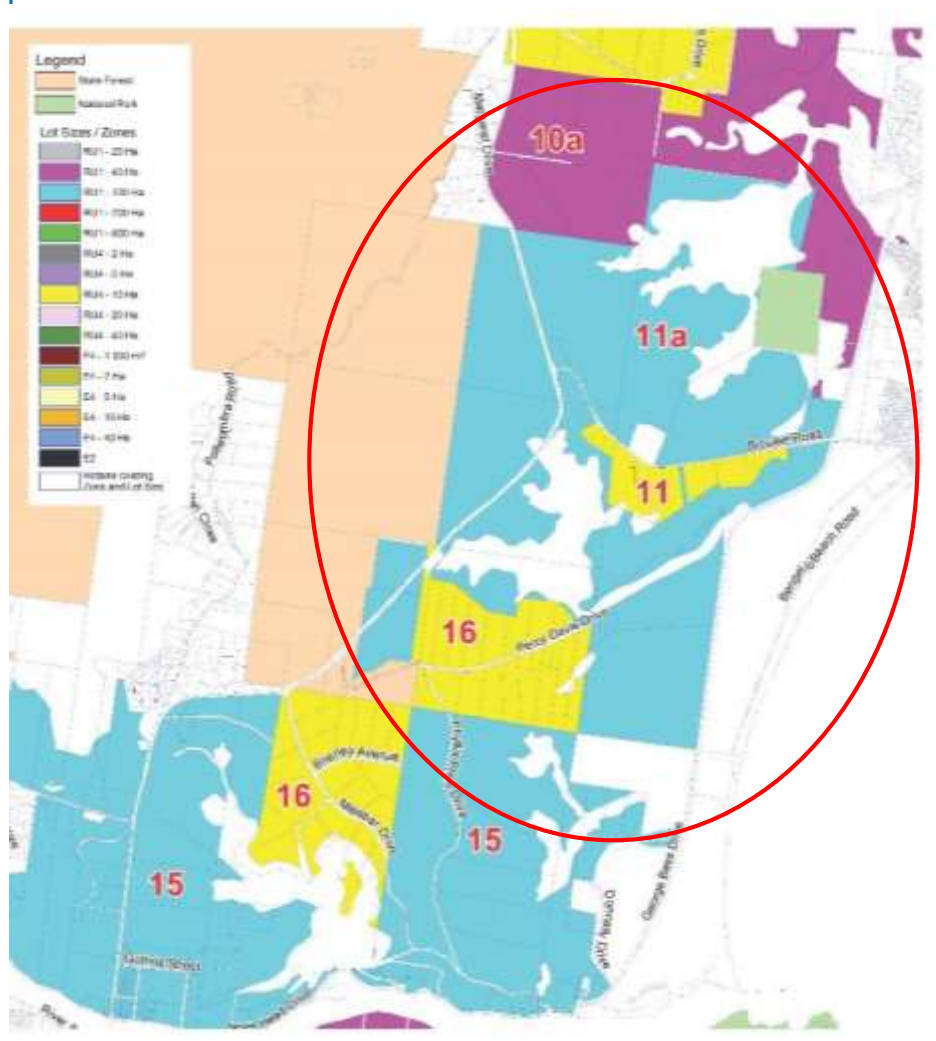
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 87), recommending that the land is not suitable for large scale increase in the number of lots and that an environmental zone is essential for much of the area. While the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, no additional lots can be created in site 87 and the three smaller lots in this area already have dwelling entitlement. As the planning proposal does not result in any increase in the number of lots in site 87, it is considered appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning of the area.

AREA 11a – Broulee Road, Bimbimbie and Broulee

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No Minimum Lot Size (for Council land, Lots 12 and 70 DP 831111).
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 3
Discussion:	This area consists of a number of large rural lots with some significant areas of wetland. Three of the lots are used for agricultural activities and one lot is used for extractive industry. The RU1 zone reflects existing zoning and land use and the 100ha minimum lot size minimises potential subdivision to one additional lot and up to three additional dwellings.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	12	12	13	1
Dwellings	5	6*	9	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, one lot is known to have a dwelling entitlement and development consent has been granted for a dwelling.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of the zoning of some Council land to E2 Environmental Conservation.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007	Consistent

To provide for the proper management and development of mineral, petroleum and extractive material resources.	
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For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3, 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land could increase by up to one lot and up to three dwellings. This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and four additional dwellings in this area, the sites that benefit are large and could

accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. This area contains one heritage item (Mount Oldrey Homestead) and part of an Aboriginal Heritage Conservation Area (Bengello Creek). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to three additional dwellings to be built on flood prone land than what is already permitted. This is not considered to be a significance increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to one lot and up to three dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Broulee Road, the Princes Highway and George Bass Drive which within 200 metres of all lots with potential for future subdivision or new dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and provide adequate wildlife connectivity on private property.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are six threatened ecological communities mapped

in this area (Freshwater Wetlands, River-flat Eucalypt Forest, Bangalay Sand Forest, Swamp Oak Floodplain Forest, Lowland Grassy Woodland and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection except on two lots. Only one of these lots would have potential for a future dwelling as a result of this planning proposal but it is likely to impact on Bangalay Sand Forest. An assessment of significance in accordance with Section 5A of the EP&A Act would be required when the development footprint is known and as part of the development application process. This lot is over 100 hectares and clearing for a dwelling, APZ, access and fencing would be approximately 3 hectares. Any required offsetting of impacts is likely to be able to be accommodated on the same site.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Long-nosed Potoroo and Brush-tailed Phascogale are likely to use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with the Freshwater Wetlands or riparian zones. Freshwater Wetlands are on the edges of some lots. Development would be able to avoid any direct or indirect impacts to Freshwater Wetlands and riparian zones.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there are already cleared areas that could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

Some Council owned land in this area is included within a biobank site and is proposed to be zoned E2 consistent with the recommendations of the Office of Environment and Heritage.

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

There are SEPP14 wetlands adjacent to this area and zoned E2. The planning proposal would not change or intensify land uses in the area. Potential future dwellings as a result of this planning proposal could be located at least 100 metres from the wetlands. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates one additional lot and three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The subject area has access to Council maintained sealed roads (Broulee Road and George Bass Drive) and the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

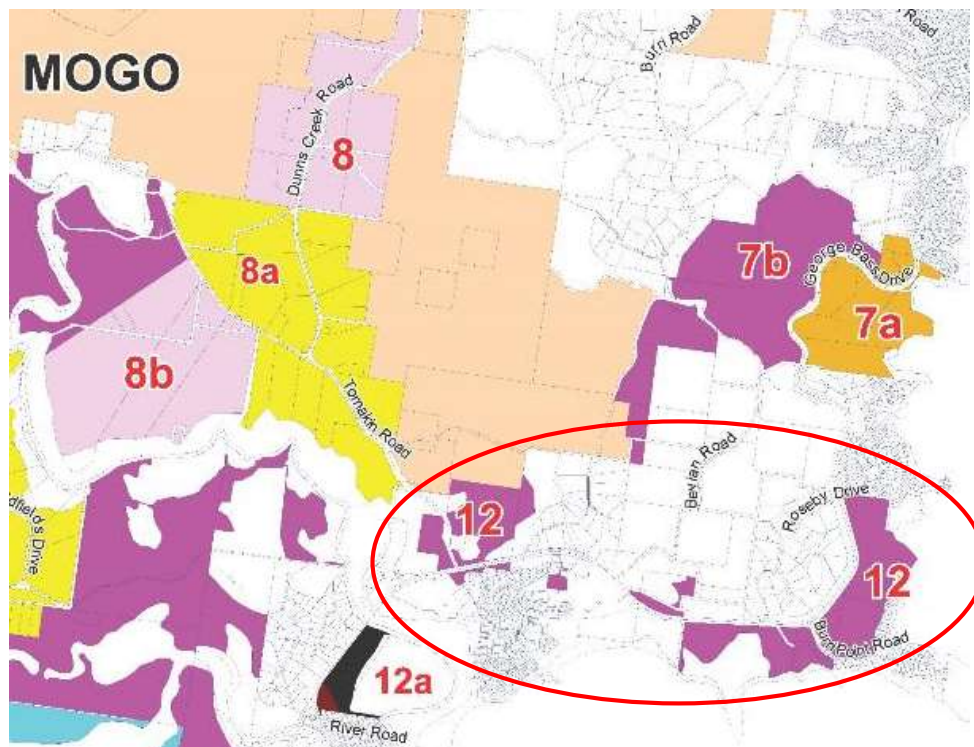
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 12 and 87). In relation to site 12, the OEH note that the land is not able to be developed in accordance with the terms of the biocertification agreement for Broulee and recommend that the land be zoned E2. For this land, which is owned by Eurobodalla Shire Council, there is a biobanking agreement over the site which protects the land from development. A part of this site is currently zoned E2. While the biocertification agreement or the biobanking agreement do not require the land to be zoned E2, no objection is raised to zoning the remainder of the land E2, so the whole of the biobank site is consistently zoned.

In relation to site 87, the OEH recommend that the land is not suitable for large scale increase in the number of lots and that an environmental zone is essential for much of the area. The planning proposal recommendation for this site (excluding the existing E2 zoned wetland) is RU1 with a minimum lot size of 100ha, providing for no additional lots and one additional dwelling. This is considered appropriate notwithstanding the OEH recommendation.

AREA 12 – Tomakin, Rosedale and Guerilla Bay

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 1(c) – 2ha (RLEP 1987 and DCP 156) 7(f1) - No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha E2 – No minimum lot size (for Council land, Lot 1 DP 700233)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains a total of 17 properties along George Bass Drive between Guerilla Bay and Tomakin. The majority of properties are under 20ha in size and all but six contain a dwelling or other development. The land is Class 5 agricultural land. The RU1 zone with a 40ha minimum lot size generally reflects the existing zoning and does not provide for any additional lots or dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	17	0
Dwellings	10	10*	10	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy, with the exception of the zoning of some Council land to E2 Environmental Conservation.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.1 Environment Protection Zones

Inconsistent but of minor significance. Much of this area is currently zoned 7(f1), which is an environmental protection zone for coastal lands. In this area, the 7(f1) zoned area is proposed to be zoned RU1 Primary Production which would result in no additional lots or dwellings being facilitated. The E4 zoning was not considered appropriate for this area as this would facilitate an additional four dwellings on existing vacant lots and potentially raise expectations for future subdivision similar to the adjoining E4 zoned land at Guerilla Bay. The planning proposal is considered appropriate notwithstanding the inconsistency with the Ministerial Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (sites 2 and 91). For site 2, EOH recommends an E zone equivalent to the 7(f1) zone. For site 91, OEH recommend that this area is not suitable for large scale expansion of cleared area and an environmental zone is recommended for the vegetated areas.

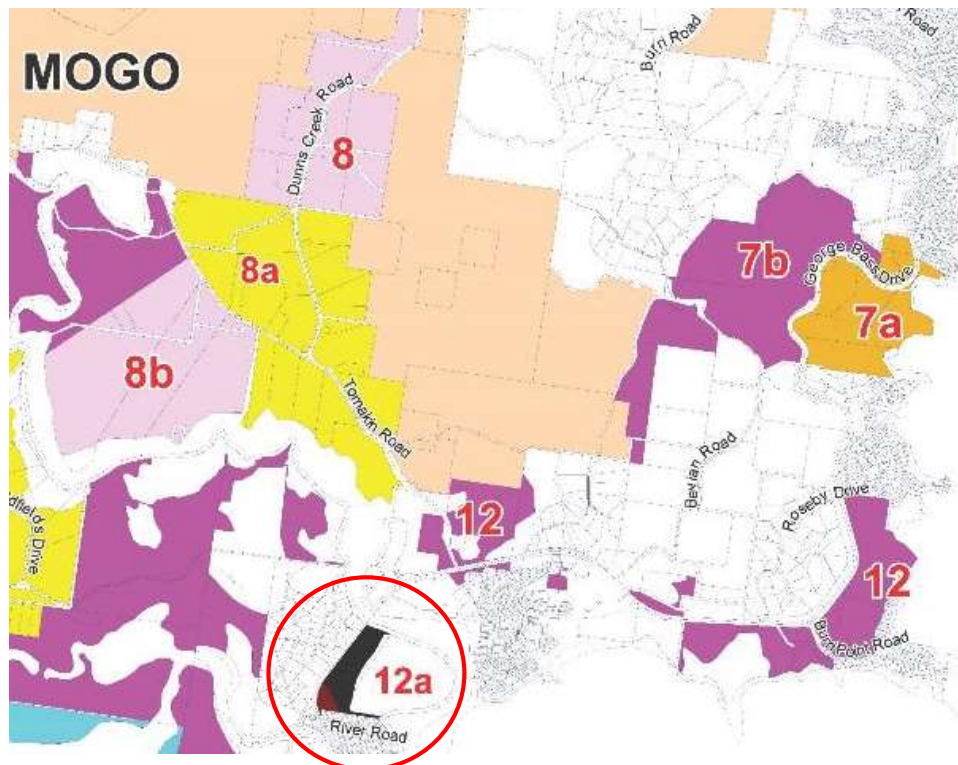
The planning proposal provides for the RU1 zone with a 40ha minimum lot size for both sites, resulting in no additional lots or dwellings. The current 7(f1) zone is similar to the RU1 zone with respect to the limits on dwellings to existing entitlements. This is considered more appropriate than using the E4 zone which would facilitate additional dwellings in this sensitive environmental area. One parcel of land owned by Council adjoins another Council lot that is currently zoned E2 and no objection is raised to extending the E2 zone over this parcel.

Given the above, the planning proposal is considered to be appropriate notwithstanding the inconsistency with the OEH recommendation regarding zoning for the vegetated areas.

AREA 12a – George Bass Drive, Mossy Point

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	E4 – 1000m ² E2 – No minimum lot size
Potential Additional Lots and/or Dwellings	Lots: 19 Dwellings: 20
Discussion:	This area consists of a single lot adjoining George Bass Drive at Mossy Point. The lot contains a large area of an endangered ecological community and a smaller area of non-endangered vegetation. A development proposal is being considered by the land owner for a number of residential lots of approximately 1000m ² in size in the area that does not contain the EEC. The E4 zone facilitates the development proposal and the E2 zone protects the area of EEC.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	20	19
Dwellings	0	0*	20	20

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for the bulk of the subject land, which contains EEC, to be zoned E2 and a small portion of land that does not contain EEC to be zoned E4. An appropriate minimum lot size is proposed for the E4 zone to allow development consistent with adjoining land in Mossy Point. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Consistent. This direction does not prevent a planning proposal from rezoning land from a rural zone to an environmental zone. As this planning proposal proposes the E4 and E2 zones for this area, it is consistent with the Direction. While the land is currently zoned rural, it is not agricultural land. The minimum lot size of 1000m² for the E4 area is appropriate as it is generally consistent with adjoining E4 land in Mossy Point. Rezoning to E4 and E2 provides for some additional housing opportunities and the protection of a significant area of endangered vegetation.

In this area the density of land could increase by up to 19 lots and up to 20 dwellings. The reduced lot size reflects the nature of existing holdings in this area. This land is within the Mossy Point/Tomakin community area and immediately adjacent to the residential area of Mossy Point. Increasing the density of land is considered consistent with the Direction because it is within an existing town or village.

2.1 Environment Protection Zones

Consistent. This area contains a small area of 7(a) zoning that is beyond the boundaries of the SEPP 14 wetland that is currently zoned E2 Environmental Conservation. This area is proposed to be zoned E2 Environmental Conservation and is therefore consistent with the Ministerial Direction.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to 20 additional dwellings to be built on land identified as flood prone. However,

the part of the lot that has the potential for subdivision is upslope and has a lower flood risk. The additional development is not a significant increase compared to what already exists in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in the addition of up to 19 lots and up to 20 dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on George Bass Drive which is within 200 metres of future potential lots and dwellings. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures. These would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because development in this area would not directly impact a threatened ecological community. It is adjacent to threatened Sand Bangalay Forest however any indirect impacts could be avoided and/or minimised. The adjacent Sand Bangalay Forest is proposed to be zoned E2 and the planning proposal does not result in development potential on that part of the lot.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because direct impacts would be avoided. There are two threatened ecological communities mapped in this area (Bangalay Sand Forest and Swamp Oak Floodplain Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities as the area proposed to be zoned E4 is restricted to the area that does not contain the threatened ecological communities and is dominated by Spotted Gum.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Southern Brown Bandicoot, Spotted-tailed Quoll and Brush-tailed Phascogale could use this area as habitat or foraging from time to time. There is potential habitat for the Leafless Tongue orchid in the area however there are no records on this land. There are records within 10km of threatened plants that are generally associated with the Freshwater Wetlands or riparian zones which are not found in close proximity to this land.

Opportunities to minimise clearing and avoid high quality habitat would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

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

There are SEPP14 wetlands adjacent to this area. Potential future dwellings as a result of this planning proposal would be over 100 metres from the SEPP14 wetland. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

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

The proposed zoning in this area but could result in up to 20 dwellings which would provide for settlement and housing that would contribute to the social and economic welfare of the community in this area.

Section D – STATE and COMMONWEALTH INTERESTS

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

Development of the subject land proposed to be zoned E4 will necessitate extending existing public infrastructure, including roads, water and sewer. Such extensions would likely be required as a condition of any development consent to subdivide the land.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

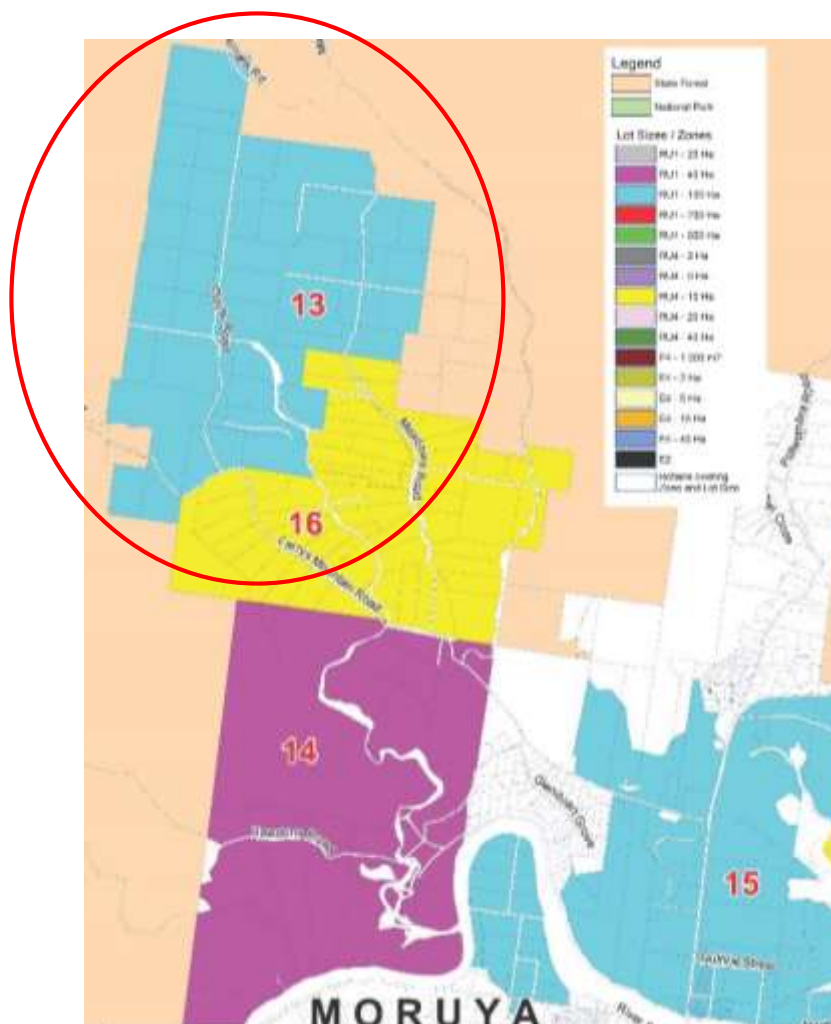
The Office of Environment and Heritage’s detailed submission identified some of the land in this area (sites 10 and 35). In relation to site 10, the OEH recommend an E2 zone equivalent to the current 7(a) zone. The Strategy proposes an E2 zone for this land and is therefore consistent with the OEH recommendation.

In relation to site 35, the OEH recommend that the land is not suitable for further subdivision or dwellings and if subdivision was to be pursued, a biocertification process should be undertaken. As noted in Section 7, potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities as the area proposed to be zoned E4 is restricted to the area that does not contain the threatened ecological communities. Further, the area that does contain the threatened ecological community is proposed to be zoned E2. The planning proposal is considered appropriate notwithstanding the OEH recommendation.

AREA 13 – Clouts Road, Mogendoura

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 2
Discussion:	This area consists of four rural holdings over 100ha in size and five smaller rural lots. This area is extensively used for agricultural activities and contains a mix of Class 3 and Class 5 agricultural lands. The land is mostly surrounded by State Forest. The RU1 zoning reflects existing zoning and land use and the 100ha minimum lot size minimises additional potential development to up to two new dwellings.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	41	41	41	0
Dwellings	8	8*	10	2

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to two dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to two additional dwellings in this area. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots with potential for subdivision and new dwellings and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on Larry’s Mountain Road which is potentially over 200 metres from lots with subdivision potential and alternate access to properties is not available. Depending on how properties are subdivided, at least one new lot could be within 200 metres of Larry’s Mountain Road. The distance of new dwellings can be minimised by locating building sites closer to Clouts Road and Meadow Road.

There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat as most of the area is already cleared.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are two threatened ecological communities mapped in this area (River Flat Eucalypt Forest and Lowland Grassy Woodland). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll could use this area as habitat or foraging from time to time. There are also records within 10km of Chef's Cap Correa which is usually associated with forests around riparian zones. Development could avoid potential habitat (if found).

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The

proposed minimum lot size facilitates a small number of additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

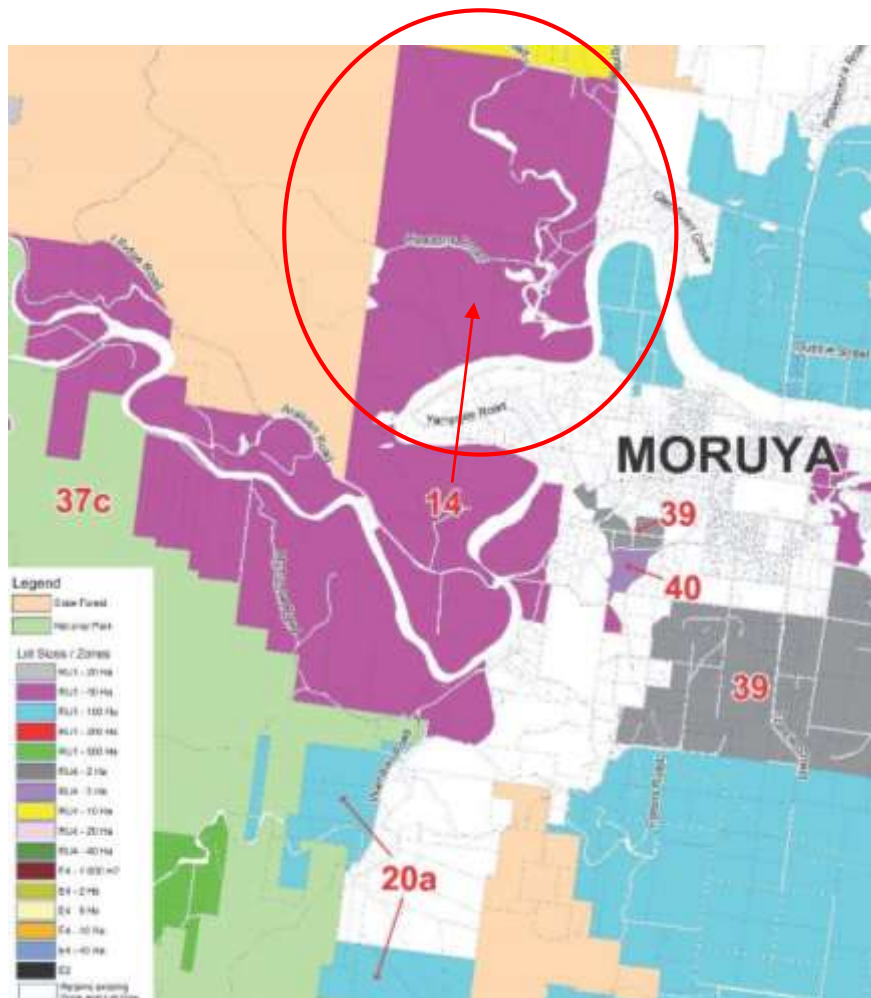
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 85) recommending that this area is not suitable for increased subdivision potential and that a rural zone should be applied. As no additional lots are facilitated, the planning proposal is consistent with the OEH recommendation.

AREA 14 – Hawdons Road, Mogendoura

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 6
Discussion:	<p>This area consists of a mix of cleared agricultural land and bush lots of varying size. There is a mix of Class 3, 4 and 5 agricultural land across this area. To the west of the land is State Forest.</p> <p>The RU1 zone reflects the existing zone and land uses and the 40ha minimum lot size facilitates some additional small rural lot development. Two existing holdings are large enough to be re-formed and/or subdivided into a number of 40ha lots. A total of four additional lots could be created in this area and up to six additional dwellings would be possible.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	21	4
Dwellings	13	13*	19	6

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in up to four additional lots and six additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to four lots and up to six dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains an identified extraction resource. While the planning proposal would permit up to four additional lots and six additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with an extractive industry.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to one additional dwelling to be built on land identified as flood prone. This is not a significant increase compared to what already exists in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to four additional lots and six additional dwellings in this area. Two of the potential new dwellings would be able to take advantage of already cleared areas and would be within 200 metres of Larry's Mountain Road, which is a through road. Compliance with *Planning for Bush Fire Protection 2006* would be achievable for this location.

The other lot with subdivision potential could result in up to three additional lots. To achieve the full potential of three additional lots and four dwellings, further assessment would be required to ensure *Planning for Bush Fire Protection 2006* can be complied with. The actual subdivision potential may be less than what the minimum lot size permits once further assessment is undertaken.

Through road access is available on Hawdons Road however it is likely dwellings would be greater than 200 metres away and alternate access to properties is not available. The distance of new dwellings from a through road can be minimised by locating building sites closer to Hawdons Road. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones and siting of future dwellings away from ridge tops and steep slopes is possible in this area however it may be difficult to do so for all four potential additional dwellings. Deciding on an appropriate number of additional lots and dwellings and the combination of other bushfire protection measures would be part of the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to habitat especially where land is already cleared.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are three threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Swamp Oak Floodplain Forest and Lowland Grassy Woodland). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll are likely to use this area as habitat or foraging from time to time. There are also records within 10km of Chef's Cap Correea which is usually associated with forests around riparian zones. Development could avoid potential habitat (if found). There is habitat also available in the adjacent Wandera State Forest.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access

tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there are some areas already cleared that could be used. Opportunities to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands on Mogendoura Creek near the Moruya River in this area. The planning proposal would not change or intensify land uses in the area. The lots with potential for subdivision or additional dwellings in the area are not adjacent to the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

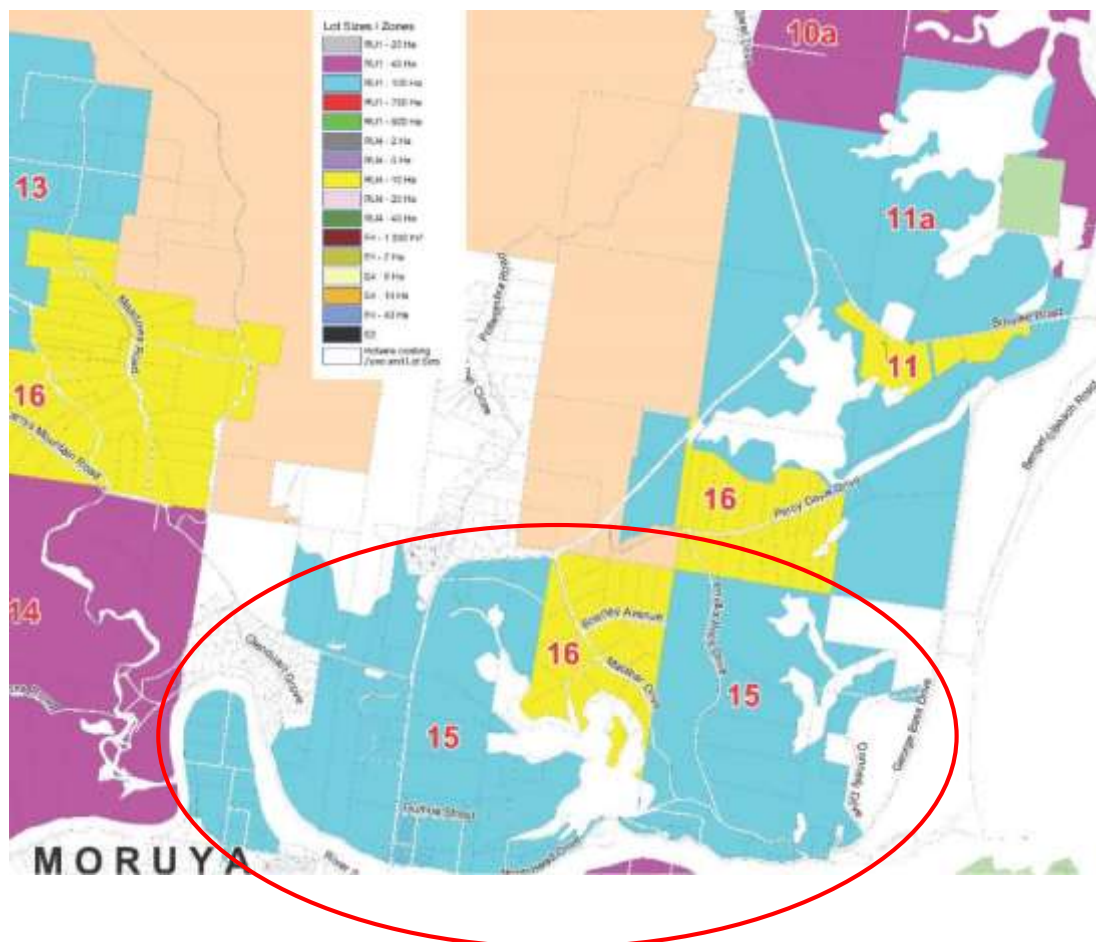
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 84) recommending that this area is not suitable for increased subdivision potential and that a rural zone should be applied. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha. While the planning proposal provides for up to four additional lots and six additional dwellings in this area, it will remain a rural area and is considered to be appropriate notwithstanding the OEH recommendation.

AREA 15 – North Moruya

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha E2 – No minimum lot size (For Crown Land, part of Lot 92 DP 631493 and Council land, Lot 11 DP 771575)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area consists of prime agricultural land, including the Mullenderee Flat, some large bush lots and significant areas of wetland. Also in this area is a large number of very small lots located on the Princes Highway near the Moruya Bridge, containing a mix of residential, commercial and agricultural activities. The majority of this area is flood prone and it contains a mix of Class 1, 2, 3, 4 and 5 agricultural land. The RU1 zone reflects the existing zone and the predominant land use and the 100ha minimum lot size does not provide for any additional lots or dwellings.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	187	187	187	0
Dwellings	78	78*	78	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy, with the exception of the zoning of some Crown and Council land to E2 Environmental Conservation.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent
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For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development or rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 13, 34 and 86). For site 13, the OEH note that the land is not able to be developed in accordance with the terms of the biocertification agreement for Broulee and recommend that the land be zoned E2. For this land, which is owned by Eurobodalla Shire Council, there is a biobanking agreement over the site which protects the land from development. While the biocertification agreement or the biobanking agreement do not require the land to be zoned E2, as other lands in the biobank agreement are currently zoned E2, no objection is raised to zoning the subject land E2, so the whole of the biobank area is consistently zoned.

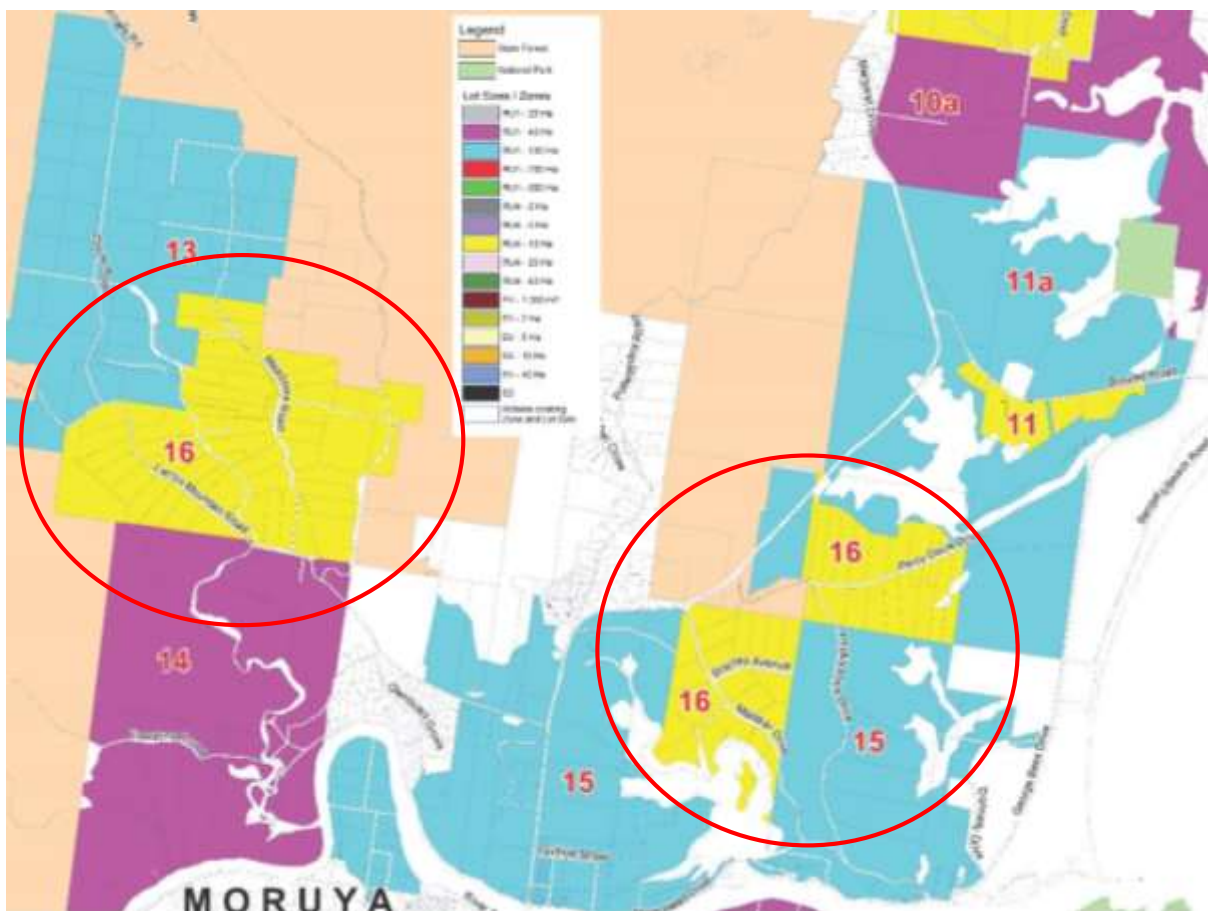
For site 34, OEH recommend that the land is not suitable for further development and should be zoned E2, except for the heritage quarry and cleared land. As Crown Lands have indicated support for zoning this land E2, no objection is raised. The area of RU1 zoning includes all of the potential quarry resource.

For site 86, OEH recommend an environmental zoning for the land outside the existing small lot subdivisions. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha which does not provide for any additional lots or dwellings in this area. Therefore, the planning proposal is considered to be appropriate, notwithstanding the inconsistency with the OEH recommendation regarding zoning.

AREA 16 – Meadows Road, Malabar Drive and Percy Davis Drive, North Moruya

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 6 Dwellings: 7
Discussion:	<p>This area includes three areas of existing smaller (10ha) lots to the North of Moruya, including land fronting Meadows Road, Malabar Drive and Percy Davis Drive. Some of the land is used for small-scale agricultural activities, but there are also a significant number of bush blocks. The land is a mix of Class 3 and Class 5 agricultural land. All but eleven of the existing lots contain a dwelling, with nine of those having dwelling entitlement.</p> <p>The RU4 zone facilitates continued and additional small lot rural activities on the land. The 10ha minimum lot size provides for four lots to be subdivided and a potential for seven additional dwellings in this area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	92	92	98	6
Dwellings	82	91*	98	7

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, the existing vacant lots in this area were subdivided for the purpose of a dwelling, therefore up to nine additional dwellings are possible under current planning rules.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to six lots and up to seven dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in three additional dwellings to be built on land identified as flood prone. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. This planning proposal could result in up to six additional lots and up to seven additional dwellings. To achieve the full potential, further assessment would be required to ensure *Planning for Bush Fire Protection 2006* can be complied with. The actual subdivision potential may be less than what the minimum lot size permits once further assessment is undertaken. It is considered that at least some of the potential future development on each lot would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones and siting of future dwellings away from ridge tops and steep slopes is possible in this area however it may be difficult to do so for all potential additional dwellings. There is space to incorporate APZs and other suitable bushfire protection measures that would achieve bushfire protection. Deciding on an appropriate number of additional lots and dwellings and the combination of other bushfire protection measures would be part of the development assessment process.

Through road access is available on Larry's Mountain Road or the Princes Highway which over 200 metres from potential new lots/dwellings and alternate access to properties is not available. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are six threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Lowland Grassy Woodland, Saltmarsh, Bangalay Sand Forest, Freshwater Wetlands and Swamp Oak Floodplain Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection as the threatened ecological communities are only on a small portion of each lot.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox are likely to use this area as habitat or foraging from time to time.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. The lots with potential for subdivision or additional dwellings in the area are not adjacent to the wetlands.

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

The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. All of the lots in this area have access to Council maintained and mostly sealed roads. The additional development is unlikely to result in an increase in level of maintenance of roads through this area. The minimum lot size is sufficient to facilitate on site sewer management.

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

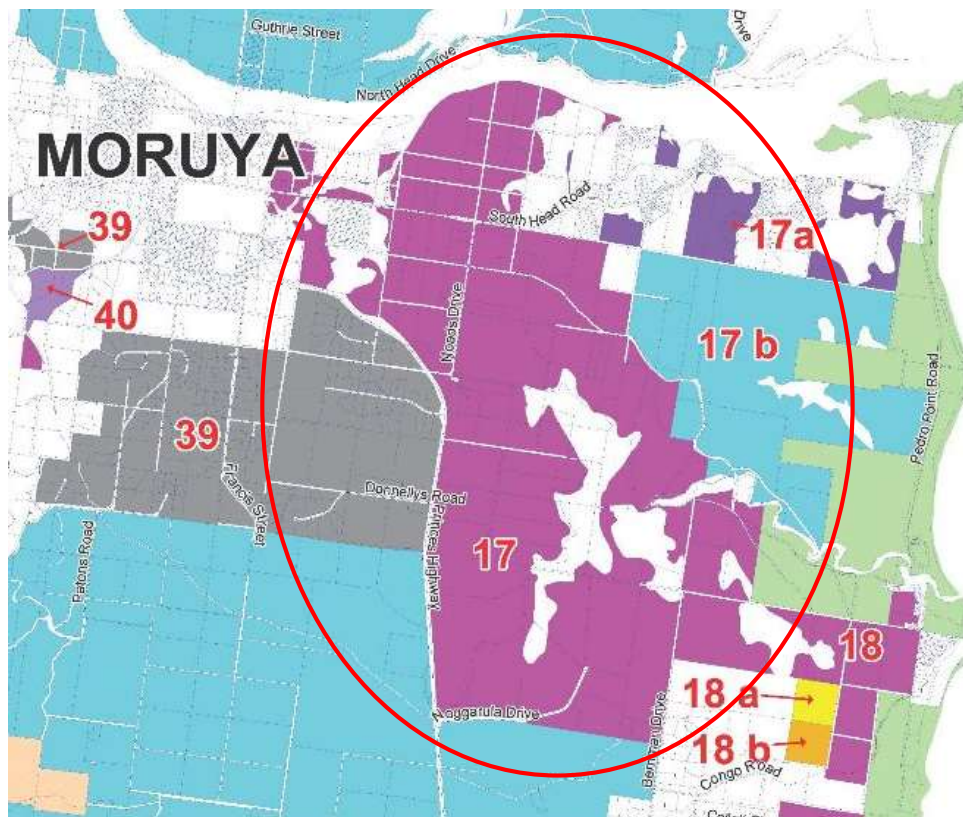
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 85 and 86). For both sites, OEH recommend that the land is not suitable for increased subdivision potential. As the planning proposal recommends the RU4 zone with a minimum lot size of 10ha, a small number of additional lots and dwellings are provided for in this area. As 10ha is the current predominant lot size in this area, the planning proposal is not considered to result in increased subdivision potential that is inconsistent with the existing subdivision pattern. The planning proposal is therefore considered to be consistent with the OEH recommendation.

AREA 17 – East Moruya

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha Correct boundary between R2 and RU1 zones at Braemar Estate (for further discussion see Volume 1 Appendix 24).
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 5
Discussion:	This area consists of 150 lots of varying sizes up to about 60ha that are generally being used for primary production and some extractive industry. Class 1 agricultural lands are found in the north of this area, adjacent to the Moruya River, and Class 3-5 agricultural lands elsewhere. There are some constraints due to wetlands and acid sulfate soils in this area. An RU1 zoning and minimum lot size of 40ha does not change the lot yield but would allow up to 5 additional dwellings.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	150	150	150	0
Dwellings	53	53*	58	5

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of the realignment of the R2 and RU1 zone boundary along the eastern edge of the Braemar residential estate.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008	Consistent

To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 1 agricultural lands to the north (adjacent to the Moruya River) and Class 3-5 agricultural lands elsewhere in this area. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal would increase the density of land by up to five dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit five additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result five additional dwellings to be built on land identified as flood prone however this is not considered to be a significant increase in the development of the land in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with up to five more dwellings possible. It is considered that any proposed future development of these lots would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on lots with potential for future dwellings in this area including some areas that are already cleared.

Through road access is available on Noads Drive, Congo Road and the Princes Highway and lots with subdivision potential would be able to site new dwellings within 200 metres.

The siting of future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are seven threatened ecological communities mapped in this area (River Flat Eucalypt Forest, Lowland Grassy Woodland, Saltmarsh, Bangalay Sand Forest, Freshwater Wetlands, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could use vegetated areas as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would not impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The

proposed minimum lot size facilitates a small number of additional dwellings providing for additional potential for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of land in this area has access to a Council maintained sealed road or to the Princes Highway. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

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

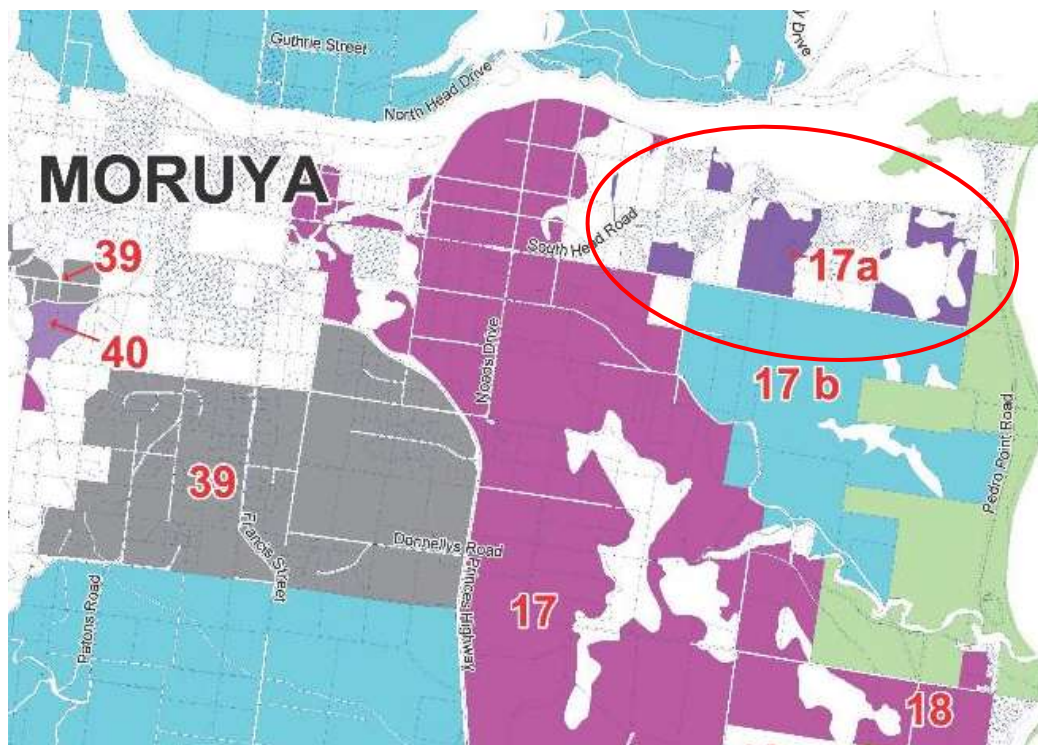
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 17a – South Head Road, Moruya Heads

Current Zone and Minimum Lot Size:	<p>1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>10 – Subdivision and development considered on merit having regard to impact on environment and consideration of access, servicing and other matters.</p>
Proposed Zone and Minimum Lot Size:	<p>RU4 – 40ha</p> <p>E4 – 40ha (for part of Lot 114 DP 752151)</p>
Potential Additional Lots and/or Dwellings	<p>Lots: 0</p> <p>Dwellings: 1</p>
Discussion:	<p>This small area consists of 10 rural lots that are about 20ha in size or less. It is located near existing rural residential and residential areas. The land is largely vegetated, Class 5 agricultural land.</p> <p>No additional subdivision is anticipated, however rezoning to RU4 provides for one additional dwelling to be permissible with consent in this area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	8	8*	9	1

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in up to one dwelling in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone the majority of this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008	Consistent

To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	
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For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given that only one additional dwelling could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (quarry, tree, shipyard site and wharf remnant). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any

potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on land identified as flood prone however this is not considered to be a significant increase in the development of the land in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with one more dwellings possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on the lot with potential for a future dwelling. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Through road access is available on the Princes Highway which is over 200 metres away from the potential future dwelling and alternate access is not available. The siting of future dwellings away from ridge tops and steep slopes is possible in this area. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (Lowland Grassy Woodland, Saltmarsh, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). The potential new dwelling as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could use vegetated areas as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would not impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. There are no additional dwellings in the vicinity of the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in dwelling yield in this planning proposal. The lots in this area have access to a Council maintained sealed roads (South Head Road).

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 36 and 107). For site 36, OEH recommend that the land is not suitable for development and recommends a zone similar to E3 for the land. As the subject site already contains a dwelling and is less than 40ha in size, the planning proposal does not facilitate any additional subdivision or dwellings on the land. The proposed RU4 zone is considered to be appropriate notwithstanding the OEH recommendation.

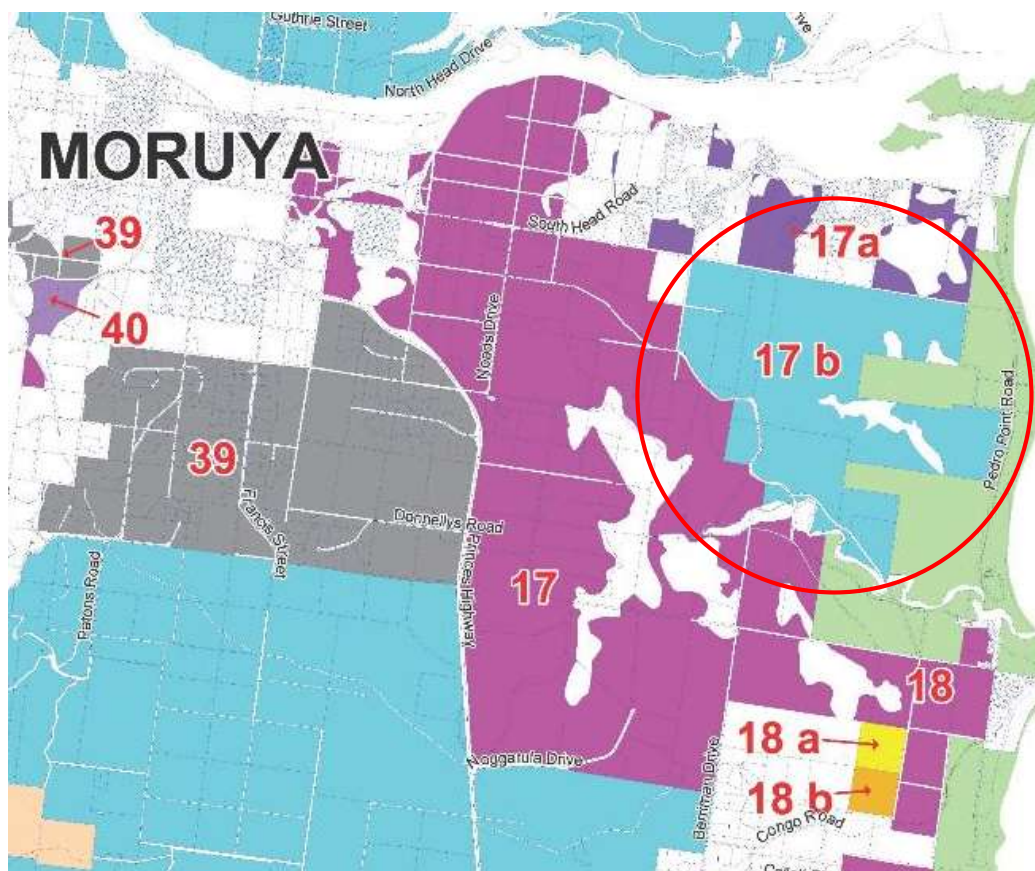
For site 107, OEH recommend that the land is not suitable for development as it is flood prone. The planning proposal recommends the RU4 and E4 zones with a minimum lot size of 40ha in this area.

The proposed E4 lot is part of a larger holding already zoned E4, which has a current development application with Council that proposes the implementation of a Property Vegetation Plan over the site identified by OEH. On this basis, it is considered that the E4 zone is appropriate and is considered to be consistent with the OEH recommendation.

AREA 17b – Congo Road, Moruya Heads

Current Zone and Minimum Lot Size:	<p>1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>7(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>7(f2) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p>
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	<p>Lots: 1</p> <p>Dwellings: 1</p>
Discussion:	<p>This area contains 10 lots ranging from about 1ha up to about 230 ha to the west of Congo. The land mostly vegetated Class 5 agricultural land.</p> <p>The 100ha minimum lot size facilitates one additional lot in this area and one additional dwelling. This facilitates a small increase in opportunities for rural housing without adverse impacts to the environmental values of the area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	11	1
Dwellings	5	5*	6	1

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in up to one additional lot and dwelling in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Moruya River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Moruya River would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area and proposes a minimum lot size of 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and one dwelling, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.1 Environment Protection Zones

Inconsistent but of minor significance. This area contains some small areas of 7(a) zoning that are beyond the boundaries of the SEPP 14 wetlands that are currently zoned E2 Environmental Conservation. These areas are proposed to be zoned RU1 Primary Production. In these areas, no additional development will be facilitated by the planning proposal. Given the E2 zoning of the SEPP 14 wetlands, the small size of additional 7(a) zoning adjoining the mapped SEPP 14 wetlands and that no additional development potential is being facilitated on the subject lot, the inconsistency with the Ministerial Direction is considered to be justified in this instance.

This area also contains some land zoned 7(f2), a coastal lands acquisition zone that seeks to maintain land as rural pending its acquisition by the State. The subject land has not been acquired by the NSW Government and was not proposed to be identified on the Land Acquisition Map in LEP 2012 for acquisition (the Draft LEP Maps exhibited in 2011 did not include this land). On this basis it is considered appropriate to zone this land RU1. Such zoning does not prevent the NSW Government from negotiating with the current land owner to acquire the subject land at a future date. The planning proposal is considered appropriate notwithstanding the inconsistency with the Ministerial Direction.

2.3 Heritage Conservation

Consistent. This area contains an Aboriginal Heritage Conservation Area (Pedro Swamp). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling to be built on land identified as flood prone however is likely to be able to be avoided. It is not considered to be a significant increase in the development of the land in this area in any case. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with only one more dwelling possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on Congo Road which is within 200 metres of the lot with potential for subdivision and additional dwelling.

The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (Lowland Grassy Woodland, Bangalay Sand Forest, Freshwater Wetlands, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. The potential additional dwelling in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The lots in this area have access to a Council maintain and mostly sealed road (Congo Road).

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

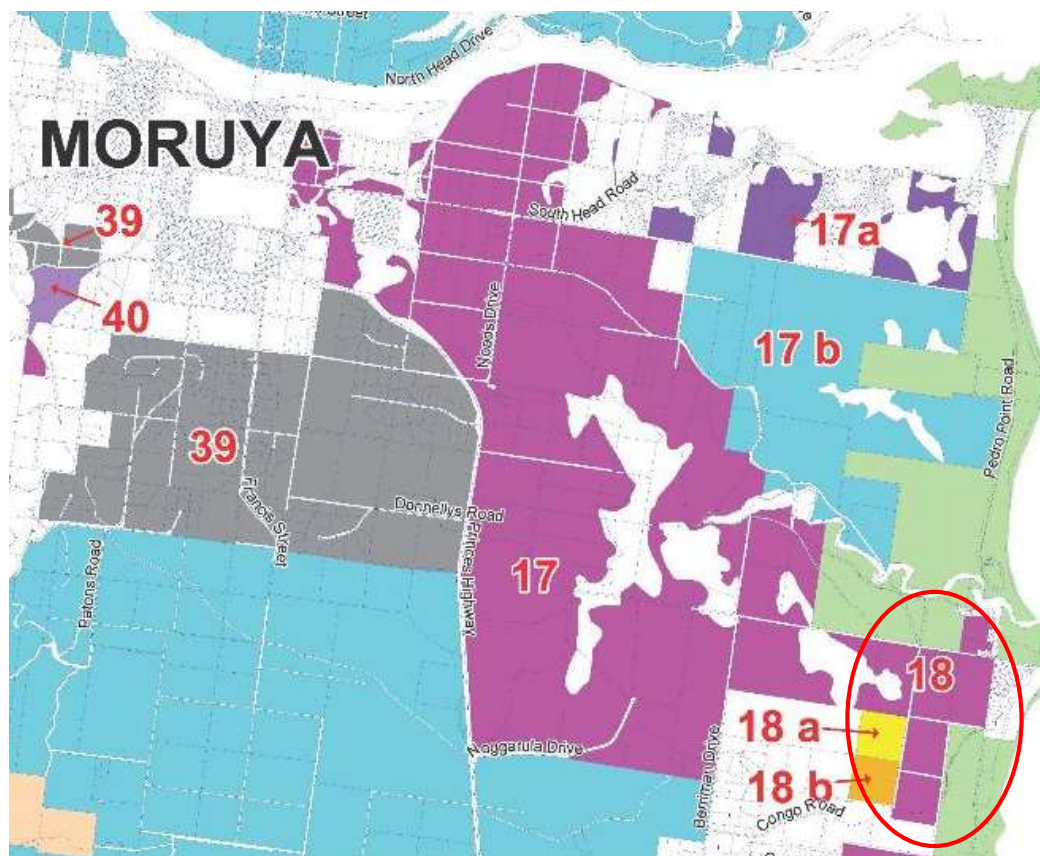
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 3, 8 and 108). For site 3 (which is a small part of site 108), OEH recommend an E zone equivalent to the current 7(f2) zone. The 7(f2) zone under the Rural LEP 1987 requires land to be maintained as rural pending potential acquisition by the State Government. As the planning proposal proposes the RU1 zone, consistent with the remainder of the subject lot (excluding the E2 zone for the wetland), the planning proposal is considered appropriate notwithstanding the OEH recommendation regarding zoning. It should be noted that the site is not identified for acquisition on the LEP 2012 Land Reservation Acquisition Map. For the remainder of the subject land (site 108), OEH recommend that the land is not suitable for further subdivision and an E zone is recommended. The planning proposal recommends a 100ha minimum lot size for this area which provides for one additional lot to be created on the subject site. It is not considered that one extra lot in this area will have significant impacts on the wetland and is considered appropriate notwithstanding the OEH recommendation.

For site 8, OEH recommend the E2 zone be applied, equivalent to the current 7(a) zone. This applies to land immediately adjoining the SEPP 14 wetlands. Given the current E2 zoning is equivalent to the boundary of the SEPP 14 wetland, and given the one additional lot and dwelling facilitated by the planning proposal does not relate to the lots with the 7(a) zoning, the proposed RU1 zoning of the land is considered appropriate notwithstanding the inconsistency with the OEH recommendation.

AREA 18 – Congo Road (North), Congo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 4
Discussion:	This area contains a total of 11 properties immediately west of Congo. The majority of properties are under 20ha in size but one is about 109ha. The land contains a mix of Class 3 and Class 5 agricultural land and there are biodiversity constraints. The RU1 zone and a minimum lot size of 40ha enables one lot to be subdivided into two, with up to four new dwellings possible.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	11	1
Dwellings	3	3*	7	4

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in up to one additional lot and up to four dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to one additional lot and up to four additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to four additional dwellings to be built on land identified as flood prone. This is not considered to be a significant increase in the development of the land in this area. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with up to four more dwellings possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space

to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on Congo Road which likely to be within 200 metres of two of the potential new dwellings. The other two potential new dwellings would be over 200 metres from Congo road and alternate access is not available.

The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The lots in this area have access to a Council maintained sealed road (Congo Road).

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

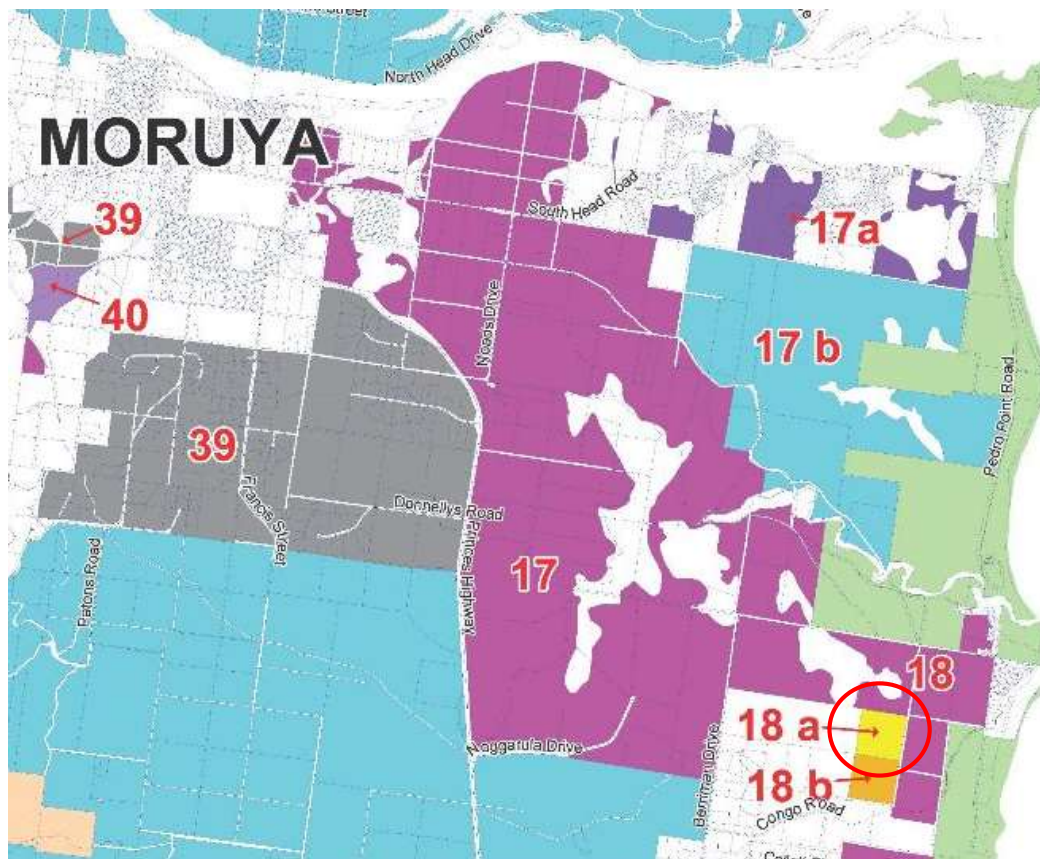
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 106) recommending that the land is not suitable for further subdivision and an E zone is recommended. Of the additional lots and dwellings provided for in this area, all may be able to be achieved outside of site 106. It is therefore considered that the planning proposal is appropriate notwithstanding the OEH recommendation regarding zoning.

AREA 18a – Berriman Drive, Congo

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains one lot of about 16ha. An RU4 zoning and 10ha minimum lot size provides for a dwelling to be permissible with consent. The proposed zoning and a minimum lot size is consistent with adjacent properties in the vicinity of this area. It does not result in any subdivision potential.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	1	0
Dwellings	0	0*	1	1

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in one additional dwelling in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 3 agricultural lands. The planning proposal does not facilitate any additional lots in this area, but could result in one additional dwelling. This will facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

4.3 Flood Prone Land

Consistent. The one additional dwelling that could result from the planning proposal in this area is on flood prone land but not be in a floodway area. Further, the development is unlikely to result in significant flood impacts to other properties. Measures to mitigate flood impacts to the dwelling and surrounding areas would be considered at the development assessment stage. One additional dwelling is not a significant increase in the development of this land in this area and it would not result in government spending on flood mitigation measures.

4.4 Planning for Bushfire Protection

Consistent. While the planning proposal results in one additional dwelling being permissible in this area, there is sufficient existing cleared land to provide for a dwelling house with a suitable asset protection zone.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. While the planning proposal provides for one additional dwelling in this area, there is sufficient existing cleared land to provide for a dwelling with no likely impact on critical habitat or threatened species, populations of ecological communities.

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

No. While the planning proposal provides for one additional dwelling in this area, there is sufficient existing cleared land to provide for a dwelling with no likely other environmental effects.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

The subject area does not currently have direct access to a Council maintained sealed road, however is part of a larger site that could be further developed for small lot rural purposes. Any development application for a small lot rural subdivision would be required to demonstrate adequate access arrangements.

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

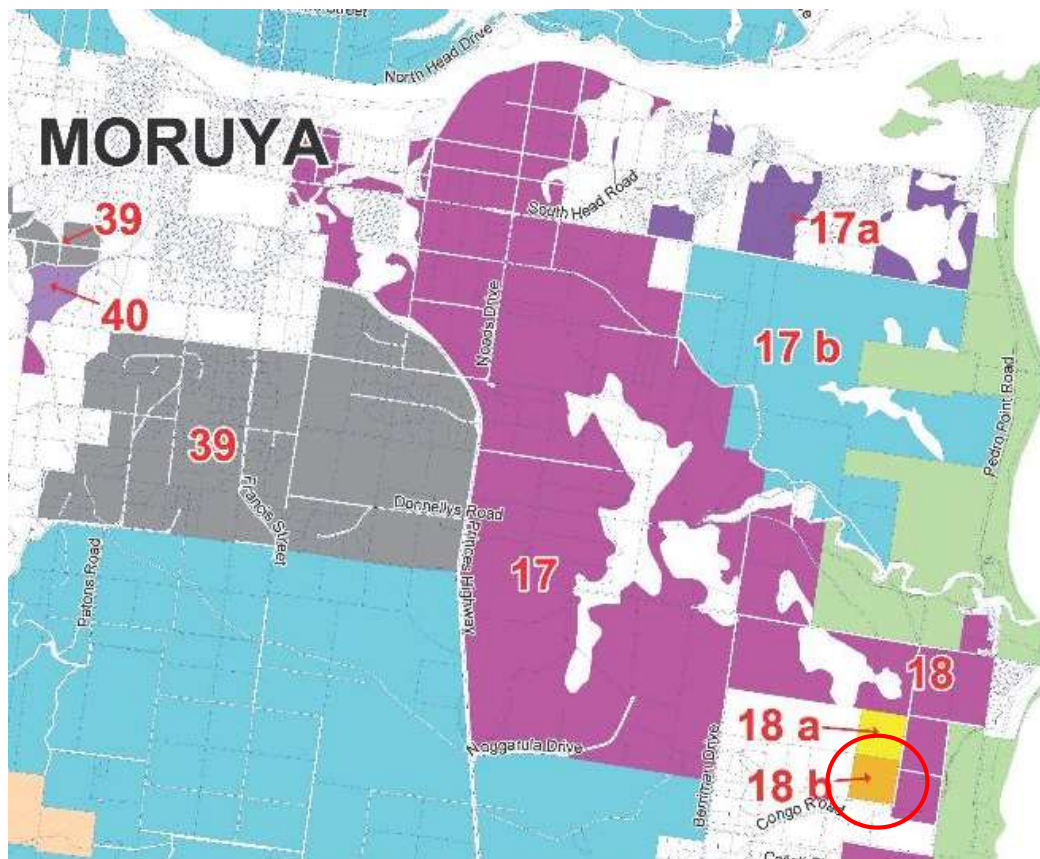
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 18b – Congo Road (South), Congo

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains one lot of about 16ha. An RU4 zoning provides for a dwelling to be permissible with consent. The proposed zoning and a minimum lot size is consistent with properties in the vicinity of this area. It does not result in any subdivision potential.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	1	0
Dwellings	0	0*	1	1

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in one additional dwelling in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

4.4 Planning for Bushfire Protection

Consistent. While the planning proposal results in one additional dwelling being permissible in this area, there is sufficient existing cleared land to provide for a dwelling house with a suitable asset protection zone.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. The planning proposal could result in a new dwelling on a lot with threatened ecological community (Lowland Grassy Woodland) present. However, there is sufficient existing cleared land on the lot that would be suitable for a dwelling and there would be no direct impacts to the threatened ecological community. There are no likely impacts on critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of the planning proposal however an assessment under Part 5A of the EP&A Act would be undertaken at the development assessment stage.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

The subject area does not currently have direct access to a Council maintained sealed road, however is part of a larger site that could be further developed for small lot rural purposes. Any development application would be required to demonstrate adequate access arrangements.

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

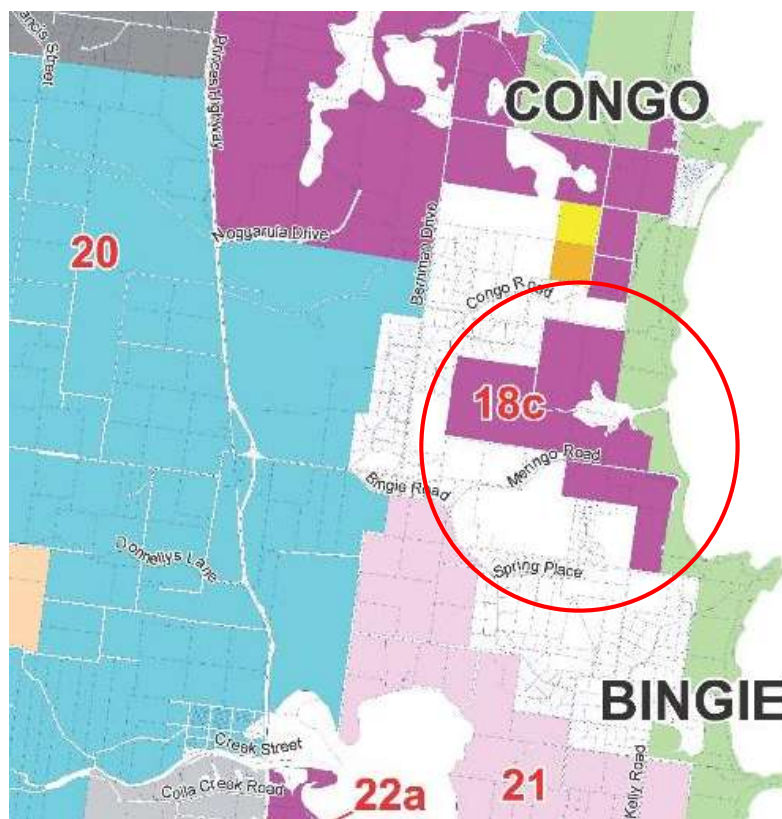
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 106) recommending that the land is not suitable for further subdivision and an E zone is recommended. For this area an RU4 zone is proposed with a minimum lot size of 10ha, facilitating one new dwelling on a part of site 106 and no further subdivision. There is a small portion of this site that is not identified as having EEC on which a dwelling could be provided, subject to an impact assessment. It is therefore considered that the planning proposal is appropriate notwithstanding the OEH recommendation.

AREA 18c – Meringo Road, Meringo

Current Zone and Minimum Lot Size:	<p>RU1 – 1000ha (ELEP 2012)</p> <p>1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>7(f1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p>
Proposed Zone and Minimum Lot Size:	<p>RU1 – 40ha</p> <p>E4 - 1500m² (for Lots 1 to 14 DP 24080)</p>
Potential Additional Lots and/or Dwellings	<p>Lots: 1</p> <p>Dwellings: 2</p>
Discussion:	<p>This area contains 24 lots of various sizes off Meringo Road with a mixture of Class 3 and 5 agricultural lands. The RU1 and E4 zones reflect existing zoning and land use and the 40ha / 1500m² minimum lot sizes limit additional potential development to one new lot and up to two new dwellings. There are biodiversity constraints in this area that would not be impacted by the proposed zoning and minimum lot size as development potential is in cleared areas.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	24	24	25	1
Dwellings	18	18*	20	2

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in one additional lot and up to two dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of the zoning of some land along Meringo Drive to E4 Environmental Living.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to two additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.1 Environment Protection Zones

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

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is small with up to two more dwellings possible. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate

bushfire protection including taking advantage of already cleared areas for one of the potential dwellings.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on Congo Road which is over 200 metres from potential new dwellings and alternate access is not available. The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would not change or intensify existing land uses. There are five threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Saltmarsh). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox, Spotted-tailed Quoll and Long-nosed Potoroo could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid impact on Freshwater Wetlands.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetlands. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural road through this area.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

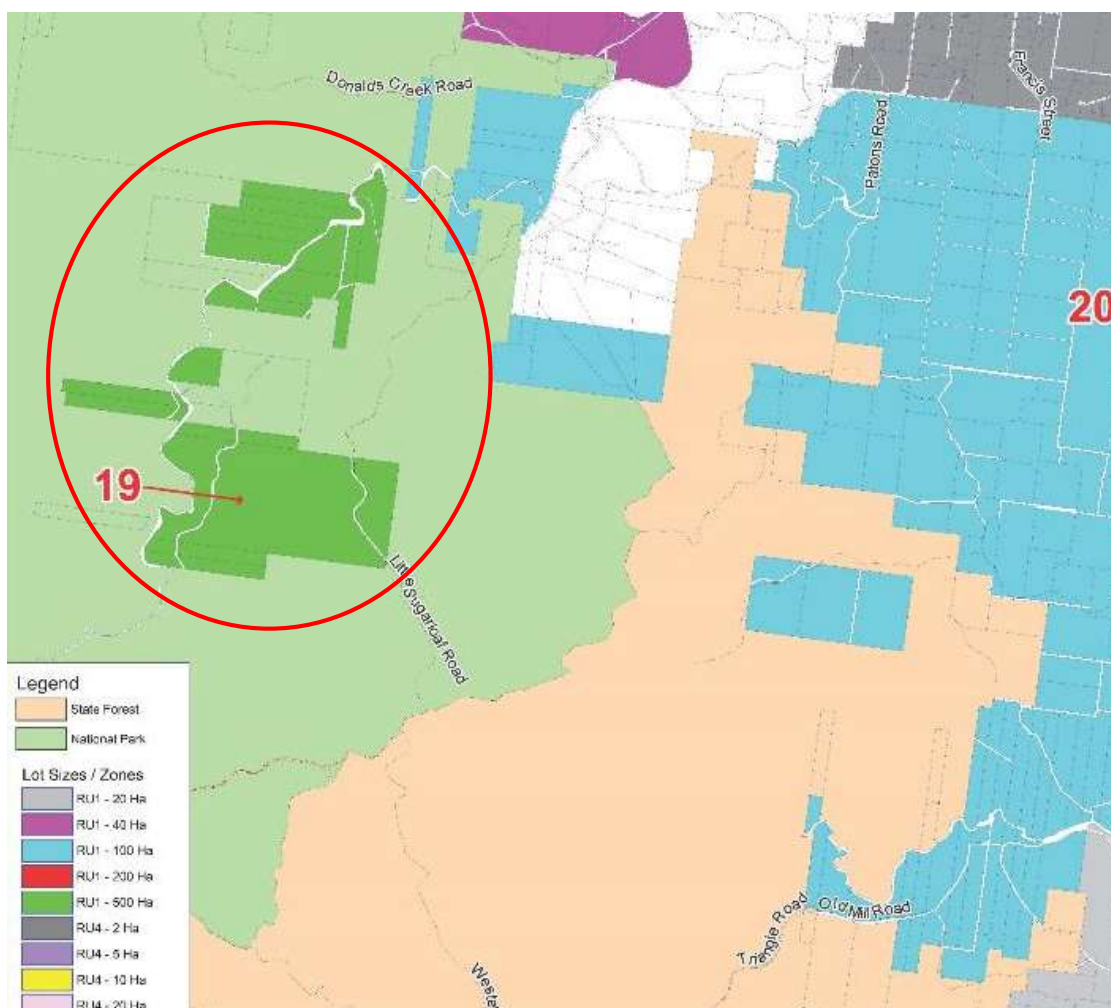
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 4 and 106). For site 4, OEH recommend an E zone equivalent to the 7(f1) zone. This site is a row of residential sized blocks on Meringo Road. The planning proposal proposes the E4 zone with a minimum lot size of 1500m² which does not facilitate any further lots or dwellings in this area, beyond any existing dwelling entitlements. The planning proposal is consistent with the OEH recommendation.

For site 106, OEH recommend that the land is not suitable for further subdivision and an E zone is recommended. For this area an RU1 zone is proposed with a minimum lot size of 40ha, facilitating the potential for one new dwelling on a part of site 106 and no further subdivision. The majority of the subject site is not identified as having EEC, and subject to how access is obtained to the land, a dwelling could be provided, subject to an impact assessment. It is therefore considered that the planning proposal is appropriate, notwithstanding the OEH recommendation regarding zoning.

AREA 19 – Wamban Road (South), Wamban

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	<p>This area is remote from settlement, surrounded by National Park and is constrained by access, topography, vegetation and bushfire. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 500ha minimum lot size does not provide for further subdivision or new dwelling entitlements.</p> <p>Whilst it is not prime agricultural land, it is in a rural area and some rural activities could be undertaken. Rural tourism activities may be appropriate in this area. Forestry activities may also be appropriate.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	16	16	16	0
Dwellings	0	0*	0	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

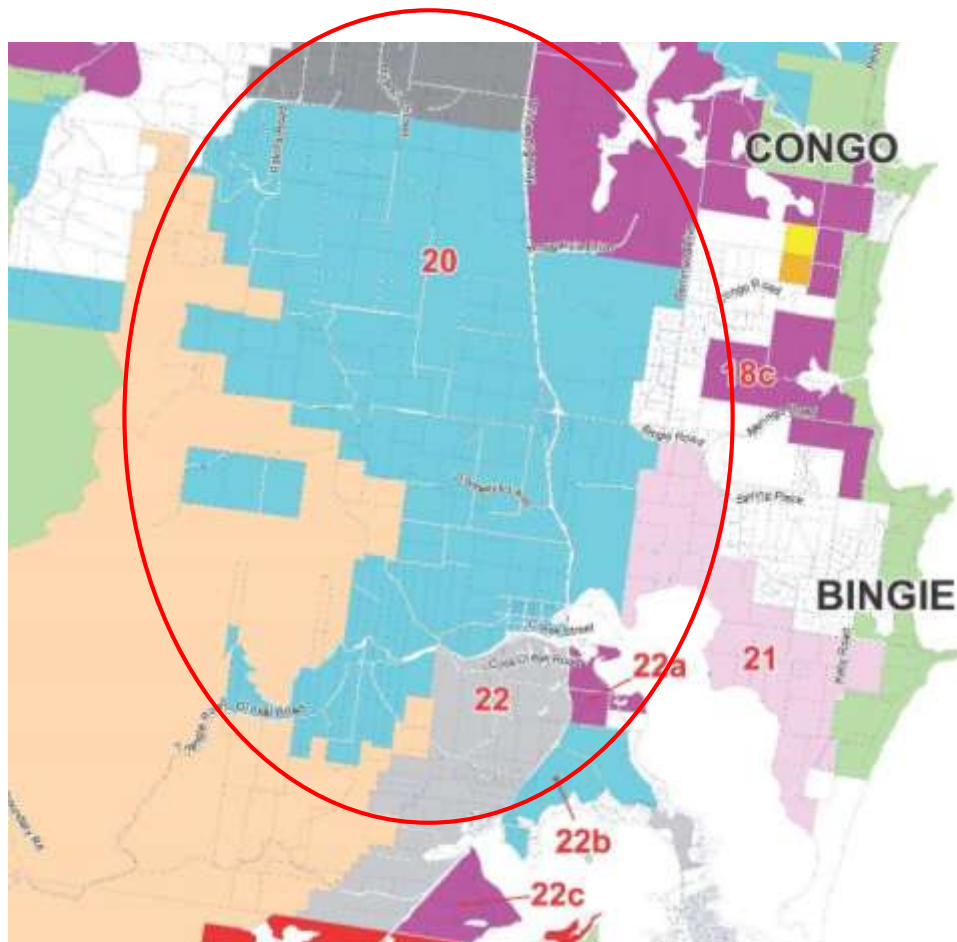
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 122 and 123) supporting the proposed rural zone and recommending that the land is not suitable for further subdivision. As the planning proposal does not facilitate further subdivision of this land, it is consistent with the OEH recommendation.

AREA 20 – Bergalia

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 8
Discussion:	<p>This area is mostly good quality agricultural land to the south of Moruya. The land is a mix of Class 3, 4 and 5 agricultural land.</p> <p>The RU1 zone reflects the existing zoning and use of the land. The 100ha minimum lot size facilitates one additional lot in this area and with two vacant lots larger than 100ha, three additional dwellings could be provided. There is potential for another 5 dwellings (up to eight dwellings in total) through amalgamating adjacent lots in the same ownership.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	237	237	238	1
Dwellings	47	47*	55	8

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in one additional lot and a relatively small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to one additional lot and up to eight additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit one additional lot and eight additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (Former Cheese Factory, Bergalia General Store, and a War Memorial in a road reserve). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one dwelling to be built on land identified as flood prone. This is not considered to be a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas. The existing lots over 100ha that would get building entitlement as a result of this planning proposal are in largely cleared areas. The other potential new dwellings would only be possible through amalgamating adjoining properties in the same ownership. The amalgamated lots all would include some cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and would take advantage of existing cleared areas.

Through road access is available on the Princes Highway which is over 200 metres from all potential new dwellings (except one) and alternate access is not available. The siting of a future dwelling away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it would

not change or intensify existing land uses. There are six threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest and Saltmarsh). Potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. The Bodalla Pomaderris has been recorded within 10km of this area however this species has a restricted distribution and any known populations or habitat (if found) would be able to be avoided.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal however it is considered minimal compared with what can be currently undertaken and there already cleared areas that could be used. Opportunities to minimise clearing and to avoid habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There is a SEPP14 wetland adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

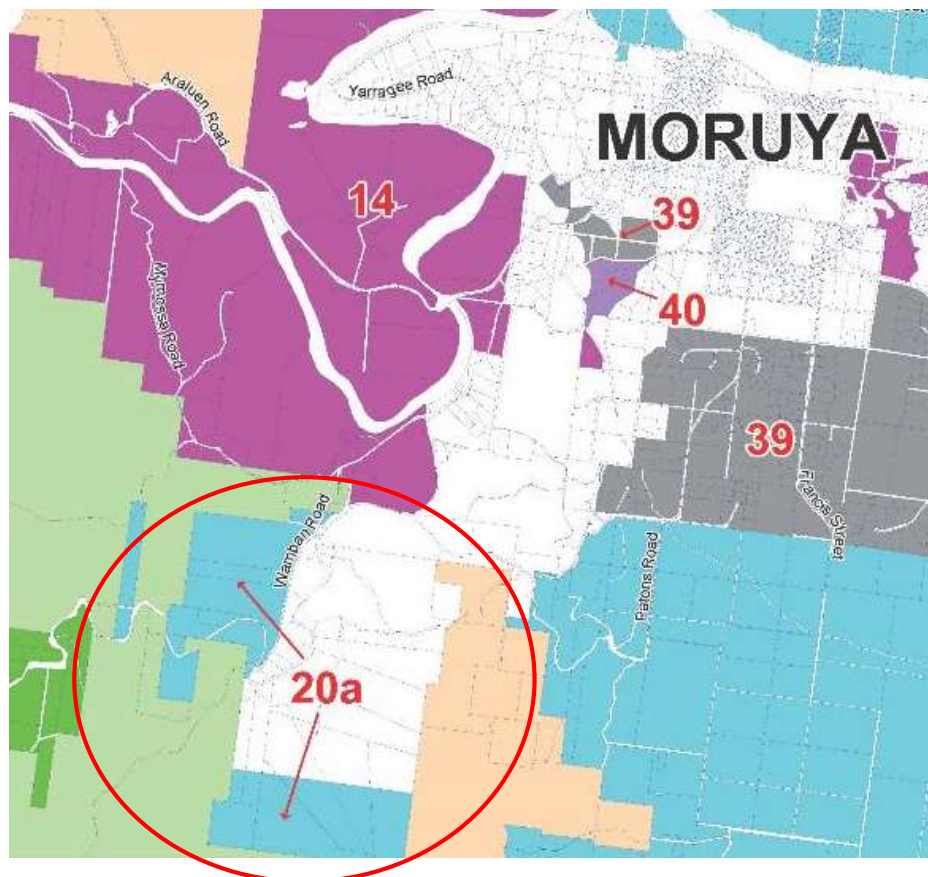
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 104, 117, 118 and 119) recommending the land is not suitable for further subdivision. For site 117, OEH recommended an E zone and for sites 118 and 199, a rural zoning was considered acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for the whole area. Almost all of the potential for new lots and dwellings can be achieved in the cleared parts of this area, avoiding potential impacts on the vegetated hinterlands. The land in site 104 is not of sufficient size to facilitate any further subdivision or dwellings. The planning proposal is consistent with the OEH recommendations for sites 104, 118 and 119, and is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 20a – Wamban Road (North), Wamban

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 17 lots with limited access. Seven lots have existing dwellings. No additional subdivision or dwelling yield is proposed, beyond any existing dwelling entitlements. A 100ha minimum lot size does not provide for further subdivision or new dwelling entitlements.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	17	17	17	0
Dwellings	7	7*	7	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

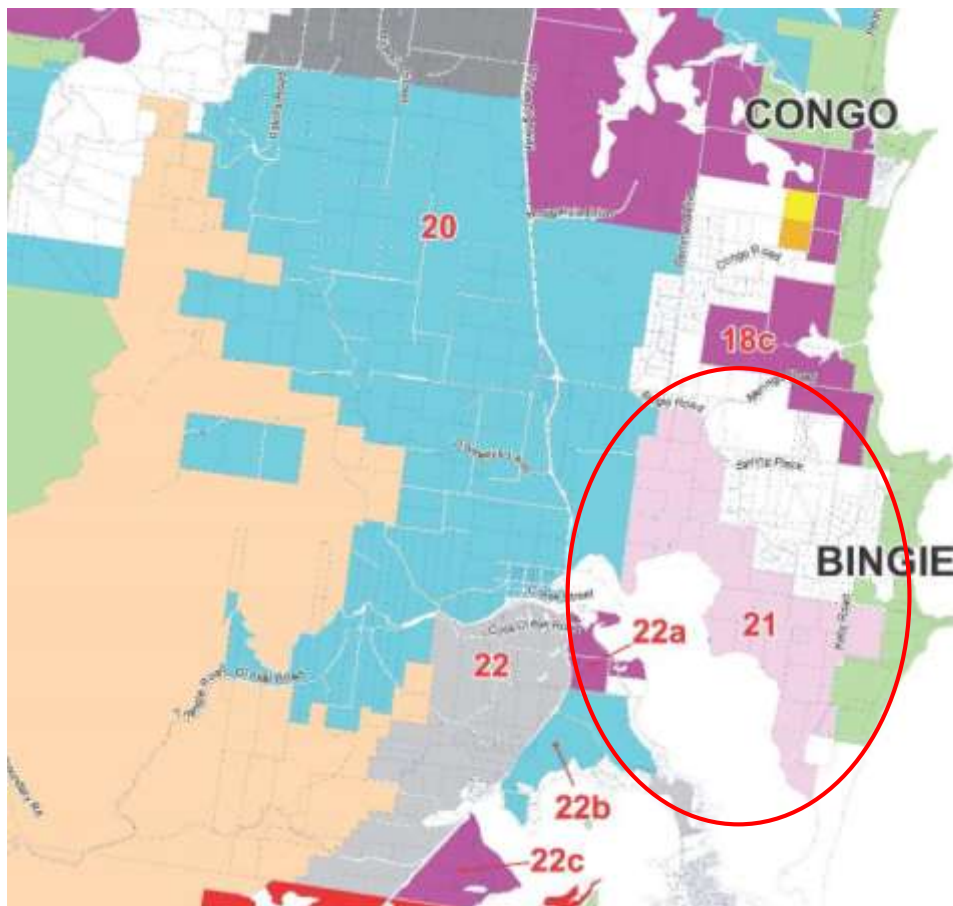
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 120 and 121) supporting the proposed rural zone and recommending that the land is not suitable for further subdivision. As the planning proposal does not facilitate further subdivision of this land, it is consistent with the OEH recommendation.

AREA 21 – Bingie Road, Bingie

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 15
Discussion:	This area contains 35 properties north of Coila Lake. RU4 zoning with a 20ha minimum lot size would allow one subdivision (thus one additional lot) and up to 15 additional dwellings in this area. The 20 ha minimum lot size provides suitable area to conserve the environmental values of the area while allowing for some rural housing opportunities.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	34	34	35	1
Dwellings	20	20*	35	15

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”.

The planning proposal provides for an appropriate zone and minimum lot size which results in one additional lot and up to 15 additional dwellings in this area. This area is considered suitable for small-scale agricultural activities and it is considered that the provision of additional dwellings will increase the likelihood of small scale agriculture being undertaken. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to 15 additional dwellings, which would facilitate an appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. There is one State listed heritage item in this area (Lakeview Homestead) and one locally listed item (Bingie Farm). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas on most lots. Eight lots in this area would

potentially need to clear native vegetation to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and would take advantage of existing cleared areas.

Through road access is available on the Princes Highway via Bingie Road which is over 200 metres from the majority of new dwellings and alternate access is not available. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access however access to some lots would need to form part of the development application (eg three properties at the southern extent of this area).

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas where possible. There is no declared critical habitat in this area.

There are five threatened ecological communities mapped in this area (River-flat Eucalypt Forest, Lowland Grassy Woodland, Bangalay Sand Forest, Swamp Oak Floodplain Forest and Saltmarsh). Most potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

Three lots in the southern extent of this area would not be able to avoid impacts to threatened ecological communities. In order to provide access, dwelling footprint and suitable APZ, about seven hectares in total over the three properties could be cleared for the purposes of a dwelling.

Even after avoiding and minimising impacts, Sand Bangalay Forest is likely to be directly impacted on all three lots and offsets may be required. Alternatively, as the three properties are in the one ownership, there is an opportunity for minimum lot averaging to allow a subdivision pattern that would better conserve the environmental values on these lots. Minimum lot averaging does not currently apply to the RU4 zone, however it is proposed as part of this planning proposal and justified in Appendix 2.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll could this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential

development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. The Bodalla Pomaderris has been recorded within 10km of this area however this species has a restricted distribution and any known populations or habitat (if found) would be able to be avoided.

For all lots in this area, there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Except for the three lots at the southern extent of this area (described above) additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken and/or areas that are already cleared could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

By zoning the land RU4, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates additional dwellings providing for additional supply of rural land for small-scale rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the increase in lot and dwelling yield in this planning proposal. The majority of lots in this area have access to a Council maintained and mostly sealed road (Bingie Road and Kelly Road).

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

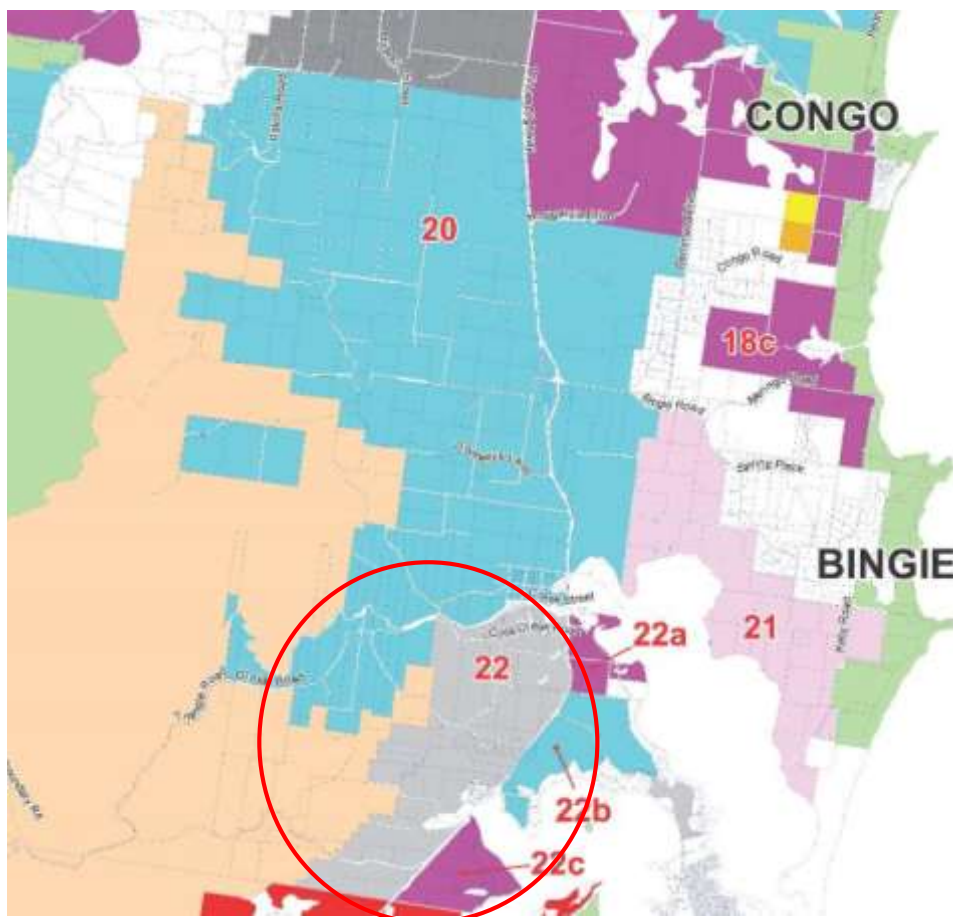
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 109 and 110) recommending the land is not suitable for further subdivision and an E zoning for the vegetated areas. For this area, a RU4 zoning is proposed with a minimum lot size of 20ha. While this only facilitates one additional lot, it does provide for up to 15 additional dwellings. There is opportunity to minimise impact on vegetated areas in this area through the use of the minimum averaging provision which is proposed to be enabled for the RU4 zone. On this basis, the planning proposal is considered appropriate notwithstanding the OEH recommendation.

AREA 22 – Princes Highway (West), Coila and Turlinjah

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 4 Dwellings: 5
Discussion:	This area contains 44 properties surrounding the Turlinjah Village. Most lots are under 20ha and partly cleared. The RU1 zoning and minimum lots size of 20ha allows four additional lots and up to five additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	45	45	49	4
Dwellings	31	31*	36	5

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Tuross Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Tuross Lake would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes to reduce the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to four additional lots and up to five additional dwellings, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (Grain Silo). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas on most lots. One lot in this area would potentially need to clear native vegetation to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and would take advantage of existing cleared areas where possible.

Through road access is available on the Princes Highway via Coila Creek Road or directly. The two lots on Coila Creek Road are over 200 metres the Princes Highway and alternate access is unlikely (although a potential alternate access could use the power easement and Mill Road to the south). The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. This includes development occurring in already cleared areas where possible. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (River-flat Eucalypt Forest and Swamp Oak Floodplain Forest). All potential new dwellings as a result of this planning proposal would

be able to avoid direct and indirect impacts to threatened ecological communities through site selection and by taking advantage of locations that are already cleared.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Spotted-tailed Quoll are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. The Bodalla Pomaderris has been recorded within 10km of this area however this species has a restricted distribution and any known populations or habitat (if found) would be able to be avoided.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken and/or areas that are already cleared could be used. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There is a SEPP14 wetland adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community. The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of lots in this area have access to a Council maintained rural road (Coila Creek Road) and the Princes Highway. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area. Any additional access points to the Princes Highway will require the approval of the Road and Maritime Services.

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

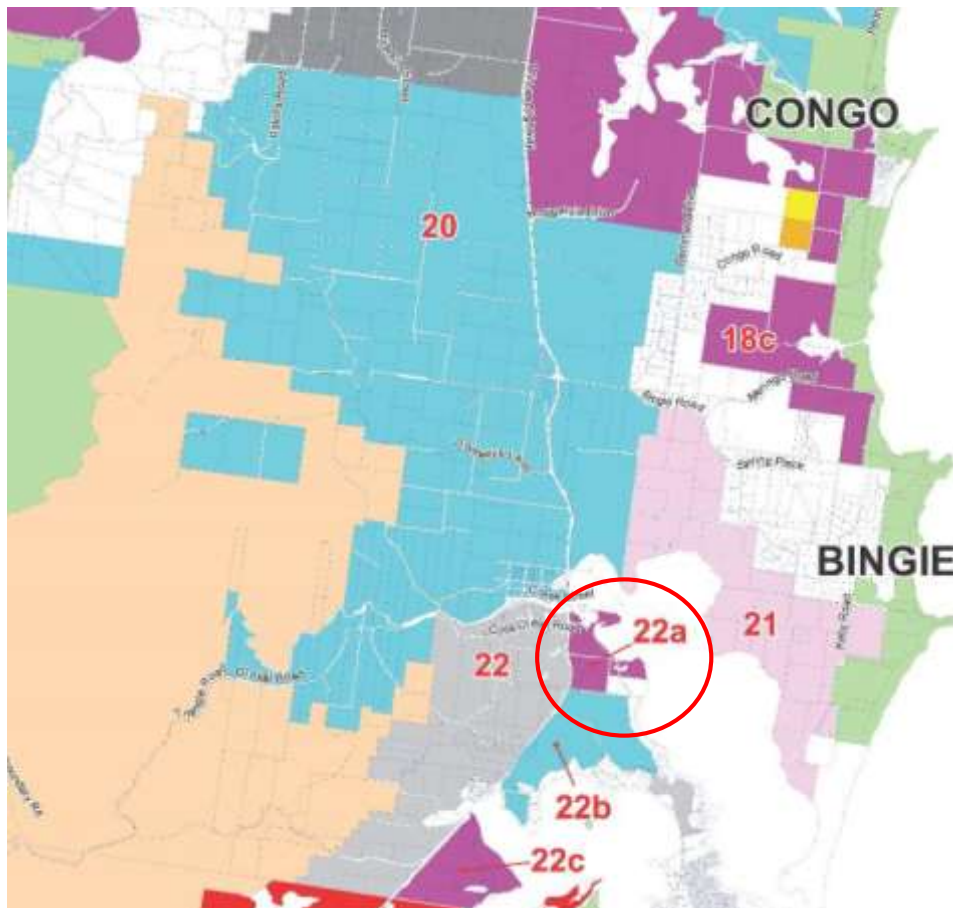
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 117) recommending the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area. This would facilitate potentially 3 additional lots and dwellings in a part of site 117. For two of the lots that could be subdivided, there is sufficient existing cleared land to accommodate a new dwelling. For the third, a relatively small clearing would need to be provided. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 22a – Princes Highway (East), Coila

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains ten lots adjacent to Coila Lake and SEPP 14 wetland. The RU1 zoning and minimum lot size of 40ha maintains existing lot and dwelling yield and continues to conserve the environmental values of this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	10	10	10	0
Dwellings	6	6*	6	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

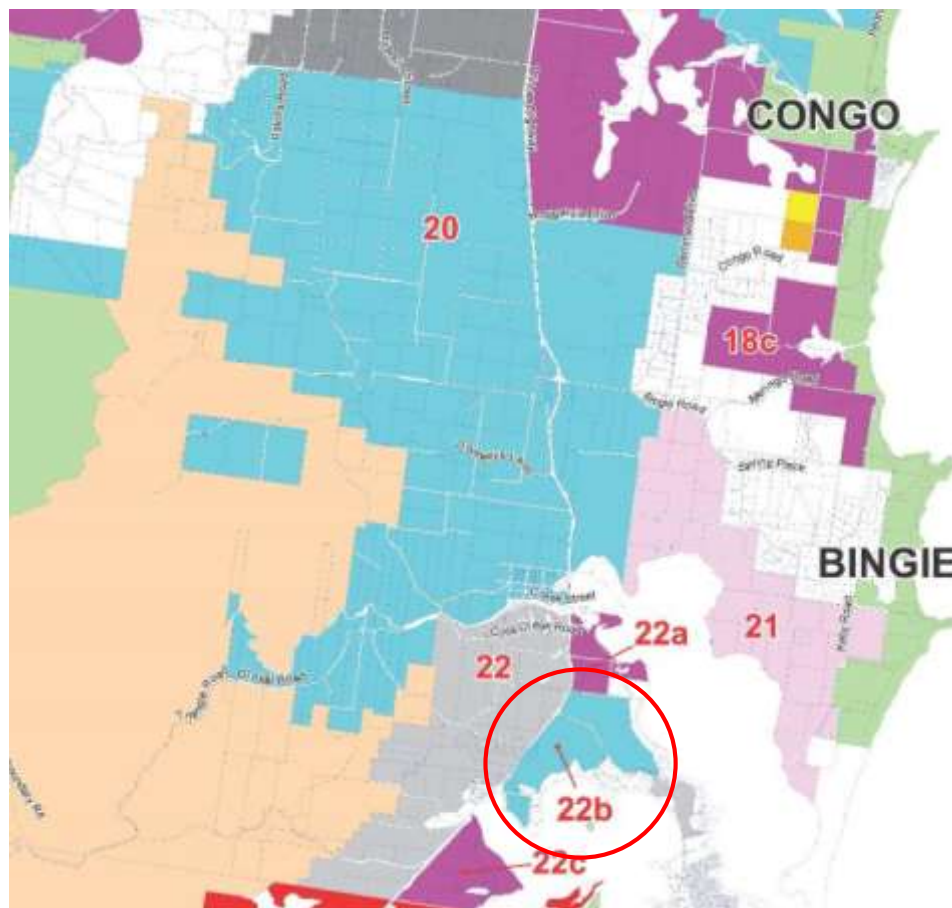
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 22b – Kyla Park

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 6 properties that are cleared agricultural lands between Coila and Tuross Lakes. Two larger properties in this area are community lands (Kyle Park Grazing Lands). An RU1 zone with a minimum lot size maintains the existing lot and dwelling yield which conserves the agricultural production and heritage values of the land.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	6	6	6	0
Dwellings	2	2*	2	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

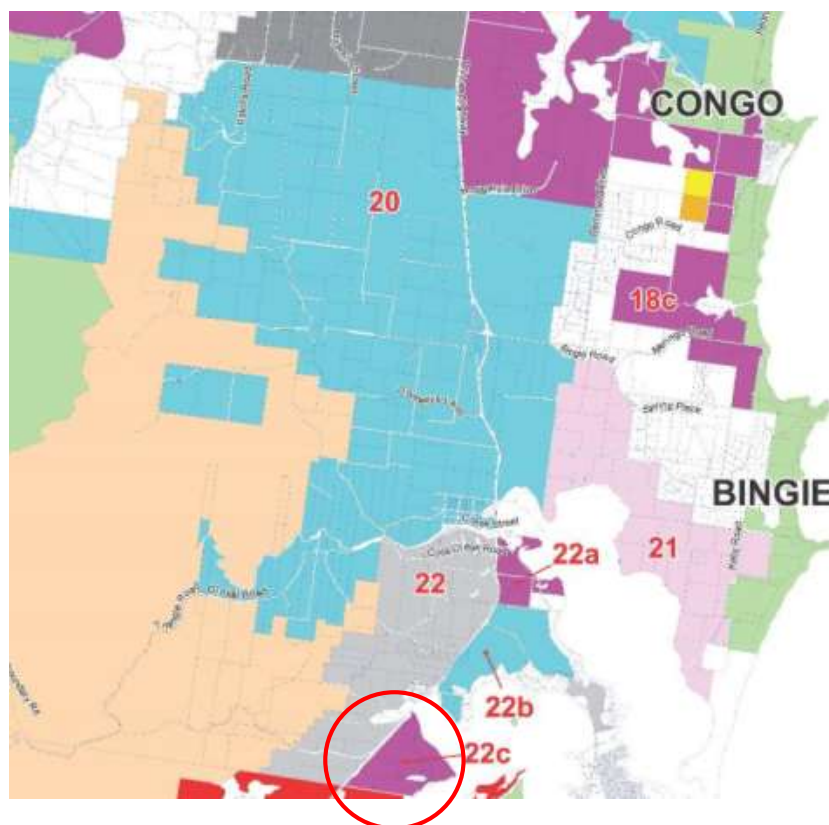
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 111) recommending the land is not suitable for further subdivision. As the planning proposal does not facilitate subdivision, it is consistent with the OEH recommendation.

AREA 22c – Princes Highway (East), Turlinjah

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area contains nine lots adjacent to Tuross Lake and SEPP14 wetlands. The area is mostly vegetated and characterised by Class 5 agricultural lands. An RU1 zone and 40ha minimum lot size would maintain existing lot yield and allow one dwelling in this area. This provides for a small increase in housing opportunities while conserving environmental values.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	9	9	9	0
Dwellings	2	2*	3	1

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in one additional dwelling in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Tuross Lake and within 10km of Priority Oyster Aquaculture Areas. Given that only one additional dwelling could result from this planning proposal, no adverse impacts on oyster aquaculture in Tuross Lake would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by class 5 agricultural lands. The planning proposal could result in one additional dwelling, which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. No subdivision would result from the planning proposal in this area however it could result in one dwelling. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Through road access is available on The Princes Highway which is within 200 metres of the potential new dwelling. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development or land clearing to minimise and avoid impacts to high quality habitat and existing connectivity on private property can be maintained.

There is no declared critical habitat in this area. It is unlikely that threatened ecological communities or their habitat would be adversely affected by the planning proposal in this area because it can be avoided. There is one threatened ecological community mapped in this area (River Flat Eucalypt Forest).

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and Grey-Headed Flying Fox could use this area as habitat or foraging from time to time. There are also records within 10km of threatened plants that are generally associated with saltmarsh. There would be no impacts to saltmarsh as a result of the potential for one dwelling. Most properties in this area are largely vegetated but there are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings could occur as a result of this planning proposal (due to one additional dwelling) however it is considered minimal compared with what can be currently undertaken. Further, a dwelling would not result in the entire lot being cleared and so potential habitat (if found) would be able to be retained.

It is expected that adequate habitat and foraging opportunities for threatened species would remain because remnant native vegetation would still be available and adequate wildlife connectivity for this location can be retained. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There is a SEPP14 wetland adjacent to some lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Potential additional dwellings in this area would be able to be located at least 100 metres from the wetland. The planning proposal would not result in adverse impacts to SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The lots in this area have access to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Road and Maritime Services.

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

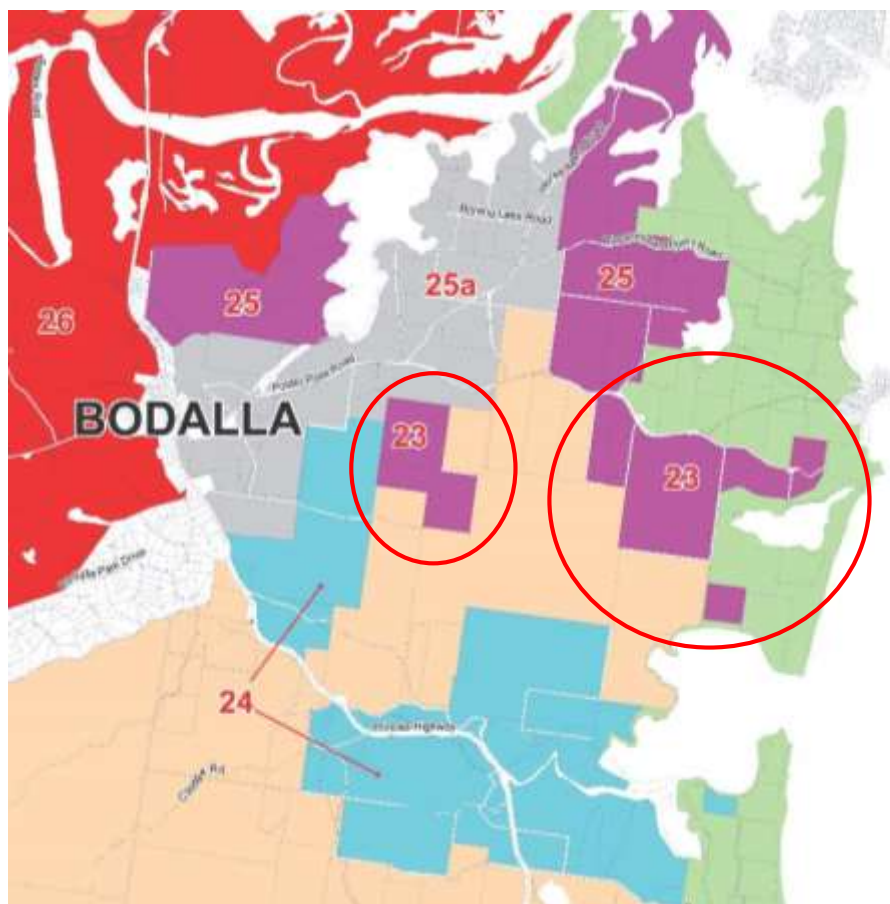
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 117) recommending the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate potentially one additional dwelling. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 23 – Potato Point Road (South), Bodalla and Potato Point

Current Zone and Minimum Lot Size:	1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 7(f2) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 6(a) – No minimum lot size (RLEP 1987)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 4
Discussion:	This area contains nine properties along Potato Point Road. While it is not prime agricultural land, it is in a rural area. An RU1 zone and a minimum lots size of 40ha would allow up to two additional lots and up to four additional dwellings. The proposed 40ha lot size reflects the existing nature of the majority of holdings in this area with most properties between about 10 and 50ha but also provides enough area to conserve ecological values in the area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	9	9	11	2
Dwellings	3	3*	7	4

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however proposes a minimum lot size of 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to two additional lots and up to four additional dwellings. There are three areas in the vicinity of Potato Point Road identified by this planning proposal (Areas 23, 25 and 25a) with a total of 64 existing lots. The number of potential new lots across all three areas combined is up to ten which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.1 Environment Protection Zones

Inconsistent but of minor significance. This area contains some land zoned 7(f2), a coastal lands acquisition zone that seeks to maintain land as rural pending its acquisition by the State. The subject land has not been acquired by the NSW Government and was not proposed to identified on the Land Acquisition Map in LEP 2012 for acquisition (the Draft LEP Maps exhibited in 2011 did not include this land). On this basis it is considered appropriate to zone this land RU1. Such zoning does not prevent the NSW Government from negotiating with the current land owner to acquire the subject land at a future date. The planning proposal is considered appropriate notwithstanding the inconsistency with the Ministerial Direction.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Native vegetation would need to be cleared to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway via Potato Point Road Road. The Princes Highway is over 200 metres away from all potential additional dwellings and alternate access is unlikely. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access however an access road may need to be part of the development application for at least one potential new dwelling.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There is one threatened ecological community mapped in this area (Swamp Oak Floodplain Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of forty hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of properties in this area have access to a Council maintained sealed road (Potato Point Road).

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

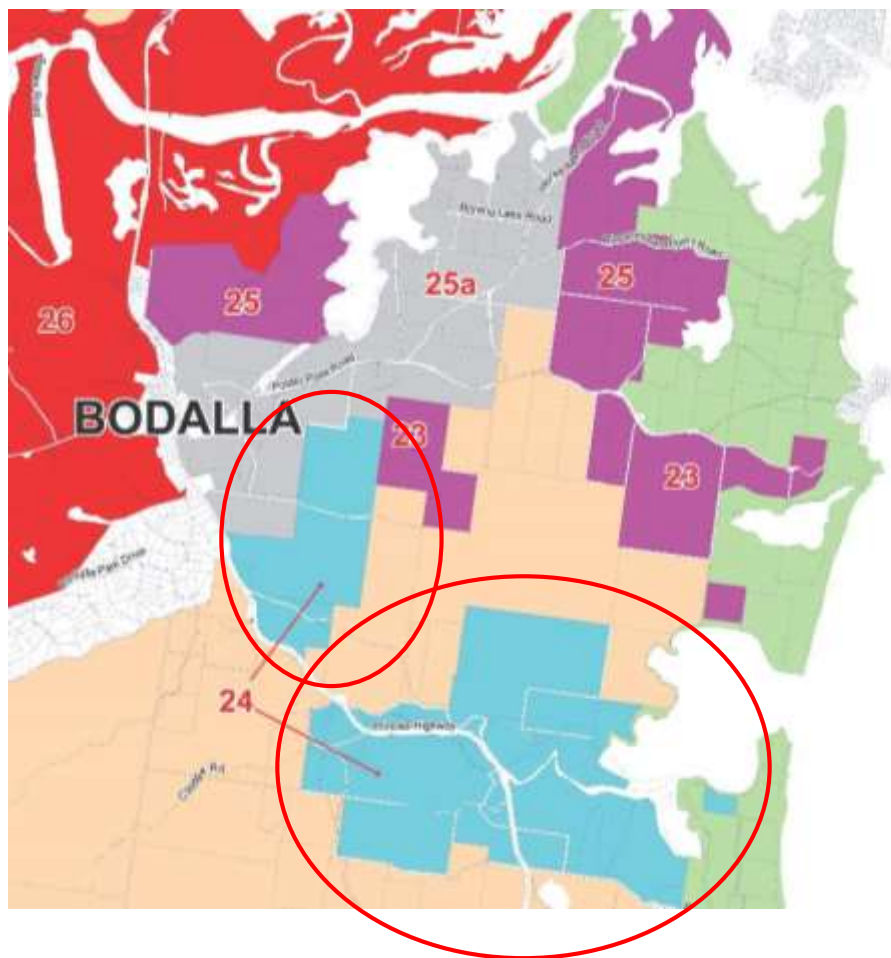
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 6, 14, 128 and 129). For site 6, OEH recommend an equivalent E zone to the current 7(f2) zone. The 7(f2) zone under the Rural LEP 1987 requires land to be maintained as rural pending potential acquisition by the State Government. As the planning proposal proposes the RU1 zone, consistent with the remainder of the subject area, the planning proposal is considered appropriate notwithstanding the OEH recommendation regarding zoning. It should be noted that the site is not identified for acquisition on the LEP 2012 Land Reservation Acquisition Map.

For the other sites, OEH recommend the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate up to 2 additional lots (on one existing large lot) and 4 dwellings in this area. For the lot that could be subdivided, relatively small clearings would be required for the two additional dwellings and given the extensive frontage to Potato Point Road, these new clearings could easily be located close to the road. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 24 – Princes Highway, South Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156) 6(a) – No minimum lot size (RLEP 1987)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 4
Discussion:	This area is adjacent to the Princes Highway, south of Bodalla. It consists of generally larger holdings that are partly agricultural and partly forested. An RU1 zoning and minimum lot size of 100ha results in up to two additional lots and up to four additional dwellings.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	15	15	17	2
Dwellings	5	5*	9	4

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to two additional lots and up to four additional dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit two additional lots and four additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (Brou House site) and part of an Aboriginal Heritage Conservation Area (Stony Creek – Brou Lake). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection including taking advantage of already cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway which is within 200 metres of most lots with potential for a new dwelling. One lot is over 200 metres away and alternate access is unlikely. This lot does not currently meet the minimum lot size requirements for a dwelling however adjacent lots are in a single ownership. Together these lots could undergo boundary adjustments that could allow a dwelling in the future. It is possible to locate the potential future dwelling within 200 metres of the Princes Highway depending on the shape of the new lots created and this would be assessed as part of the development application. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are five threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh, Freshwater Wetlands, River-flat Eucalypt Forest and Lowland Grassy Woodland). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of 100 hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of properties in this area have access to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 14, 20 and 130) recommending the land is not suitable for further subdivision and the use of an E zone, except for cleared areas. Part of site 20 is a Crown Reserve and for this land OEH recommend the E2 zone. Crown Lands have advised that the subject site is a travelling stock reserve and that it

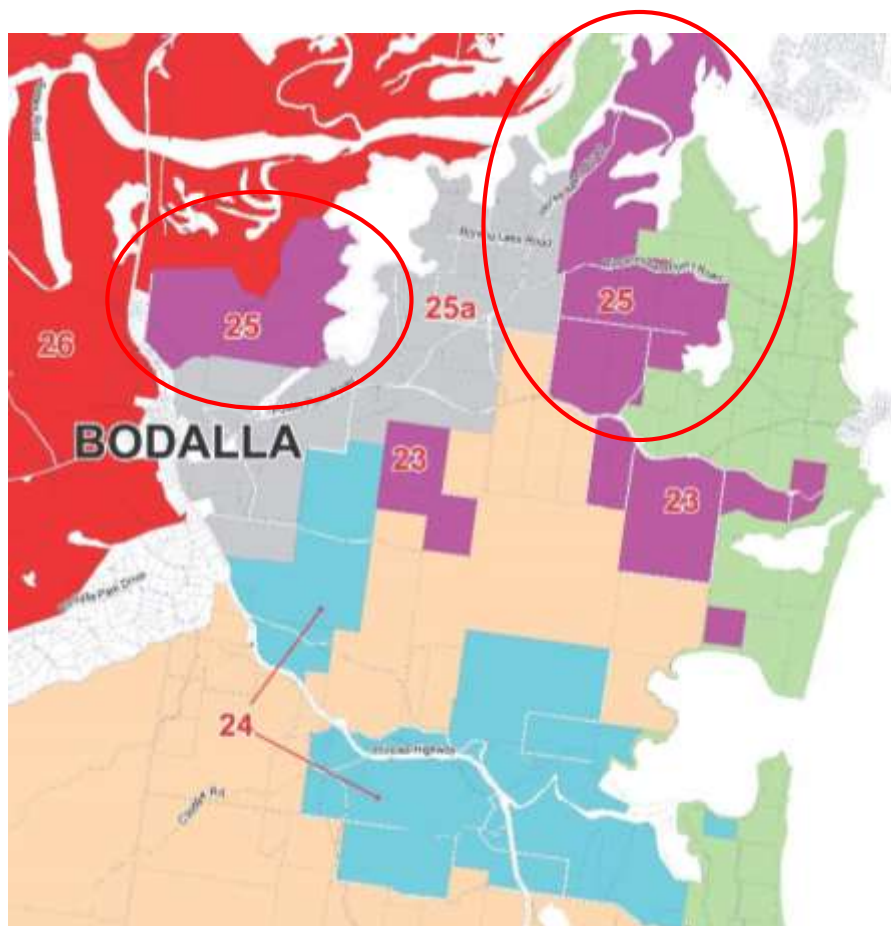
would not be appropriate to zone travelling stock reserves E2 until Local Land Services have finalised their review of such lands. For this reason, the proposed RU1 zoning is proposed to be retained.

For the remainder of the area, the proposed RU1 zone with a minimum lot size of 20ha for this area would facilitate up to two additional lots and four dwellings. For two of the lots that could be subdivided, there is sufficient existing cleared land to accommodate a new dwelling. For the third, a relatively small clearing would need to be provided. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 25 – Princes Highway, North Bodalla & Blackfellows Point Road, Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 5
Discussion:	This area contains some partially cleared and some largely vegetated properties near Bodalla and adjacent to Tuross Lake. The land characterised by Class 3-5 agricultural lands. An RU1 zoning and minimum lot size of 40ha facilitates one additional lot and up to five additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	21	21	22	1
Dwellings	7	7*	12	5

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Tuross Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Tuross Lake would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to five additional dwellings. There are three areas in the vicinity of Potato Point Road identified by this planning proposal (Areas 23, 25 and 25a) with a total of 64 existing lots. The number of potential new lots across all three areas combined is up to nine which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in additional dwellings to be built on land identified as flood prone however it is likely to be avoided on all but one potential new lot.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation would need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway via Potato Point Road. The Princes Highway is over 200 metres away from all potential additional dwellings and there is no alternate access. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access however access may need to be part of the development application for at least one potential new dwelling.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh and Swamp Sclerophyll Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is

likely to be avoidable because of the area available on a property with a minimum lot size of forty hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to six lots in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. No future potential dwellings as a result of this planning proposal would be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

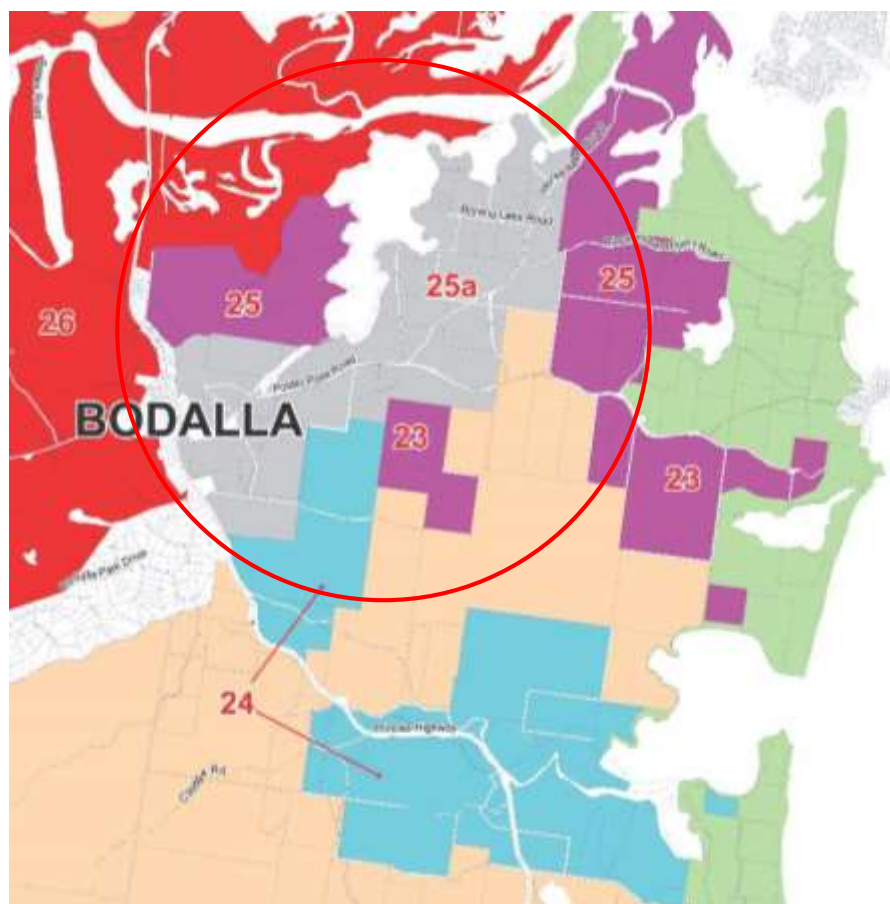
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 128 and 129) recommending the land is not suitable for further subdivision and the use of an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate one additional lot and five dwellings in this area. The lot that could be subdivided is located outside of the sites identified by OEH. Only three of the five potential new dwellings in this area are within the OEH sites. Minimal clearing for a house and related infrastructure would be required. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 25a – Potato Point Road and Horse Island Road, Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 6 Dwellings: 10
Discussion:	This area consists of 34 lots that are generally under 40ha. The area is east of Bodalla and adjacent to Tuross Lake. An RU1 zoning with a 20ha minimum lot size would facilitate a dwelling on most lots in this area. The proposal allows up to six additional lots and up to ten additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	34	34	40	6
Dwellings	26	26*	36	10

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Borang Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Borang Lake would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to six additional lots and up to ten additional dwellings in this area. This provides for a small, appropriate increase in agricultural and rural living opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on land identified as flood prone, however

development would not be within a floodway or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation would need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Through road access is available on the Princes Highway via Potato Point Road, Horse Island Road, and Borang Lake Road. The Princes Highway is over 200 metres away from all potential additional dwellings and there is no alternate access. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are three threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh and Lowland Grassy Woodland). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, White-footed Dunnart and Eastern Pygmy-possum are likely to use this area as habitat or foraging from time to time. There are also records of threatened birds and plants associated with Freshwater Wetlands and threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Freshwater Wetlands and Saltmarsh. Tangled Bedstraw and Austral Toadflax have been recorded to the east of this area. Habitat or populations on private property in this area (if found) is likely to be avoidable because of the area available on a property with a minimum lot size of forty hectares. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to one lot in this area and in the vicinity of about six others. The planning proposal would not change the existing land uses or intensify land uses in the area. No future potential dwellings as a result of this planning proposal would be within 100 metres of the wetlands.

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

By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The majority of properties in this area that have subdivision or dwelling potential have access to a Council maintained sealed road (Potato Point Road). The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

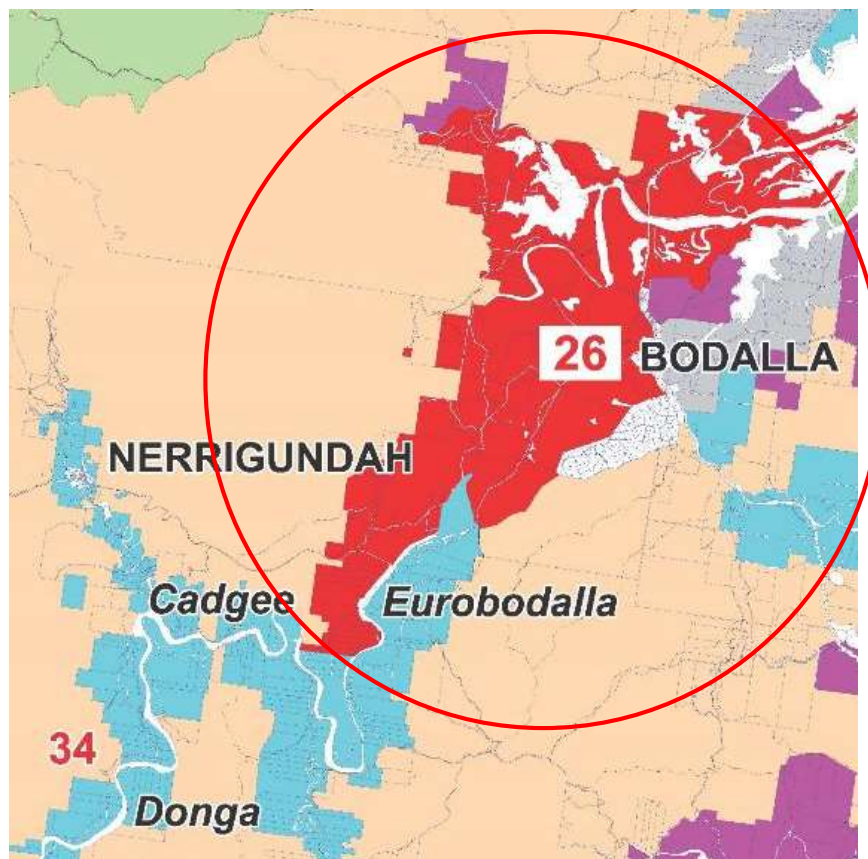
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 128 and 129) recommending the land is not suitable for further subdivision and the use of an E zone would be the best fit. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area. This would facilitate potentially six additional lots and ten dwellings across sites 128 and 129. Five of the properties that could be subdivided directly front Potato Point Road or the Princes Highway and have capacity for an additional house site with minimal or no clearing. The sixth lot that could potentially be subdivided into two lots is a property that is currently separated by Horse Island Road and could logically be subdivided along the road boundary. Clearing on this site for house sites and associated infrastructure could be minimised. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the E zoning of site 128 and 129.

AREA 26 – Bumbo Road (East) and Eurobodalla Road, Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 200ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains some significant agricultural lands in larger holdings within the Bodalla Valley. An RU1 zoning and minimum lot size of 200ha does not provide for further subdivision or new dwelling entitlements in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	157	157	157	0
Dwellings	45	45*	45	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007	Consistent

To provide for the proper management and development of mineral, petroleum and extractive material resources.	
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For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal ensures this prime agricultural land is retained for agricultural uses, and facilitates additional rural tourism activities, providing potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

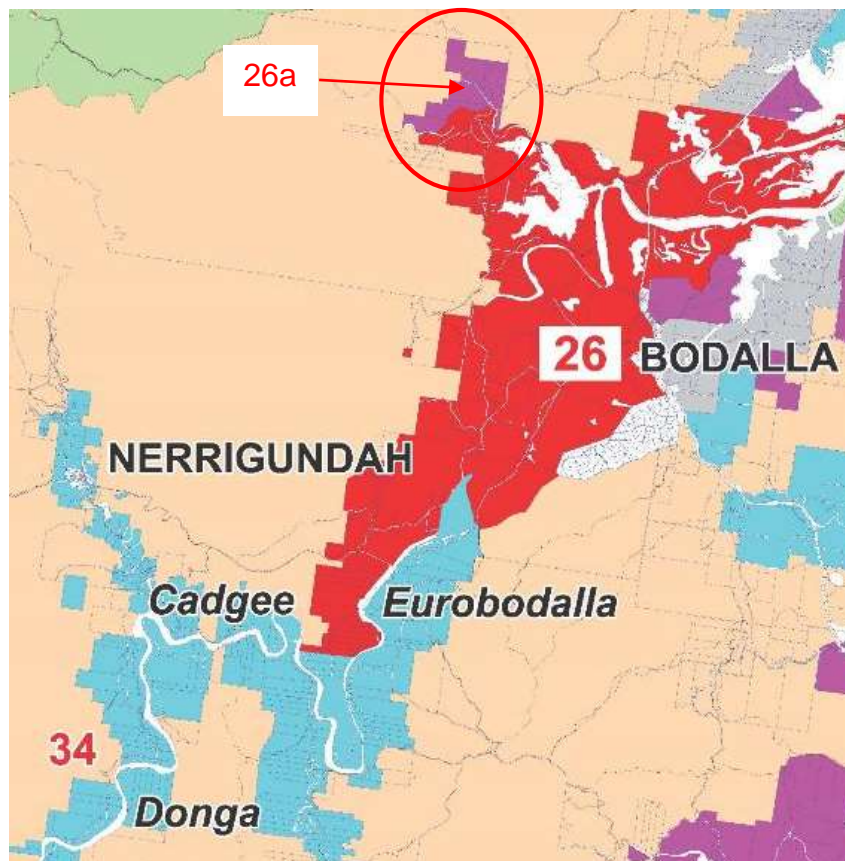
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 124, 125, 126, 159, 160, 161, 163 and 165). For sites 124, 125 and 126 OEH recommending the land is not suitable for further subdivision and the use of an E zone. For the remainder of the sites, OEH state that a rural zoning is acceptable, but that no further development is suitable. The planning proposal proposes the RU1 zone with a minimum lot size of 200ha for this area, which does not facilitate any additional lots or dwellings in this area. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of sites 124, 125 and 126.

AREA 26a – Bumbo Road (West), Bodalla

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This small area contains eight lots all of which have an existing dwelling. This area consists of relatively small rural lots that are mostly vegetated with some small clearings for rural activities. The proposal does not provide for further subdivision in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	8	8	8	0
Dwellings	4	4*	4	0

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent

1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

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

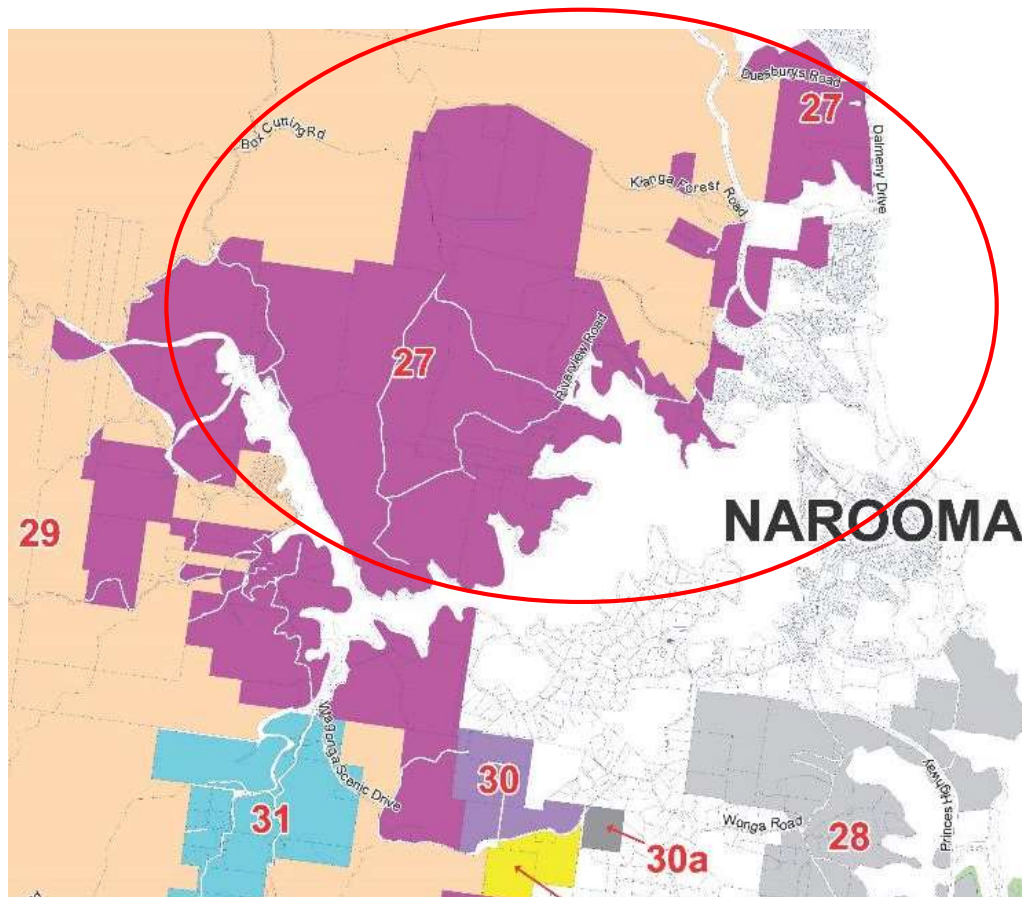
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 27 – North Narooma and Kianga

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 6 Dwellings: 8
Discussion:	This area contains 70 lots that generally have low agricultural value due to vegetation and slope constraints. The area is north and west of Narooma and adjacent to the Wagonga Inlet. The RU1 zoning and minimum lot size of 40ha would facilitate up to six additional lots and up to eight additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	70	70	76	6
Dwellings	44	44*	52	8

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent
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For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Wagonga Inlet and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Wagonga Inlet would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 4 and 5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this

area. The planning proposal could result in up to six additional lots and up to eight additional dwellings (in an area with 70 existing lots) which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area adjoins land containing a gravel pit which is zoned RU3 Forestry. While the planning proposal would permit six additional lots and eight additional dwellings in this area, the sites that benefit are not immediately adjoining the gravel pit site any future dwellings in these locations would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area, including log ramps and a mine site. The planning proposal does not change the existing heritage provisions in ELEM 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in up to three additional dwellings to be built on land identified as flood prone, however development would not be within a floodway or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation would need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible. There are also some small areas that are already cleared and most potential dwelling sites are adjacent to existing access roads. Some lots may require access roads to be built or potentially improved as part of the development application. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Through road access is available on Wagonga Scenic Drive and Riverview Road which connect to the Princes Highway. Through road access is likely to be over 200 metres away from all potential additional dwellings and there is no alternate access for most properties.

There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are six threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Saltmarsh, Lowland Grassy Woodland, Littoral Rainforest, River-flat Eucalypt Forest and Swamp Sclerophyll Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Long-nosed Potoroo, Grey-headed Flying Fox, Bushtone Curlew and Eastern Pygmy-possum are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands near to lots adjacent to Wagonga Inlet in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Future potential dwellings as a result of this planning proposal would not need to be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

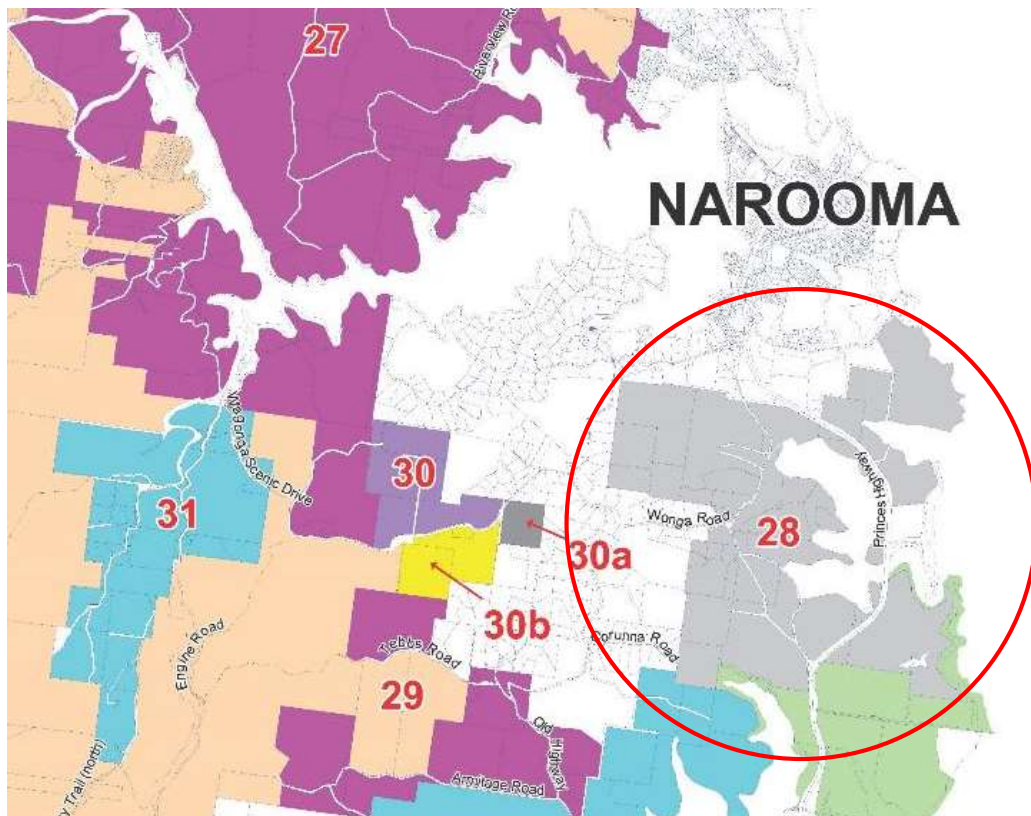
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 16, 18, 131, 132, 133, 134 and 135). For site 16, OEH recommend an E zoning. This site is Council managed Crown Land and was recently rezoned to RE1 Public Recreation. No further zone change for this property is considered necessary.

For sites 18, 131, 132, 133 and 135, OEH recommend the land is not suitable for further subdivision and the use of an E zone. For site 134, the OEH suggest part of the site is not suitable for development and a split zoning was suggested. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate potentially six additional lots and eight dwellings in this area. For some of the lots that could be subdivided, there is sufficient existing cleared land to accommodate a new dwelling. For lots that are currently fully vegetated, relatively small clearings would need to be provided and such clearing is likely to have minimal impacts on the overall quality of the vegetation in the area. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding zoning.

AREA 28 – South Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 7 Dwellings: 9
Discussion:	This area consists of 43 lots either side of the Princes Highway and surrounds Nangundga Lake south of Narooma. An RU1 zoning and 20ha minimum lot size facilitates up to 7 additional lots and up to 9 additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	43	43	50	7
Dwellings	34	34*	43	9

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to seven additional lots and up to nine additional dwellings (in an area with 43 existing lots) which would provide for a small, appropriate increase for agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (Ruins of residence) and the area adjoins a heritage cemetery. The planning proposal does not change the existing heritage provisions in ELEG 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in any additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Only one property with potential for subdivision and/or additional dwellings would require native vegetation to be cleared to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary on all existing and potential new lots. All other lots have existing cleared areas.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Through road access is available on the Princes Highway and within 200 metres of most potential new dwellings. Through road access is likely to be over 200 metres away from three potential additional dwellings and there is no alternate access. There is enough land available to incorporate an appropriate combination of other bushfire protection measures, including large areas already cleared, and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is negligible on most lots. It is likely only one lot with potential for subdivision and/or additional dwellings would require vegetation removal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are four threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Bangalay Sand Forest and Saltmarsh). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Grey-headed Flying Fox and Southern Brown Bandicoot could use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh or Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Warty Zieria have been recorded within 10km however there are no known populations within this area. Opportunities to minimise clearing and to avoid high quality habitat (if found) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands near to lots adjacent to Nangudga Lake in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Future potential dwellings as a result of this planning proposal would not need to be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area. Some lots in this area have access to the Princes Highway. Any additional access points to the Princes Highway will require the approval of the Roads and Maritime Services.

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

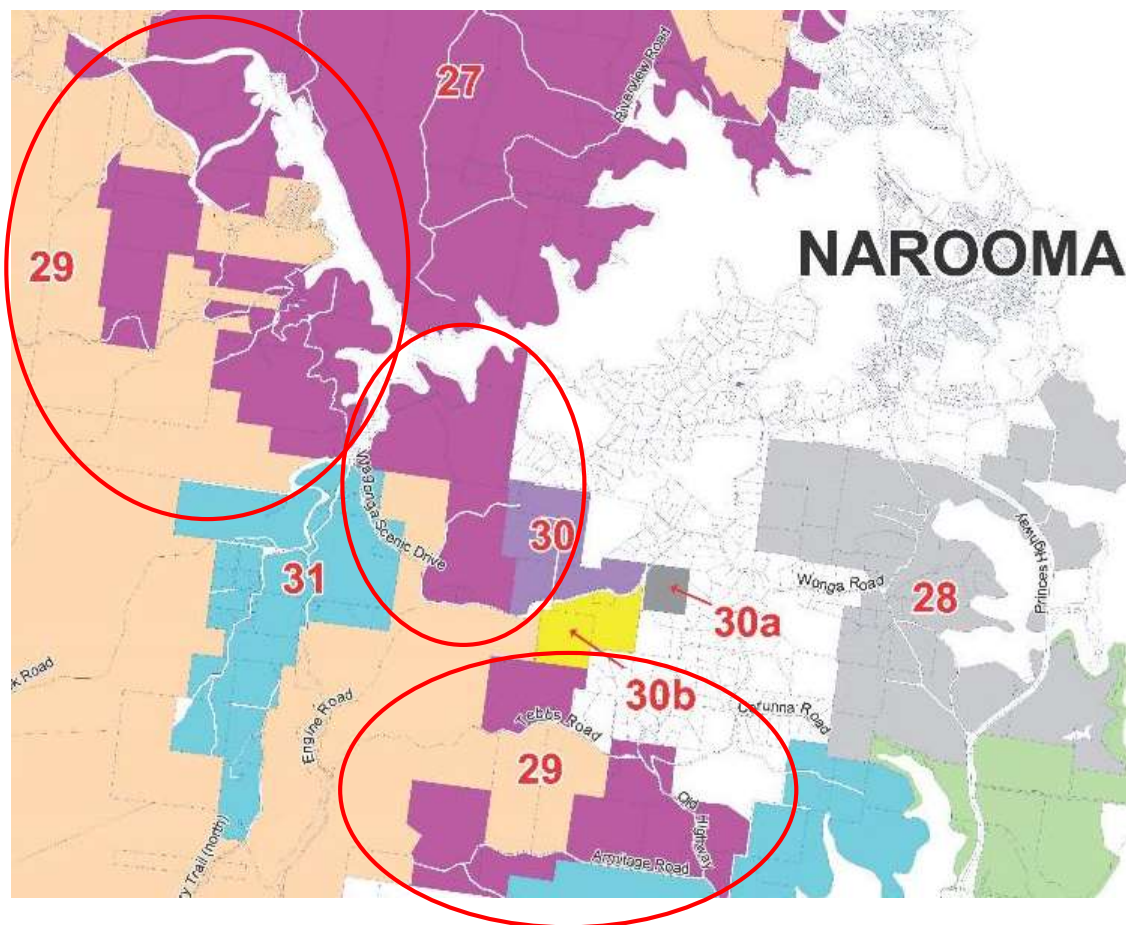
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 29 – Wagonga Scenic Drive, Narooma & Tebbs Road, Corunna

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 2
Discussion:	This area consists of mostly vegetated lots that are generally less than 50ha. There is a small area of Class 2 agricultural lands over two existing lots, one of which could be subdivided. The reduced lot size reflects the nature of existing agricultural holdings in this area. An RU1 zoning with a minimum lot size of 40ha could result in one additional lot and up to two additional dwellings (in an area with 44 existing lots).

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	44	44	45	1
Dwellings	33	33*	35	2

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Wagonga Inlet and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional lot and dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Wagonga Inlet would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 4-5 agricultural lands. There is a small area of Class 2 agricultural lands over two existing lots, one of which could be subdivided. The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in one additional lot and up to two additional dwellings (in an area with 44 existing lots) which would provide for a small, appropriate increase for

agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There are two heritage items in this area (Log Ramps, Wagonga Wharf site). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwellings to be built on land identified as flood prone, however this is not considered to be a significant increase in the development of the land.

4.4 Planning for Bushfire Protection

Consistent. It is considered that any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Only one property with potential for a new dwelling would require native vegetation to be cleared to achieve a suitable APZ however the APZ can be achieved entirely within the property boundary. There are existing cleared areas suitable for the other potential dwelling in this area.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of one potential future dwellings may be near a ridge top and sloping land however there is enough land available to incorporate an appropriate combination of other bushfire protection measures, including large areas already cleared, and these would be assessed as part the development assessment process.

Through road access is available on the Wagonga Scenic Drive which is within 200 metres of only one of the potential new dwellings new dwellings. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is negligible. It is likely only one lot with potential for an additional dwellings would require vegetation removal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is no declared critical habitat in this area.

There are four threatened ecological communities mapped in this area (Swamp Oak Floodplain Forest, Swamp Sclerophyll, River-flat Eucalypt Forest and Saltmarsh). All potential new dwellings as a result

of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh or Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Opportunities to minimise clearing and to avoid habitat (if found) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands near lots adjacent to Wagonga Inlet in this area. The planning proposal would not change the existing land uses or intensify land uses in the area. Future potential dwellings as a result of this planning proposal would not need to be within 100 metres of the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

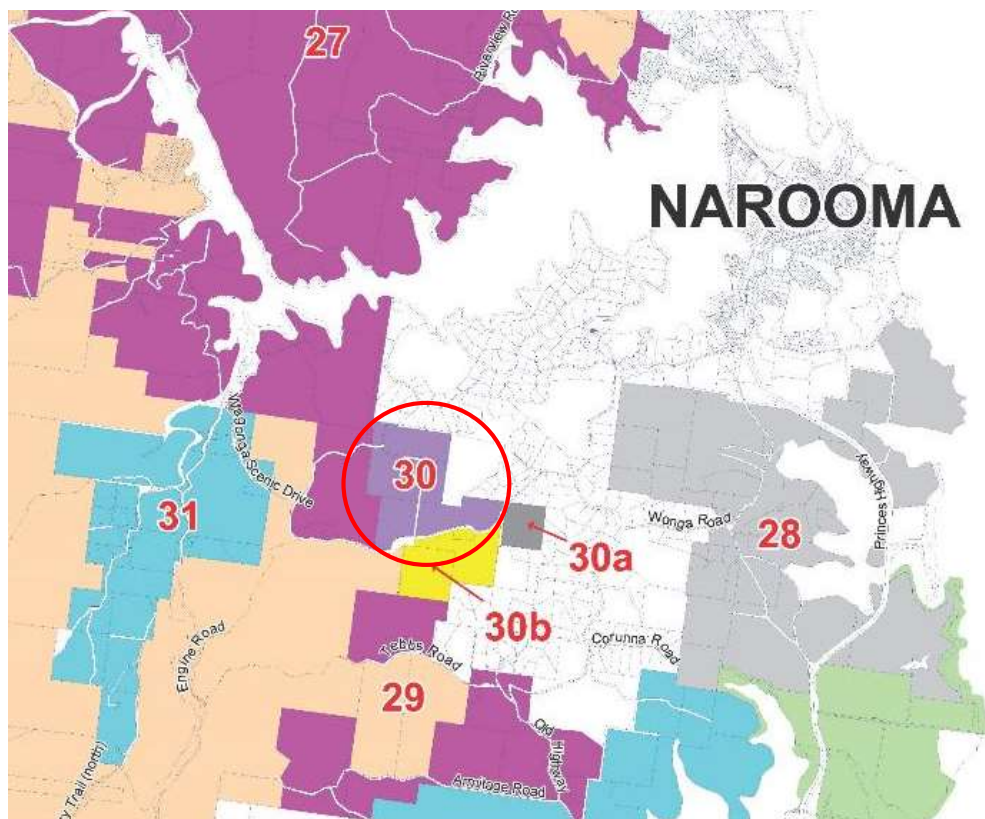
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 136, 137, 139 and 140). For sites 136, 137 and 139, OEH recommend the land is not suitable for

further subdivision and the use of an E zone. For site 140, the OEH suggest part of the site is not suitable for development and a split zoning was suggested. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate potentially 1 additional lots and 2 dwellings in this area. The one lot that could be subdivided in this area has sufficient cleared land to accommodate any new house site with no additional clearing. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning of site 117.

AREA 30 – Wagonga Scenic Drive, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 5ha
Potential Additional Lots and/or Dwellings	Lots: 11 Dwellings: 17
Discussion:	This area consists of seven existing lots and one dwelling fronting Wagonga Scenic Drive, south of Narooma. The area is adjacent to current RU4 zoned land. An RU4 zoning and 5ha minimum lot size would facilitate up to 11 additional lots and up to 17 additional dwellings. This provides for an appropriate increase in small-scale agricultural and rural lifestyle opportunities in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	7	7	18	11
Dwellings	1	1*	18	17

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in up to 11 additional lots and up to 17 additional dwellings in this area. This area is considered suitable for small-scale agricultural activities and it is considered that the provision of additional dwellings will increase the likelihood of small scale agriculture being undertaken. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 5ha. Five hectares is considered an appropriate lot size for rural living and small-scale agricultural production in this location. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. There is sufficient land cleared already to achieve a suitable APZ entirely within the property boundary on all existing and potential new lots.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of any future dwellings away from ridge tops and steep slopes is possible in this area. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Through road access is available on the Wagonga Scenic Road which is likely to be over 200 metres of most potential new dwellings, and there is no alternate access. There is enough land available to incorporate an appropriate combination of other bushfire protection measures, including large areas already cleared, and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is negligible most lots. It is unlikely subdivision and/or additional dwellings would require vegetation removal. There are opportunities available for development to minimise and avoid impacts to habitat if found. There are no threatened ecological communities or declared critical habitat in this area.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds and Grey-headed Flying Fox could use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh or Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh. Warty Zieria have been recorded within 10km however there are no known populations within this area. Opportunities to minimise clearing and to avoid high quality habitat (if found) are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The proposed minimum lot size facilitates 11 additional lots and 17 additional dwellings providing for additional supply of rural land for small-scale rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Any development application for subdivision of land in this area to achieve the potential yield resulting from this planning proposal will need to consider the extension of existing road infrastructure to the land. The proposed lot size is sufficient to accommodate on-site sewer management.

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

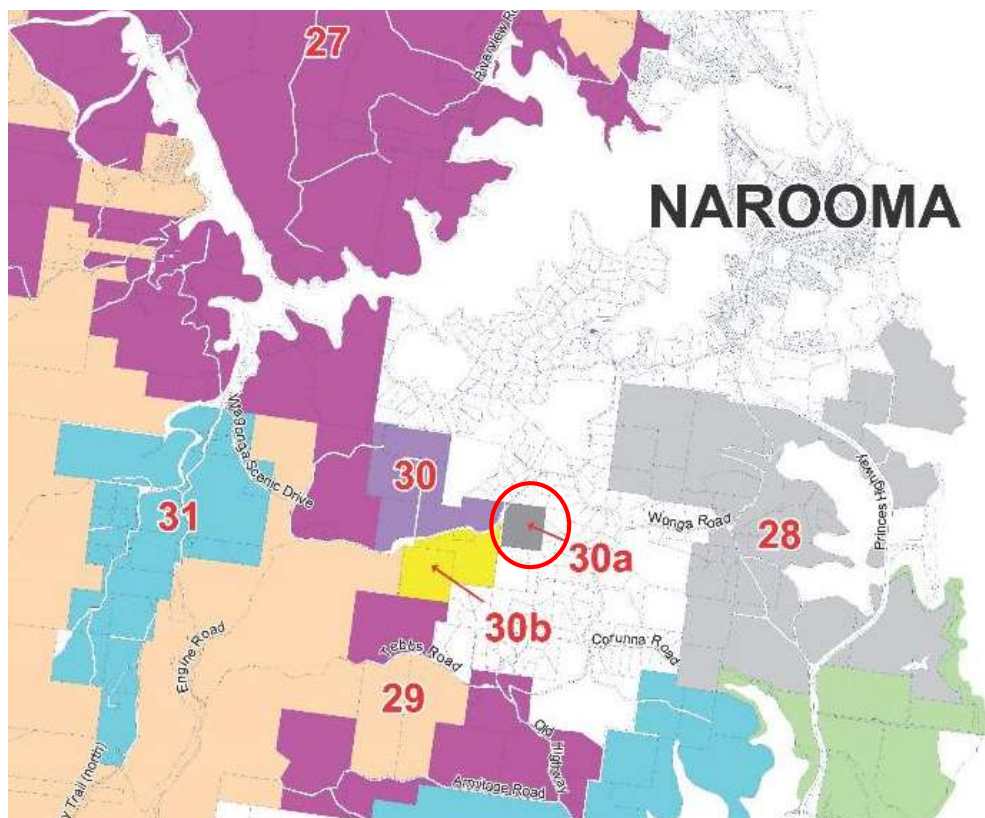
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any site in this area.

AREA 30a – Wagonga Scenic Drive, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 2ha
Potential Additional Lots and/or Dwellings	Lots: 7 Dwellings: 8
Discussion:	This area consists of one existing vacant lot fronting Wagonga Scenic Drive, south of Narooma. The area is adjacent to current RU4 zoned land. An RU4 zoning and 2ha minimum lot size would facilitate up to 7 additional lots and up to 8 additional dwellings. This provides for an appropriate increase in small-scale agricultural and rural lifestyle opportunities in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	1	1	8	7
Dwellings	0	0*	8	8

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in up to seven additional lots and up to eight additional dwellings in this area. This area is considered suitable for small-scale agricultural activities and it is considered that the provision of additional dwellings will increase the likelihood of small scale agriculture being undertaken. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for this area however proposes to reduce the minimum lot size from 100ha to 2ha, consistent with adjoining land to the north, east and south. Two hectares is considered an appropriate lot size for rural living and small-scale agricultural production in this location which is characterised by Class 3 agricultural lands. In this area the density of land would potentially increase by up to seven lots and up to eight dwellings. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is relatively small with eight more dwellings possible. This area is adjacent to about 40 existing dwellings.

Any future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to eight dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Old Highway via Wagonga Scenic Drive. Access to a through road is likely to be over 200 metres and alternate access to properties is not available. There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. Further, the capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development to avoid and minimise impacts to existing native vegetation.

There are no threatened ecological communities or declared critical habitat in this area.

Threatened species such as gliders, microbats and birds could use habitat on this lot from time to time for foraging. It is unlikely a population of threatened plants would be found on the lot. It is expected that similar habitat and foraging opportunities would largely remain because there are opportunities to minimise clearing. If required, assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The proposed minimum lot size facilitates up to seven additional lots and up to eight additional dwellings providing for additional supply of rural land for small-scale rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Any development application for subdivision of land in this area to achieve the potential yield resulting from this planning proposal will need to consider the extension of existing road infrastructure to the land. The proposed lot size is sufficient to accommodate on-site sewer management.

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

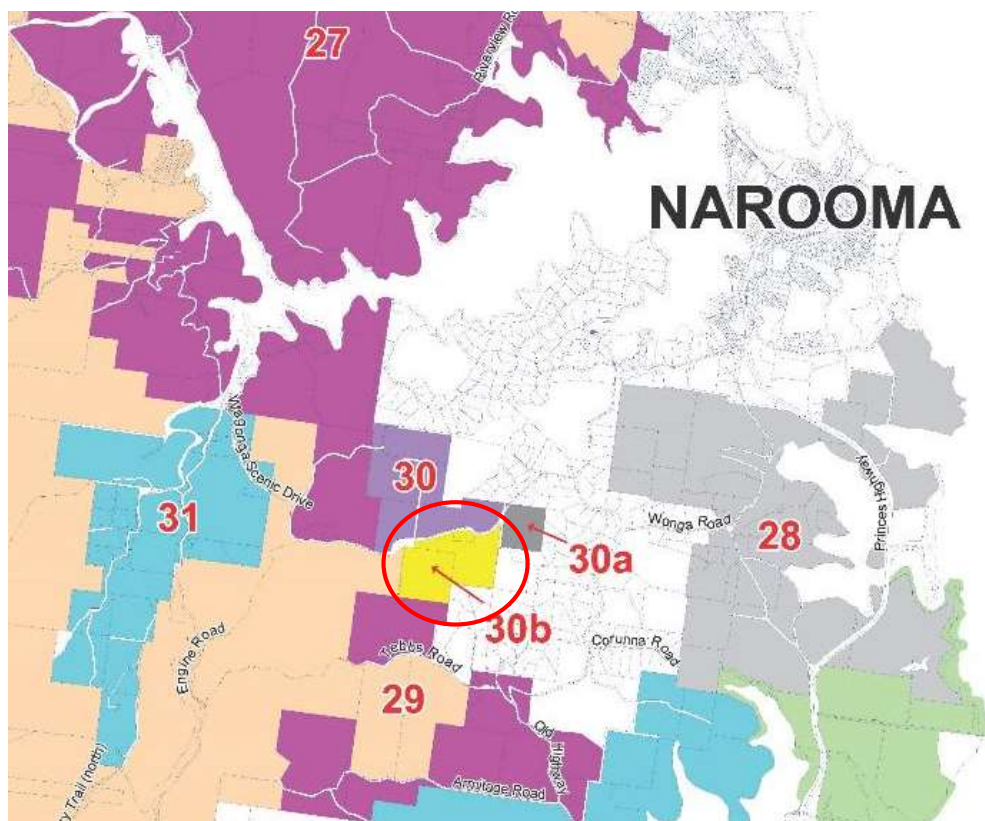
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 30b – Wagonga Scenic Drive, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 10ha
Potential Additional Lots and/or Dwellings	Lots: 2 Dwellings: 3
Discussion:	This small area consists of four lots that front Wagonga Scenic Drive South of Narooma. An RU4 zoning with a minimum lot size of 10ha would facilitate up to two additional lots and up to three additional dwellings in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	4	4	6	2
Dwellings	3	3*	6	3

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

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

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for this area however proposes to reduce the minimum lot size from 1000ha to 10ha. Ten hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. In this area the density of land would potentially increase by up to two lots and up to three dwellings. This will facilitate some additional small-scale agricultural production opportunities. While the proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is relatively small with three more dwellings possible. Any future subdivision or development of this lot would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to three dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. The area is already largely cleared.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available on all potential new lots in this area and could take advantage of areas that have already been cleared.

Through road access is available on the Old Highway via Wagonga Scenic Drive. Access to a through road is likely to be over 200 metres and alternate access to properties is not available. There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. Further, the capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development to avoid and minimise impacts to existing native vegetation.

There are no threatened ecological communities or declared critical habitat in this area.

Threatened species such as gliders, microbats and birds could use habitat on this lot from time to time for foraging. It is expected that similar habitat and foraging opportunities would largely remain because there are opportunities to minimise clearing. If required, assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities that would not require extensive land clearing anyway.

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

No. There are no other likely environmental effects as a result of the planning proposal in this area.

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

The proposed minimum lot size facilitates a small number of additional lots and dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Any development application for subdivision of land in this area to achieve the potential yield resulting from this planning proposal will need to consider the extension of existing road infrastructure to the land. The proposed lot size is sufficient to accommodate on-site sewer management.

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

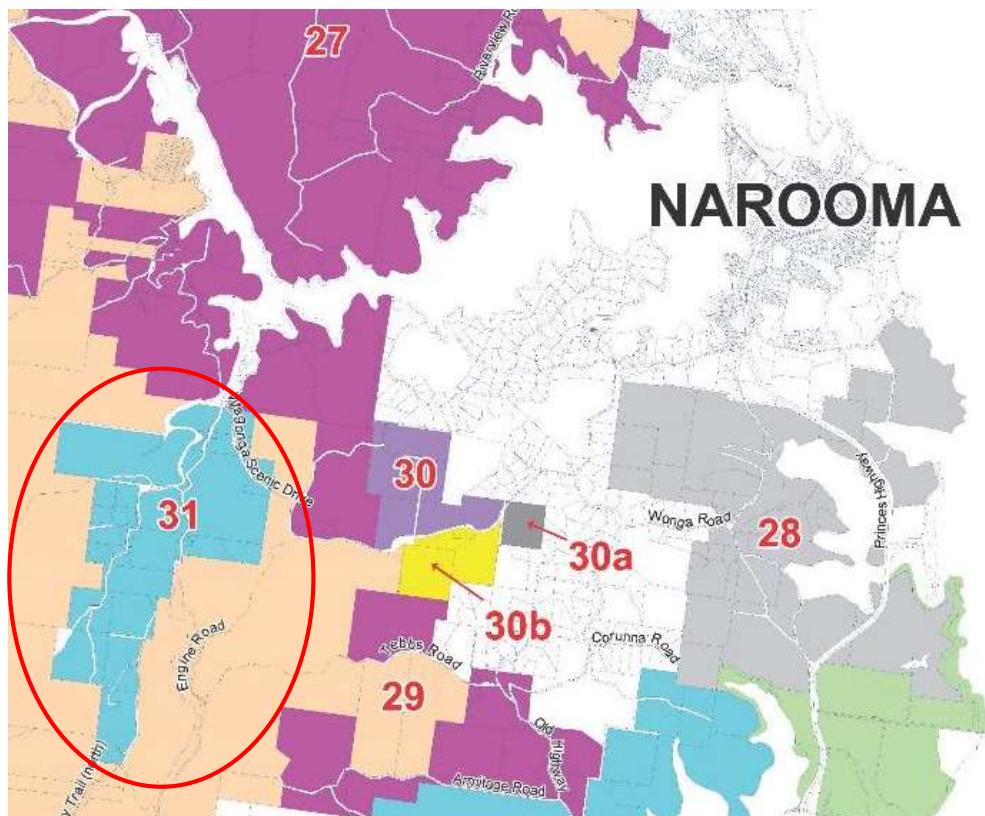
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission did not identify any sites in this area.

AREA 31 – Shingle Hut Road, Narooma

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 1
Discussion:	This area is an agricultural valley south-west of Wagonga Inlet and is surrounded by State Forest. Apart from one large holding, all lots are under 25ha. An RU1 zoning and 100ha minimum lot size could result in one additional dwelling if adjacent lots, which are currently in the same ownership, were amalgamated. There is no potential for further subdivision in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	22	22	22	0
Dwellings	10	10*	11	1

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal implements Council’s Rural Lands Strategy.

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

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

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

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

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

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. 100ha is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 5 agricultural lands. The planning proposal provides for one additional dwelling, facilitating a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. The APZ can be achieved entirely within the property boundary for the potential new dwelling and there is already cleared areas that could be incorporated into APZs.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of a future dwelling away from ridge tops and steep slopes is possible and could take advantage of land already cleared.

Through road access is available Wagonga Scenic Drive which is further than 200 metres from the potential additional dwelling and there is not alternate access. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

No. Given the planning proposal proposes no new lot yield and only one additional dwelling that could be built in an already cleared area, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

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

No. Given the planning proposal proposes no new lot yield and only one additional lot in an already cleared area, there are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

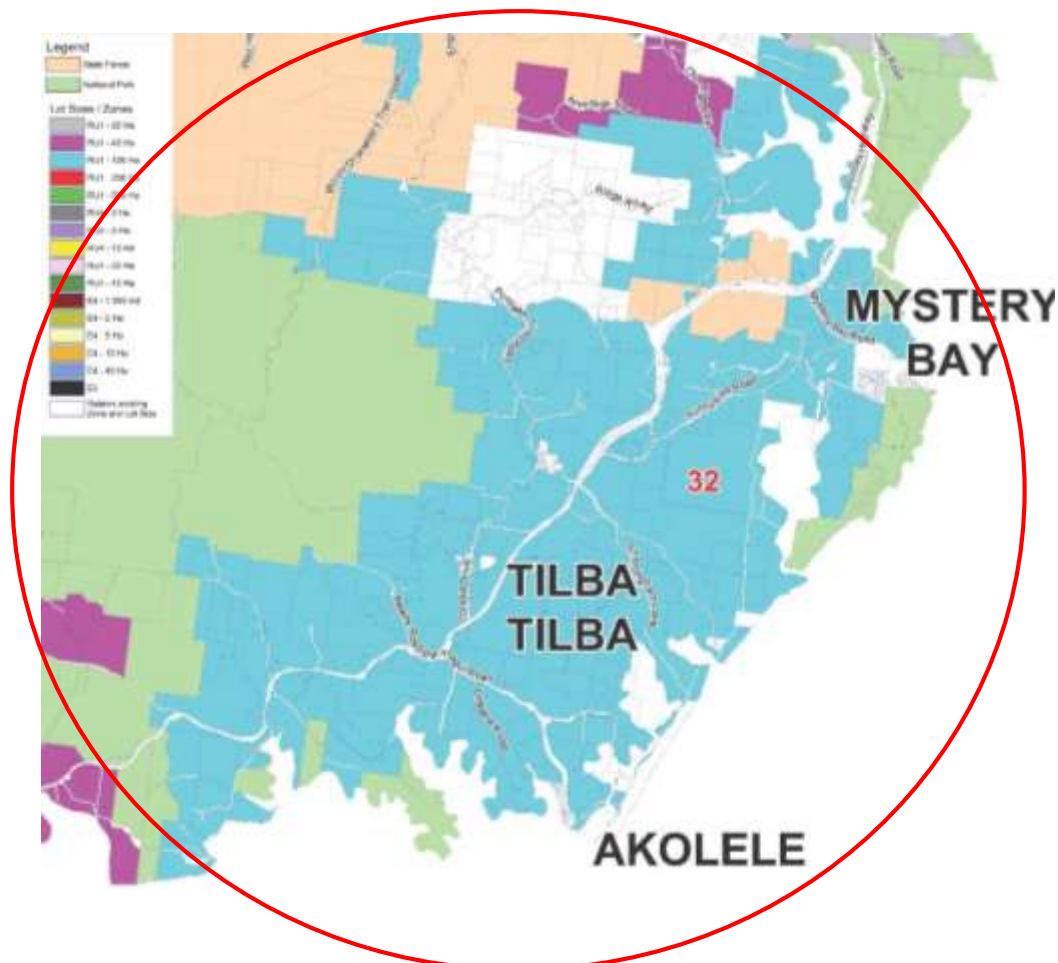
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (site 164) recommending the land is not suitable for further subdivision and that a rural zoning is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for this area. This would facilitate potentially one additional dwelling in this area. The planning proposal is therefore considered to be consistent with the OEH recommendation.

AREA 32 – Central Tilba and Surrounds

Current Zone and Minimum Lot Size:	<p>RU1 – 1000ha (ELEP 2012)</p> <p>1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>7(f1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>6(a) – No minimum lot size (RLEP 1987)</p>
Proposed Zone and Minimum Lot Size:	<p>RU1 – 100ha</p> <p>RE1 – no minimum lot size (for Council land Lot 228 DP 752155)</p> <p>E2 – No minimum lot size (for part of Lot 4 DP 583678 and Crown Land Lot 7038 DP 1020197)</p>
Potential Additional Lots and/or Dwellings	<p>Lots: 0</p> <p>Dwellings: 4</p>
Discussion:	<p>This is a large area that contains good agricultural lands in mid-sized holdings. An RU1 zoning and minimum lot size of 100ha would facilitate up to four additional dwellings if adjacent lots in the same ownership are amalgamated. There is no potential for further subdivision in this area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	260	260	260	0
Dwellings	134	141*	145	4

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, three lots obtained a dwelling entitlement as a result of the “sealed road” clause in ELEP 2012 and there is at least one known “1987 holding” larger than 100ha that has a dwelling entitlement.

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of a small area of land south of Little Lake proposed to be zoned E2 Environmental Conservation and the zoning of the Mystery Bay campground to RE1 Public Recreation.

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

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent

SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
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For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to Wallaga Lake and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in Wallaga Lake would be likely to occur.

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

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Partly Inconsistent See below.
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.1 Acid Sulfate Soils To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The reduced lot size reflects the nature of existing

agricultural holdings in this area. The planning proposal would increase the density of land by up to four dwellings which would facilitate a small, appropriate increase in agricultural opportunities in this area. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.1 Environment Protection Zones

Partly Inconsistent but of minor significance. This area contains a number of lots that are fully or partly zoned 7(f1), which is an environmental protection zone for coastal lands. This land was identified in the Rural Lands Strategy to be zoned RU1 along with the surrounding rural land. Other former 7(f1) zoned lands in this area were zoned RU1 when ELEP 2012 was made. The majority of these lands are privately owned and the prime use of the lands is rural. For one lot, the land owner has agreed to a part E2 Environmental Conservation zone. One lot, also on the southern side of Little Lake is Crown Land and is also proposed to be zoned E2, consistent with the current 7(f1) zoning. For these areas, the planning proposal is consistent with the Ministerial Direction.

The remaining areas currently zoned 7(f1), to the north of Little Lake are proposed to be zoned RU1 Primary Production, consistent with the approach used in the making of ELEP 2012 and consistent with the Rural Lands Strategy. Given the planning proposal does not facilitate any additional dwellings or subdivision on the subject lots, and as the existing 7(f1) zoning permits extensive agriculture without consent, there is no substantial change to potential land use resulting from the proposed RU1 zoning. While the planning proposal is inconsistent with the Ministerial Direction as it relates to these lots, the inconsistency is considered minor in nature.

2.3 Heritage Conservation

Consistent. There are many heritage items in this area and this area contains the Tilba Conservation Area and the Najanuka Aboriginal Heritage Conservation Area. The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in two additional dwellings to be built on land identified as flood prone, however this is not considered to be a significant increase in the development of the land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. The potential increase in the number of people residing in this area is relatively small with four more dwellings possible (in an area with 134 existing dwellings). Any future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. Development of up to four dwellings would be achievable due to sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. The area is already largely cleared.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural

residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available and could take advantage of areas that have already been cleared in some locations.

Through road access is available on the Princes Highway and is within 200 metres for most potential new dwellings. For one potential dwelling in the north of this area, access to a through road is over 200 metres and alternate access to properties is unlikely. There is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The siting of future dwellings away from ridge tops and steep slopes is possible in this area.

The capacity and width of existing roads is considered sufficient for firefighting vehicles and provides all weather access as it is currently being used by residents that live in this area.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are some opportunities available for development to avoid and minimise impacts to existing native vegetation including taking advantage of areas already cleared.

There is no declared critical habitat in this area. There are four threatened ecological communities in this area (Brogo Wet Vine Forest, Saltmarsh, Bangalay Sand Forest and River-flat Eucalypt Forest). Threatened ecological communities would not be directly or indirectly impacted as a result of this planning proposal.

Threatened species such as gliders, microbats and birds could use habitat on this lot from time to time for foraging. There are threatened plants associated with Saltmarsh recorded in the area however it is unlikely there would be impacts to Saltmarsh due to potential development as a result of this planning proposal. Warty Zieria habitat or individuals could be found in the vicinity of potential future dwellings however habitat is likely to be able to be avoided (if found). Further, siting for dwellings would take advantage of already disturbed areas which reduces the likelihood of potential impacts. It is expected that similar habitat and foraging opportunities would largely remain because there are opportunities to minimise clearing. If required, assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities that would not require extensive land clearing anyway.

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

There are SEPP14 wetlands adjacent to three lots in this area (within Tilba Tilba Lake). The planning proposal would not change the existing land uses or intensify land uses in the area. Additional dwellings could be sited over 100 metres from the wetlands. The planning proposal would not result in adverse impacts on the SEPP 14 wetlands.

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

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

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

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

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

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 5, 7, 15, 18, 24, 140 to 149, 151, 152 and 154). For sites 5 and 7, OEH recommend the E2 zone equivalent to the current 7(f1) zone.

Site 5 contains some private land, some Crown Land and land that forms part of Little Lake and some of the dune and beach area at the mouth of the lake. In this area, the Crown Land and the land within and at the mouth of the lake should be zoned E2. Further, for a portion of the private land to the south of Little Lake that contains dunes and beachfront, the land owner has agreed to an E2 zoning. The remainder of the land, to the north of Little Lake is proposed to be zoned RU1. It is noted that, as part of the making of ELEP 2012, other former 7(f1) zoned lands in this area were zoned RU1.

Site 7 is entirely surrounded by land currently zoned RU1 (some of which was rezoned from the 7(f1) when the ELEP was notified in 2012). The subject site is no different in environmental and rural character from the adjoining land and therefore for consistency reasons, the proposed RU1 zone, which does not facilitate any subdivision or additional dwellings, is considered appropriate notwithstanding the OEH recommendation.

For site 15, OEH recommend the land is not suitable for subdivision and an E zone should be applied. Site 15 is the Council owned Mystery Bay primitive campground which is currently zoned 6(a) Public Open Space. The equivalent zone under the Standard Instrument for LEPs is RE1 Public Recreation. It is proposed to zone this land RE1.

Site 18 adjoins Corunna Lake and is currently zoned 6(a) Public Open Space. The subject land is not in public ownership and therefore applying the equivalent zone of RE1 Public Recreation is not considered appropriate. As the land is not currently in an environmental zone, applying the E2 zone

is also not considered appropriate. The most appropriate zone, having regard to the existing and proposed zoning of adjoining land, is RU1 Primary Production.

For site 24, OEH recommend the land is not suitable for subdivision and an E zone should be applied. Site 24 consists of two Crown lots reserved for the preservation of trees and one Council lot. Crown Lands have advised that there are Aboriginal Land Claims over these lots and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. The small Council lot adjoining the Crown lots should be zoned consistent with the surrounding land. On this basis, it is proposed to proceed with the Strategy recommendation of RU1.

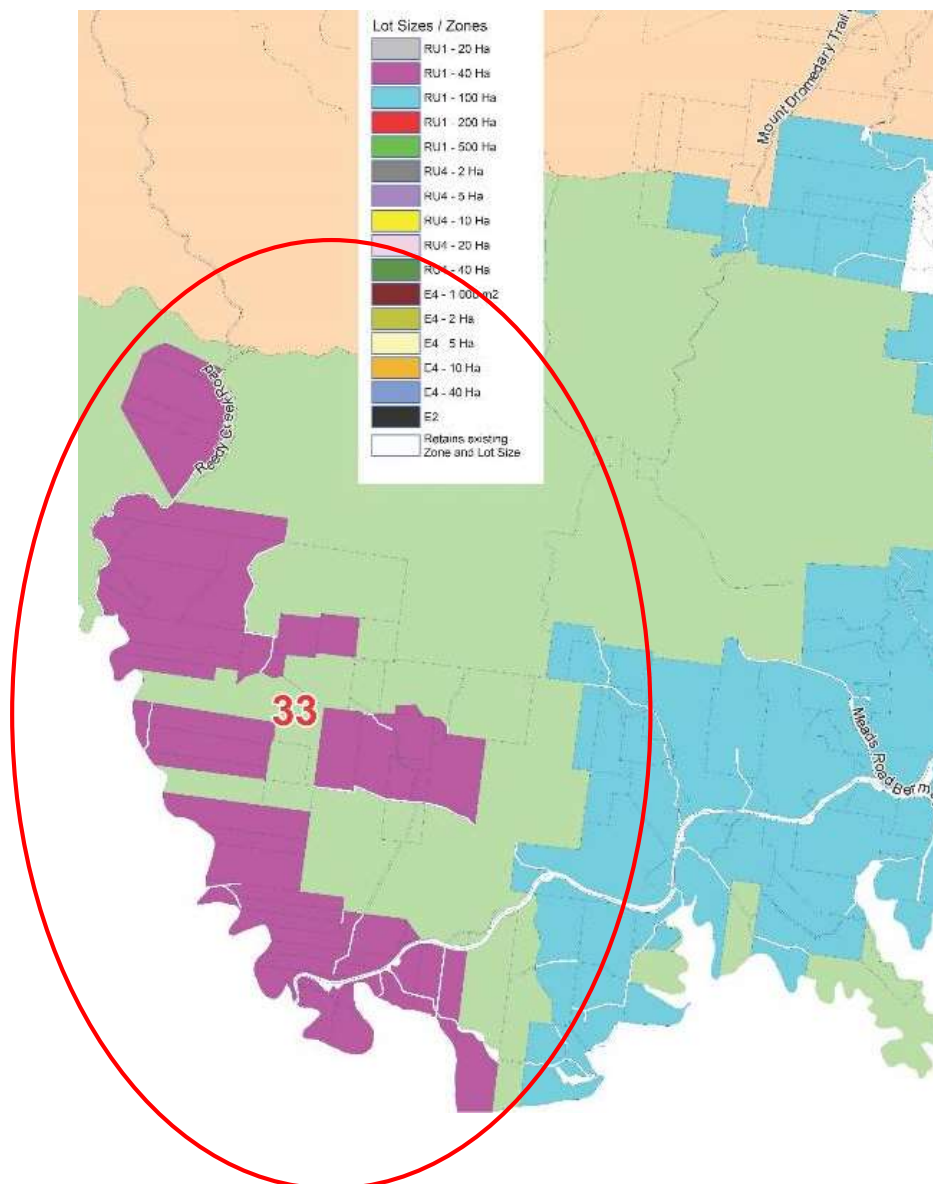
For sites 141 to 145, 151 and 152, OEH recommend that land is not suitable for development and an E zoning is recommended. For sites 140, 147, 148, 149 and 154, OEH recommend that the bushland areas should have an E zone. The planning proposal would not result in any additional development potential on sites 140 to 145, 148, 149, 151, 152 or 154. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for this area. There are already at least two dwellings on site 147 and any clearing (if necessary) would be minimal if the lot was subdivided. For site 146, OEH recommend that the low lying flood prone areas adjoining the wetland should have an E zone. The planning proposal would not result in any further potential development on site 146.

The planning proposal is considered appropriate because it would not result in any (or only very limited) potential development on sites 140 to 149, 151, 152, and 154, notwithstanding the OEH recommendation regarding the zoning of these sites.

AREA 33 – Dignams Creek Road, Dignams Creek

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 6
Discussion:	This area consists of mostly vegetated lots up to about 40ha along Dignams Creek. A RU1 zoning with a minimum lot size of 40ha would facilitate up to six additional dwellings, providing additional small-scale agricultural and rural lifestyle opportunities in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	42	42	42	0
Dwellings	17	17*	23	6

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

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

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

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which facilitates a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 4 and 5 agricultural lands. Two lots have Class 2 agricultural lands on them however the proposed change in minimum lot size would not result in subdivision or additional dwellings on these properties.

The reduced lot size reflects the nature of existing agricultural holdings in this area. The planning proposal could result in up to six additional dwellings which would provide for a small, appropriate increase in agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. There is one heritage item in this area (former post office). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation may need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all existing and potential new lots. Most lots have areas cleared that could be incorporated into APZs.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and could take advantage of land already cleared.

Through road access is available on Reedy Creek Road and Dignams Creek Road which connect to the Princes Highway to the south and Wild Horse Creek Road to the north. Through road access is unlikely to be within 200 metres of potential additional lots and dwellings and there is not alternate access. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity. There is more suitable habitat and options for wildlife connectivity available in the adjacent Kooraban and Gulaga National Parks. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (Freshwater Wetlands and River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Long-nosed Potoroo, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh and Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh and Freshwater Wetlands. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses

and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides for up to six additional dwellings in this area. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

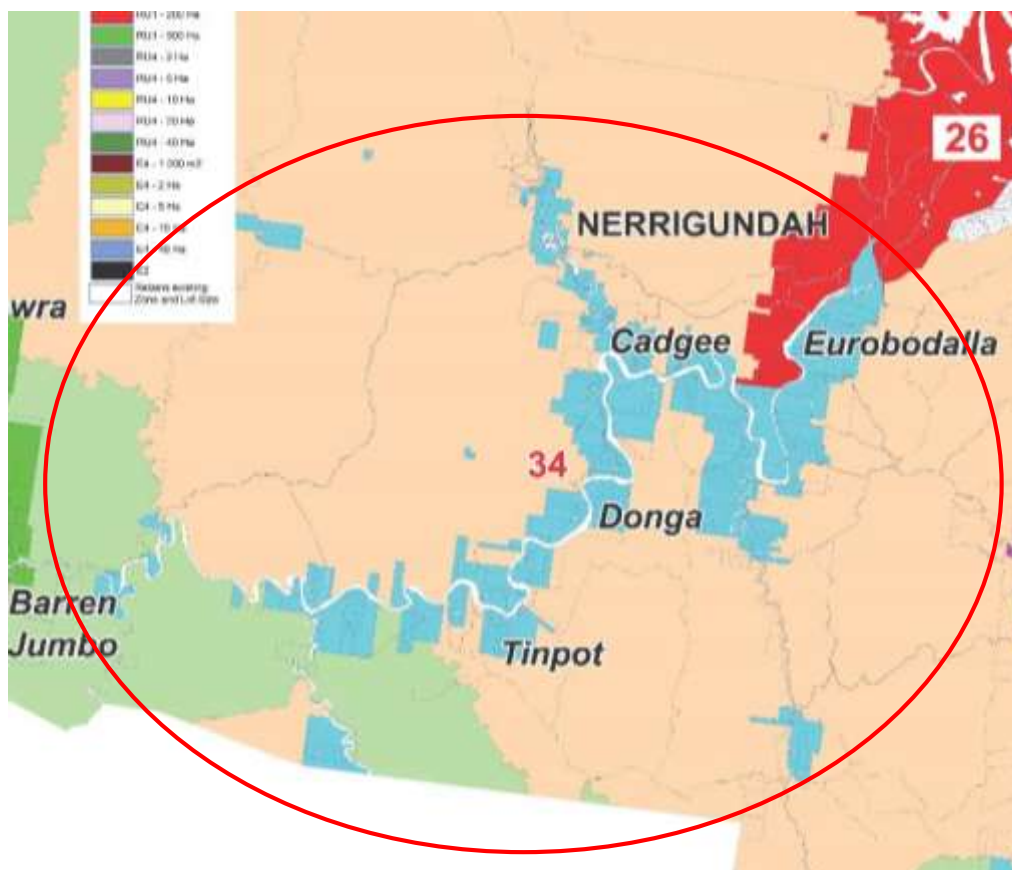
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites, 153 to 157) recommending the land is not suitable for further subdivision and that the bushland areas should have an E zone. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This would facilitate up to six additional dwellings in the area. There are already a number of dwellings in this area and large cleared areas on those lands that have potential for additional dwellings. The planning proposal is considered appropriate notwithstanding the OEH recommendation regarding the zoning.

AREA 34 – Eurobodalla Road, Eurobodalla, Cadgee, Nerrigundah and Tinpot

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 100ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 12
Discussion:	This area consists of 265 lots of a variety of sizes in the Nerrigundah Valley. An RU1 zoning and 100ha minimum lot size would facilitate up to 12 additional dwellings in this area, mostly through adjacent lots in the same ownership being amalgamated. There is no further subdivision potential in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	246	246	246	0
Dwellings	92	92*	104	12

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent
SEPP Mining, Petroleum and Extractive Industries 2007 To provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.3 Mining, Petroleum and Extractive Industries To ensure future extraction of State or regionally significant reserves of extractive materials are not compromised by inappropriate development.	Consistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 100ha. One hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 3-5 agricultural lands. One lot has some Class 2 agricultural lands and there would be no change to this lot as a result of this planning proposal (it cannot be subdivided and it already has a dwelling).

The reduced lot size reflects the nature of existing agricultural holdings in this area. In this area the density of land will not change however it could result in up to 12 additional dwellings that would provide a small, appropriate increase in agricultural opportunities. While the planning proposal is therefore in consistent with the terms of this Direction, it is considered to be consistent with it's objectives.

1.3 Mining, Petroleum and Extractive Industries

Consistent. This area contains some extractive industry. While the planning proposal would permit twelve additional dwellings in this area, the sites that benefit are large and could accommodate any future dwellings in locations that would not cause land use conflict with the extractive industry.

2.3 Heritage Conservation

Consistent. There are numerous heritage items in this area (including stock routes, water race, former factories, former church, Old Cadgee homestead and former schools). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas,

objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection. Native vegetation may need to be cleared to achieve a suitable APZ in some locations however the APZ can be achieved entirely within the property boundary on all lots. Most lots have areas cleared that could be incorporated into APZs.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process.

Through road access is within 200 metres of potential additional dwellings on Wattlegrove Road, Reedy Creek Road, Tinpot Road and other State Forest Roads. The capacity and width of existing through roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is likely to be suitable habitat and options for wildlife connectivity available in the adjacent Dampier and Bodalla State Forests. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (Lowland Grassy Woodland and River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Eastern Pygmy Possum, Long-nosed Potoroo, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are also records of threatened plants associated with Saltmarsh and Freshwater Wetlands within 10km. Potential development as a result of this planning proposal would avoid any impacts on Saltmarsh and Freshwater Wetlands. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process.

Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed minimum lot size facilitates a relatively small number of additional dwellings providing additional opportunities for rural activities and potential social and economic benefits to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

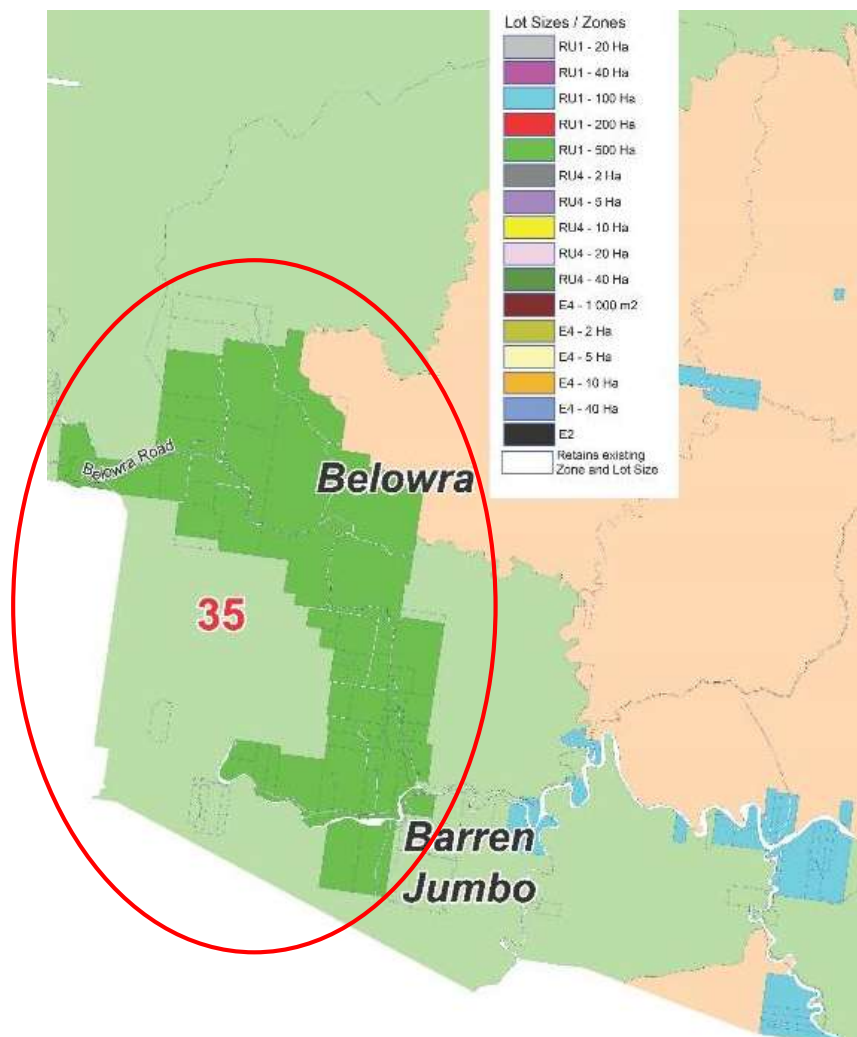
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 28, 158, 162 and 165 to 185). Part of site 28 is a Crown Reserve and OEH recommend that the land is not suitable for subdivision and the E2 zone should be applied, consistent with the reservation purpose of the land. Crown Lands have advised that the subject site is a travelling stock reserve and that it would not be appropriate to zone travelling stock reserves E2 until Local Land Services have finalised their review of such lands. For this reason, the proposed RU1 zoning is proposed to be retained.

For the remaining sites, OEH recommend the land is not suitable for further development and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 100ha for this area. This does not facilitate any further subdivision in this area, however it could result in up to 12 additional dwellings. The lots that could accommodate dwellings would be able to build on already cleared land or the amount of potential clearing would be minimal. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 35 – Belowra

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area consists larger holdings of good agricultural land in Belowra, west of Bodalla. The area is surrounded by National Park and State Forest. An RU1 zoning and minimum lot size of 500ha would maintain the current lot and dwelling yield.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	72	72	72	0
Dwellings	8	8*	8	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no changes to the number of lots or dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

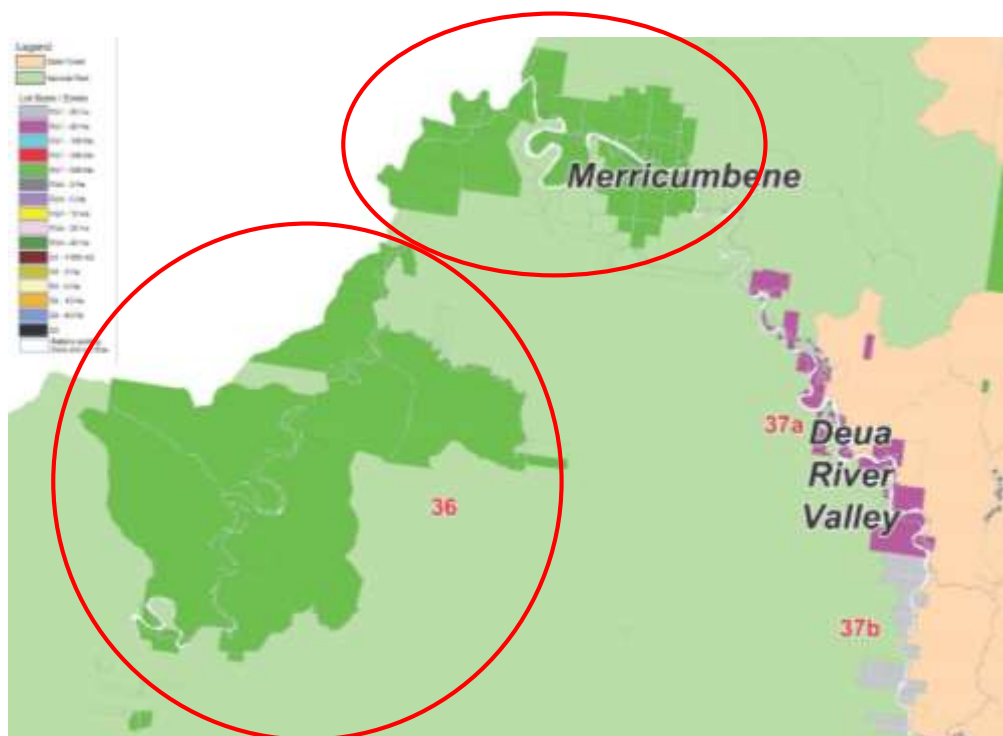
The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 19, 25, 186, 187 and 188). For sites 19 and 25, which are Crown Reserves, OEH recommend that the land is not suitable for subdivision and the E2 zone should be applied, consistent with the reservation purpose of the land. Crown Lands have advised that the subject sites are travelling stock reserves and that it would not be appropriate to zone travelling stock reserves E2 until Local Land Services have finalised their review of such lands. For this reason, the proposed RU1 zoning is proposed to be retained.

For the remaining sites, OEH recommend the land is not suitable for further development and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 500ha for this area which maintains the existing lot and dwelling yield. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 36 – Merricumbene and Deua

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha
Potential Additional Lots and/or Dwellings	Lots: 7 Dwellings: 6
Discussion:	<p>This area is remote from settlement, surrounded by National Park and is constrained by access, topography, vegetation and bushfire. This area contains a mix of heavily forested and steep land with some cleared agricultural lands along the Deua River.</p> <p>This area consists of 199 lots and includes some very large holdings in the west of the Shire at Merricumbene. A 500ha minimum lot size would facilitate up to seven additional lots and up to six additional dwellings.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	194	196	203	7
Dwellings	36	42*	48	6

* The table does not consider all existing dwelling entitlements that may apply be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained. In this area, two existing lots/ownerships are large enough to be subdivided under current rules, creating up to six additional dwelling entitlements.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 500ha. Five hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is mostly characterised by Class 3-5 agricultural lands. Some lots that have some Class 2 agricultural lands but there would be no changes on these lots as a result of the planning proposal. In this area the density of land would potentially increase by up to seven lots and up to eight dwellings. This will facilitate some additional agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. There are two heritage items in this area (Alpine Homestead, Woola Homestead). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared.

Araluen Road is the nearest through road however this is over 200 metres from lots on Neringla Road and there is not alternate access. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is more suitable habitat and options for wildlife connectivity available in the adjacent Deua and Monga National Parks. There is no declared critical habitat in this area.

There are three threatened ecological communities mapped in this area (Lowland Grassy Woodland, Araluen Scarp Forest and River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Eastern Pygmy Possum, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are no known populations of threatened plants in the area however any habitat (if found) could be avoided. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to seven additional lots and up to eight additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

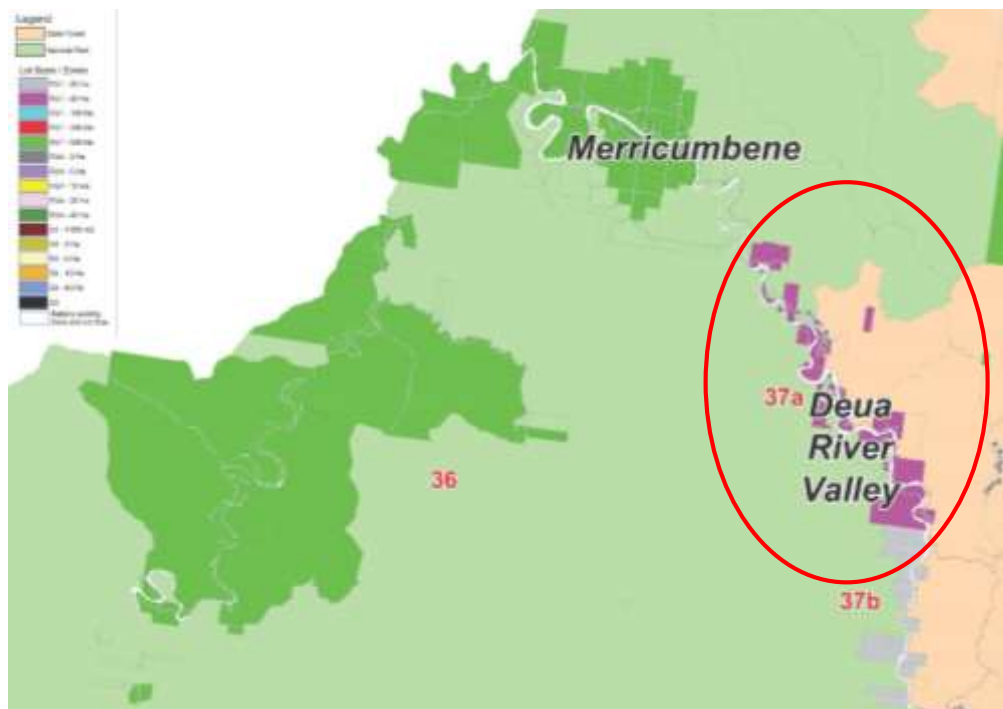
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 61, 62 and 63) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 500ha for this area. By virtue of the very large size of one of the holdings in this area (over 4300ha), the 500ha minimum lot size facilitates up to seven lots and eight dwellings in this area. However, the current 1000ha minimum lot size also facilitated some subdivision of this holding. Any potential development would result in minimal clearing in addition to what is already permissible and would be able to avoid high quality habitat and high conservation value vegetation in site 61. Any development in site 62 would avoid impacts to existing native vegetation because there are already cleared areas. Site 63 would not have any further development potential as a result of this planning proposal. The planning proposal is considered to be appropriate notwithstanding the OEH recommendations.

AREA 37a – Araluen Road (North), Deua River Valley

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	Lots: 1 Dwellings: 1
Discussion:	This area consists of 132 generally smaller lots in the upper Deua River Valley. The area has poor access and is surrounded by National Park. An RU1 zoning with a 40ha minimum lot size could result in one additional lot and one additional dwelling which is not a significant change to this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	132	132	133	1
Dwellings	43	43*	44	1

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional lots and dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains rural zoning for the area, however proposes to reduce the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised mostly by Class 3-5 agricultural lands. In this area the density of land will not change significantly. The planning proposal is therefore considered to be consistent with this Direction.

4.4 Planning for Bushfire Protection

Consistent. There is potential for one additional lot and dwelling in this area as a result of the planning proposal which is not a significant increase in the number of people residing in this area.

Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

The siting of any future dwellings away from ridge tops and steep slopes is possible.

Araluen Road is the nearest through road and is within 200 metres of the potential new dwelling. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal could result in one lot and dwelling which would require minimal vegetation removal in comparison to what can already be undertaken in this area. There are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

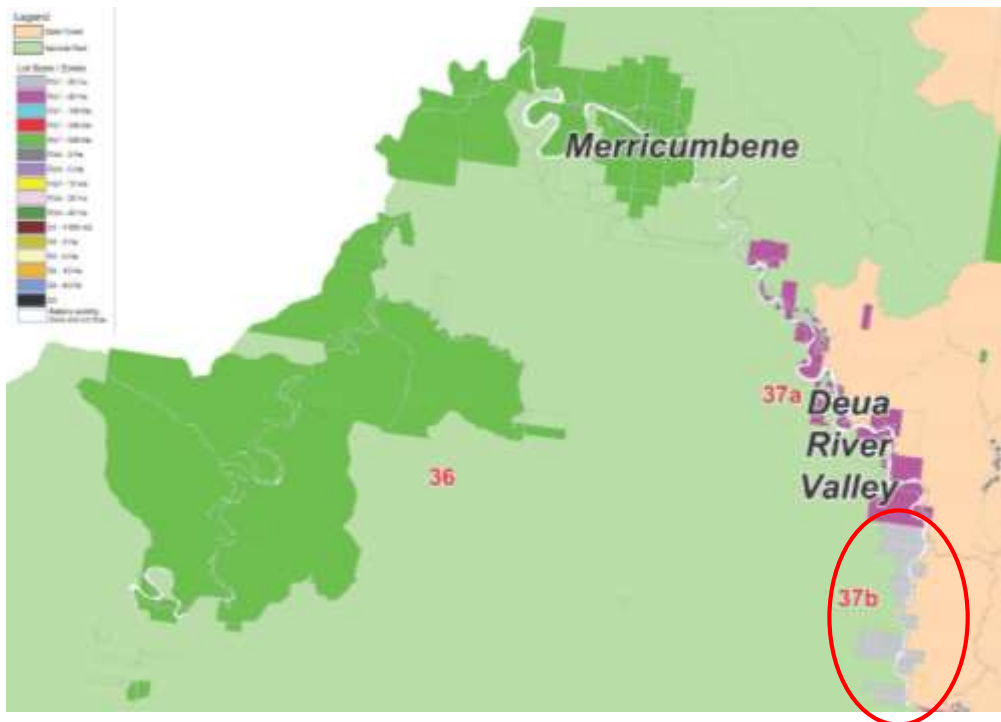
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 64 to 70) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area, facilitating one additional lot and dwelling in this area. The lot that could be subdivided could require some native vegetation removal to build a dwelling however this is considered minimal in comparison to what can already be undertaken (in accordance with the NV Act). Any potential clearing would be able to avoid high quality habitat (if found) and maintain adequate wildlife connectivity in this area. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 37b – Araluen Road (Central), Deua River Valley

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 3
Discussion:	This small area in the Deua River Valley consists of 22 lots that are generally about 20ha and characterised by Class 3-5 agricultural lands. An RU1 zoning and minimum lot size of 20ha would provide for up to three additional dwellings. There is no further subdivision potential in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	22	22	22	0
Dwellings	15	15*	18	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 20ha. Twenty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands. The planning proposal could result in up to three additional dwellings in this area which would facilitate some agricultural production opportunities.

While the planning proposal is inconsistent with the terms of this Direction it is considered to be consistent with the Direction’s objective.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available including already cleared areas on some lots.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared.

Araluen Road is the nearest through road and is within 200 metres of all potential additional lots. There is also enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is likely to be suitable habitat and options for wildlife connectivity available in the adjacent Deua National Park and Wandera State Forest. There is no declared critical habitat in this area.

There is one threatened ecological community mapped in this area (River-flat Eucalypt Forest). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and Grey-headed Flying Fox are likely to use some of this area as habitat or foraging from time to time. There records of threatened plants in the area however they are unlikely to occur in the locations that would be suitable for dwellings and any habitat (if found) could be avoided. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

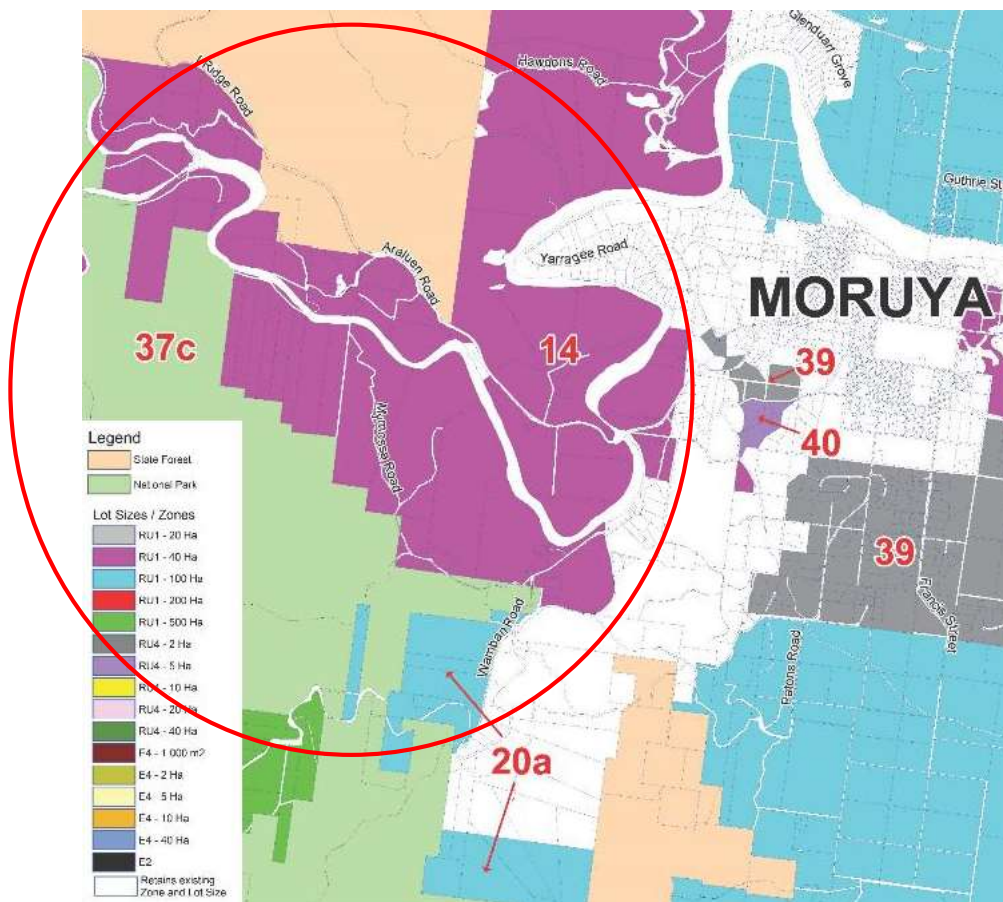
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 71 to 76) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area. This does not facilitate any further subdivision in this area, however up to three additional dwellings could be provided. The lots that could accommodate dwellings are not within the sites identified by OEH. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 37c – Araluen Road (South), Wamban and Kiora

Current Zone and Minimum Lot Size:	<p>RU1 – 1000ha (ELEP 2012)</p> <p>1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p> <p>1(a1) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)</p>
Proposed Zone and Minimum Lot Size:	RU1 – 40ha
Potential Additional Lots and/or Dwellings	<p>Lots: 4</p> <p>Dwellings: 10</p>
Discussion:	<p>This area consists of 93 lots of a variety of sizes to the west of Moruya. The area includes some good agricultural land that would not be able to be subdivided as a result of the planning proposal. Up to four additional lots and up to ten additional dwellings would be permissible in this area.</p>

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	93	93	97	4
Dwellings	57	57*	67	10

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a relatively small number of additional lots and dwellings in this area. This is considered to be an appropriate increase in agricultural opportunities in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 40ha. Forty hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 1-5 agricultural lands. Areas that have some Class 1 or 2 agricultural lands would not increase in density as a result of this planning proposal.

In this area the density of land would potentially increase by up to four lots and up to ten dwellings (in an area with 93 existing lots). This will facilitate some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction's objective.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (Kiora Homestead, Kiora Cemetery, Former Cheese Factory, Residence). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone, however the planning proposal would not result in additional dwellings to be built on flood prone land.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available.

Lots in this area do have steep slopes however the siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared.

Araluen Road is the nearest through road which is within 200 metres from most potential future dwellings as a result of this planning proposal. Three future potential dwellings would be greater than 200 metres from a through road and there is not alternate access. However, there is enough land available to incorporate an appropriate combination of other bushfire protection measures and these would be assessed as part the development assessment process. The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

6. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is more suitable habitat and options for wildlife connectivity available in the adjacent Deua National Parks and there is some habitat and wildlife connectivity in the adjacent Wandera State Forest. There is no declared critical habitat in this area.

There are four threatened ecological communities mapped in this area (Lowland Grassy Woodland, Swamp Oak Floodplain Forest, Swamp Schlerophyll Forest and River-flat Eucalypt Forest). Potential new dwellings as a result of this planning proposal are likely to be able to avoid impacts to threatened ecological communities through site selection. Access may impact on threatened ecological communities however this would be minimised. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at the development assessment stage if impacts are unavoidable.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll, Eastern Pygmy Possum, Grey-headed Flying Fox and Koala are likely to use some of this area as habitat or foraging from time to time. There are records of Large-leafed Monotaxis (a threatened plant) in the area however any habitat (if found) could be avoided. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the planning proposal in this area.

8. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to four additional lots and up to ten additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

9. Is there adequate public infrastructure for the planning proposal?

It is considered that there is adequate public infrastructure to support the minimal increase in lot and dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

10. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

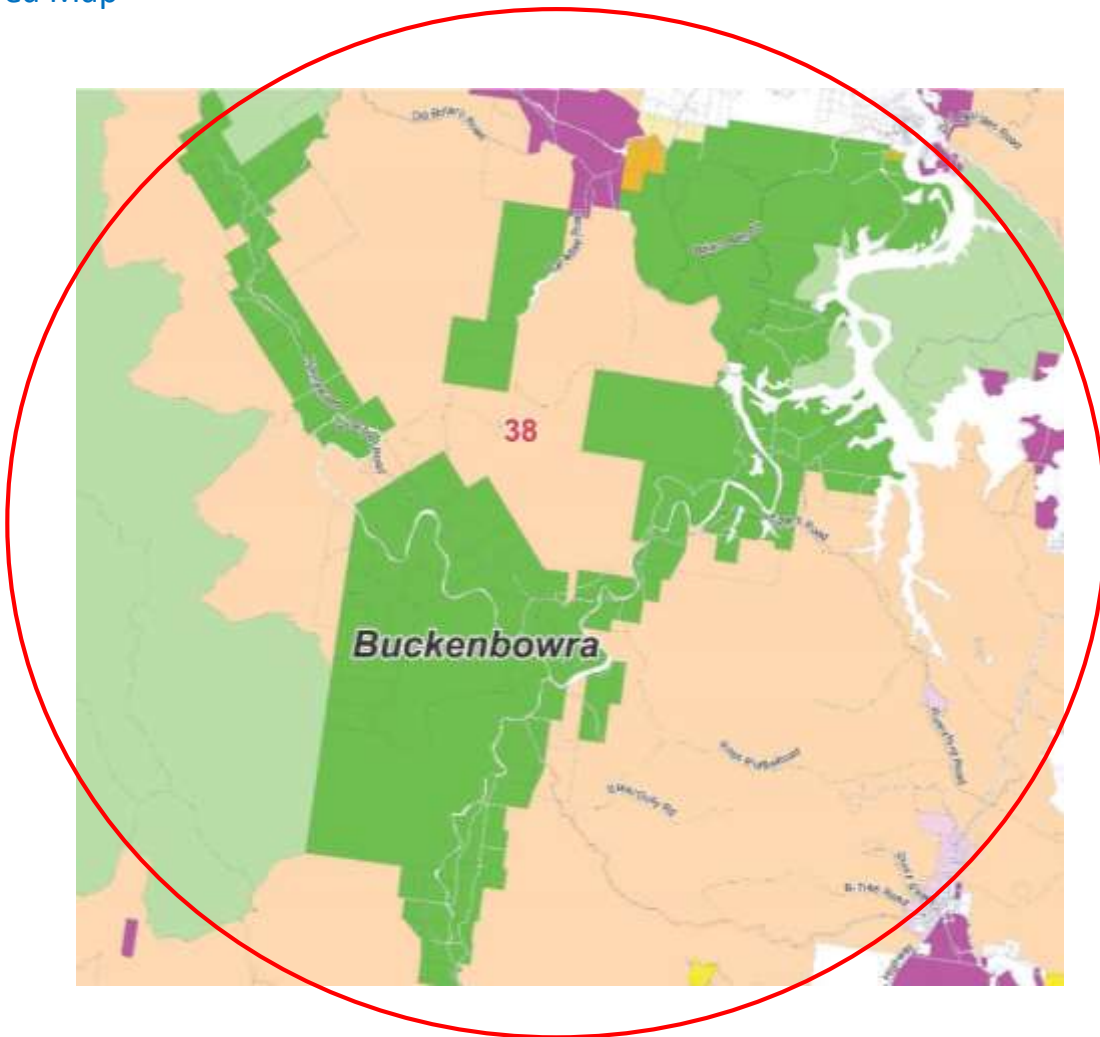
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 77 to 83) recommending the land is not suitable for further subdivision and that a rural zone is acceptable. The planning proposal proposes the RU1 zone with a minimum lot size of 40ha for this area. This facilitates up to four additional lots and ten additional dwellings in this area. There is no additional development potential on site 77-82. There is one lot with potential for subdivision and potentially two new dwellings on site 83. The area that may need to be cleared would be minimal compared to what can already be undertaken (in accordance with the NV Act). It would not impact on high quality habitat or high conservation vegetation and adequate wildlife connectivity would be maintained. The planning proposal is considered to be consistent with the OEH recommendations.

AREA 38 – Runnyford and Buckenbowra

Current Zone and Minimum Lot Size:	RU1 – 1000ha (ELEP 2012) 1(a) – No further subdivision that would facilitate additional dwelling entitlements (RLEP 1987 & DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 500ha E1 – No minimum lots size (for Lot 7310 DP 1155485 which is part of the Clyde River National Park)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 3
Discussion:	This area is relatively remote from settlement, surrounded by State Forest and National Park. An RU1 zoning and 500ha minimum lot size for this area would provide for up to three new dwellings. There is no further subdivision potential in this area.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	156	156	156	0
Dwellings	25	25*	28	3

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in a small number of additional dwellings in this area. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy, with the exception of a small part of the Clyde River National Park which is proposed to be zoned E1 National Parks and Nature Reserves.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.	Consistent
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent See below.
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For site specific information to demonstrate consistency with a SEPP, the following discussion is provided. For other SEPPs, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

SEPP 62 – Sustainable Aquaculture

Consistent. There are lots adjacent to the Clyde River and within 10km of Priority Oyster Aquaculture Areas. Given the relatively small additional dwelling yield that could result from this planning proposal, no adverse impacts on oyster aquaculture in the Clyde River would be likely to occur.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Inconsistent See below.
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent See above.
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent See below.
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

1.2 Rural Zones

Inconsistent but of minor significance. The planning proposal retains a rural zoning for the area however reduces the minimum lot size from 1000ha to 500ha. Five hundred hectares is considered an appropriate rural lot size for agricultural production in this location which is characterised by Class 3-5 agricultural lands.

In this area the density of land would potentially increase by up to three dwellings, facilitating some additional small-scale agricultural opportunities. While the planning proposal is inconsistent with the terms of the Direction, it is considered to be consistent with the Direction’s objective.

2.3 Heritage Conservation

Consistent. There are a number of heritage items in this area (Hut and Stockyard Memorial, Graves, Runnyford Homestead). The planning proposal does not change the existing heritage provisions in ELEP 2012 and these provisions will apply to all land in the Eurobodalla as a result of this planning proposal. Any potential impacts to heritage items, areas, objects and places of heritage significance would be assessed as part of the development application process.

4.3 Flood Prone Land

Consistent. The subject area contains some land identified as flood prone. The planning proposal could result in one additional dwelling on a lot identified as flood prone land however this is not considered a significant increase in the development of that land. Potential development is not within a floodway area or likely to result in significant flood impacts to other properties.

4.4 Planning for Bushfire Protection

Consistent. Any proposed future development would be able to comply with the requirements of *Planning for Bush Fire Protection 2006*. There is sufficient space to incorporate APZs and other suitable bushfire protection measures that would achieve adequate bushfire protection.

Assuming a worst case scenario of effective slopes being >15-18° and the surrounding vegetation formation being forest, the minimum specification for Asset Protection Zones (APZ) for rural residential subdivisions is 60 metres (in FDI 100 Fire Areas as applicable within the Eurobodalla Shire). Space to provide adequate asset protection zones is available including already cleared areas on some lots.

The siting of any future dwellings away from ridge tops and steep slopes is possible and most lots could take advantage of land already cleared for some potential dwellings.

The capacity and width of existing roads is sufficient for firefighting vehicles and provides all weather access. Most potential new dwellings would be within 200 metres of a through road (e.g. Quartpot Road and Buckenbowra Road). The Kings Highway is the nearest through road (via Old Bolaro Road) for the potential new dwelling in the north of this area which is not within 200 metres of the potential dwelling. There is enough land available to incorporate an appropriate combination of other bushfire protection measures on all lots and these would be assessed as part the development assessment process.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The potential adverse impacts to threatened species or populations, or their habitats, is likely to be minor because the potential for native vegetation removal in addition to what is already permissible is minimal. There are opportunities available for development to minimise and avoid impacts to high quality habitat and retain existing wildlife connectivity, including taking advantage of already cleared areas. There is likely to be some habitat and options for wildlife connectivity available in the adjacent Bolaro, Buckenbowra, Wandera and Mogo State Forests and Duea National Park. There is no declared critical habitat in this area.

There are two threatened ecological communities mapped in this area (River-flat Eucalypt Forest and Lowland Grassy Woodland). All potential new dwellings as a result of this planning proposal would be able to avoid direct and indirect impacts to threatened ecological communities through site selection.

The Greater Glider Population in the Eurobodalla LGA, and threatened species of forest owls, gliders, microbats, woodland birds, Spotted-tailed Quoll and Grey-headed Flying Fox are likely to use some of this area as habitat or foraging from time to time. There records of threatened plants in the area however it is unlikely be impacted because habitat (if found) is likely to be avoidable due to the large lot size and options available for dwelling sites. Opportunities to minimise clearing and to avoid high quality habitat are available and would be considered during the development assessment process. Assessments of significance in accordance with Section 5A of the EP&A Act would be required from the proponent at that stage.

There are some existing opportunities available for further clearing eg routine agricultural management activities (RAMAs) in accordance with the NV Act. Additional clearing for fencing, access tracks and dwellings that could occur as a result of this planning proposal is considered minimal compared with what can be currently undertaken.

The planning proposal would not affect the potential for clearing for agricultural purposes (which is a Local Land Services matter and assessed under the NV Act) however there are permissible land uses and primary production opportunities available in this area that would not require extensive land clearing anyway.

7. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are SEPP14 wetlands within this area in the vicinity of Tuross Lakes. The planning proposal would not change or intensify land uses in the area. No additional dwellings would be on lots where wetlands occur. The planning proposal is not likely to result in adverse impacts on the SEPP14 wetlands.

8. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. The proposed minimum lot size facilitates up to three additional dwellings providing for additional supply of rural land for rural activities.

Section D – STATE and COMMONWEALTH INTERESTS

9. *Is there adequate public infrastructure for the planning proposal?*

It is considered that there is adequate public infrastructure to support the minimal increase dwelling yield in this planning proposal. The additional development is unlikely to result in an increase in level of maintenance of the rural roads through this area.

10. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified some of the land in this area (sites 21, 32, 51 to 58, 60, 101, 102 and 103). For sites 21 and 32, as they are Crown Reserves, OEH recommend that the land is not suitable for subdivision and the E2 zone should be applied, consistent

with the reservation purpose of the land. Crown Lands have advised that there are Aboriginal Land Claims over these lots and that the zoning of the land should not limit the future options for management of the land should the land claims be successful. On this basis, it is proposed to proceed with the Strategy recommendation of RU1.

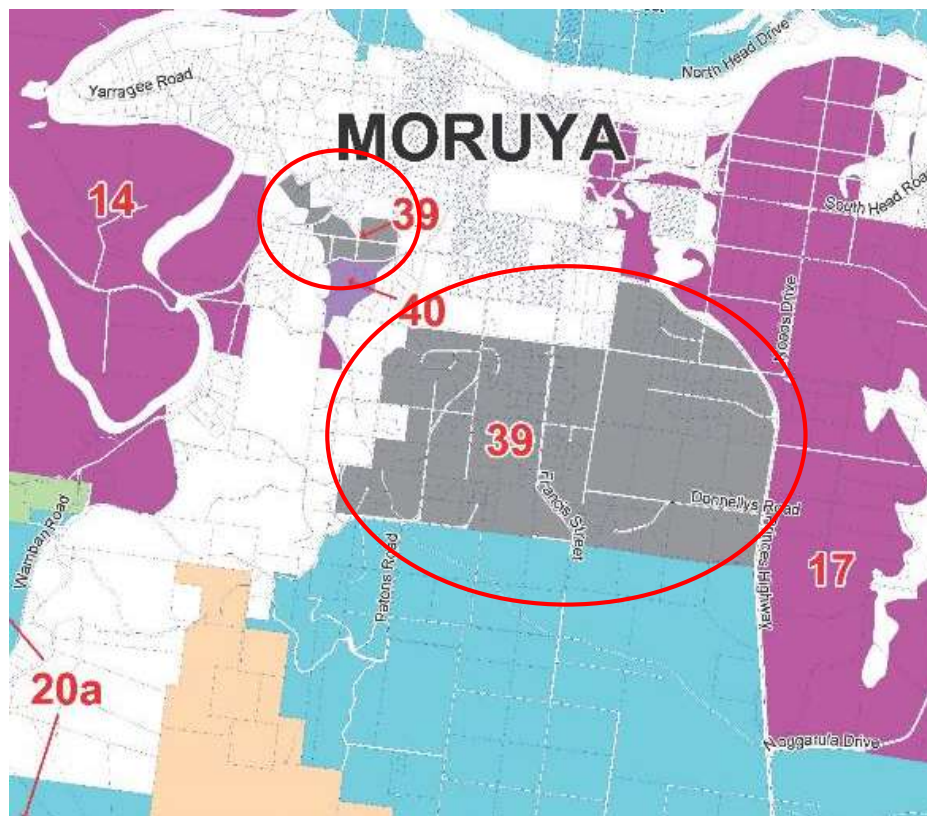
Sites 51 to 58 and 60 are areas of bushland on private properties that have some form of agricultural use. For these lands, the primary use is considered rural and therefore the Strategy recommendation of RU1 zoning is considered appropriate. OEH have advised that a rural zoning is appropriate but that the land is not suitable for further subdivision. No further subdivision of this land is facilitated by the planning proposal, however three additional dwellings are provided for.

For sites 101, 102 and 103, OEH recommend the land is not suitable for development and that an E zone should be applied. There is no additional development potential possible as a result of this planning proposal on sites 101-103.

AREA 39 – South Moruya

Current Zone and Minimum Lot Size:	R5 – 2ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 2ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains 224 small rural lots south of Moruya. Only the zoning is proposed to be changed as RU4 better reflects the existing rural nature of the land use in this area. This does not change the lot or dwelling yield.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal changes the zoning from R5 Large Lot Residential to RU4 Primary Production Small Lots. The minimum lot size would not change. This maintains the existing potential lot and dwelling yield.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Changing the zone to RU4 is the best means of achieving the intended outcome of the area being recognised as a rural area and permitting small scale agricultural activities. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal is consistent with Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
3.1 Residential Zones	Consistent

To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal does not change the density of land in this area. Changing the zoning from R5 to RU4 does not change the current opportunities for housing types or affect access to infrastructure and services.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal changes the zoning in this area from residential (large lot) to rural (small lot). The change in zoning would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural and tourist activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

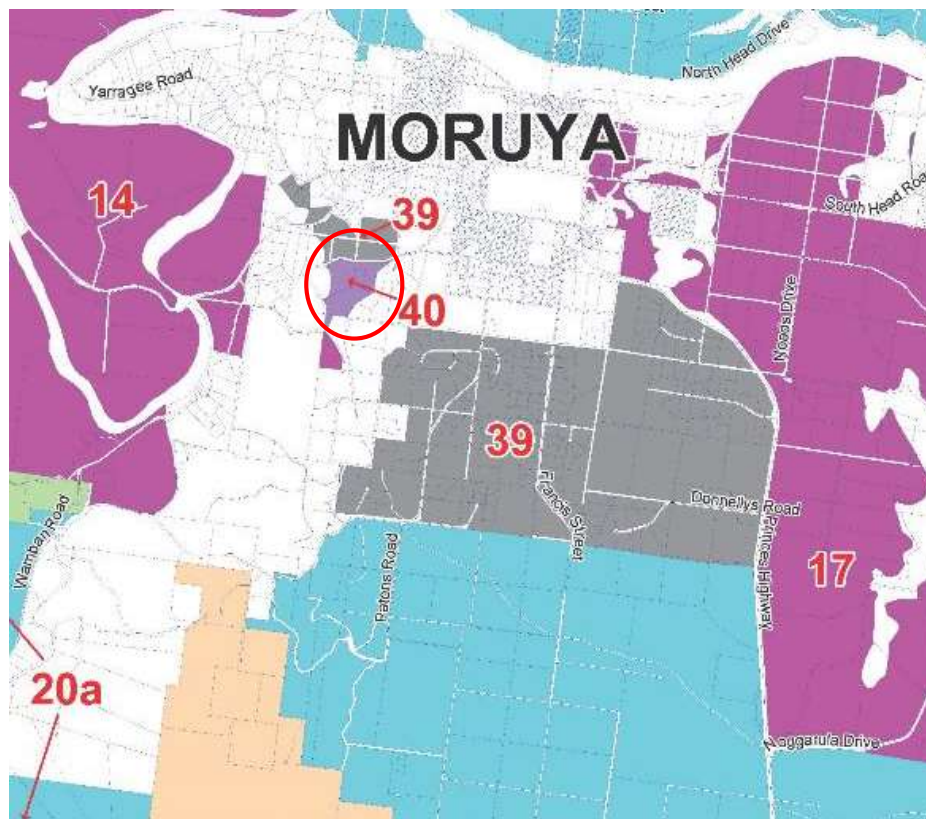
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 40 – Turnbulls Lane, Moruya

Current Zone and Minimum Lot Size:	R5 – 5ha (ELEP 2012)
Proposed Zone and Minimum Lot Size:	RU4 – 5ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This area contains five small rural lots south of Moruya. Only the zoning is proposed to be changed as RU4 better reflects the existing rural nature of the land use in this area. This does not change the lot or dwelling yield.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The planning proposal changes the zoning from R5 Large Lot Residential to RU4 Primary Production Small Lots. The minimum lot size would not change. This maintains the existing potential lot and dwelling yield.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The minimum lot size for the land is not changed in this area. The zone change from R5 to RU4 is the best means of achieving the intended outcome of allowing some additional rural activities to occur in this area. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy*

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no change to potential additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council’s local strategy or other local strategic plan*

The planning proposal implements Council’s Rural Lands Strategy.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent

3.1 Residential Zones To encourage a variety of housing types, ensure access to appropriate infrastructure and services and minimise impacts on the environment and resource lands.	Consistent See below.
3.4 Integrating Land Use and Transport To ensure efficient and viable transport options, reduce dependence on cars, support public transport and provide for the efficient movement of freight.	Consistent See below.
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For justification of any inconsistency with a direction and/or for site specific information to demonstrate consistency with a direction, the following discussion is provided. For other directions, refer to Appendix 5 in Volume 1 of this planning proposal for further discussion.

3.1 Residential Zones

This Direction states that a planning proposal must contain provisions that encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise impacts of residential development on the environment and resource lands.

Consistent. The planning proposal does not change the density of land in this area. Changing the zoning from R5 to RU4 does not change the current opportunities for housing types or affect access to infrastructure and services.

3.4 Integrating Land Use and Transport

This Direction states that a planning proposal must include provisions that give effect and are consistent with *Improving Transport choice – Guidelines for planning and development* (DUAP 2001) and *The right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistent. The planning proposal changes the zoning in this area from residential (large lot) to rural (small lot). The change in zoning would not change existing access to housing, jobs and services. The planning proposal is considered consistent with this Direction.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU4, some additional rural and tourist activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. *Is there adequate public infrastructure for the planning proposal?*

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 41 – South Nelligen

Current Zone and Minimum Lot Size:	1(c) – 2ha (RLEP 1987 and DCP 156)
Proposed Zone and Minimum Lot Size:	RU4 – 2ha
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	This is a small area to the south of the Nelligen Village that currently has a rural residential zone. An RU4 zoning with a minimum lot size of 2ha would maintain the current lot and dwelling yield.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	2	4	4	0
Dwellings	2	4*	4	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size which results in no additional lots or dwellings for this area. The planning proposal is consistent with the South Coast Regional Strategy.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

Council’s Rural Lands Strategy recommended an E4 Environmental Living zone for this area. However, as a result of the Draft NSW Biodiversity Conservation and Local Land Services Amendment Bills, which include E4 as an urban zone, it is now proposed to zone this area RU4 Primary Production Small Lots. Notwithstanding this change, the planning proposal is consistent with the Rural Lands Strategy with regard to potential lot yield and dwelling outcomes.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008	Consistent

To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	
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For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides no changes to potential development outcomes for the land.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

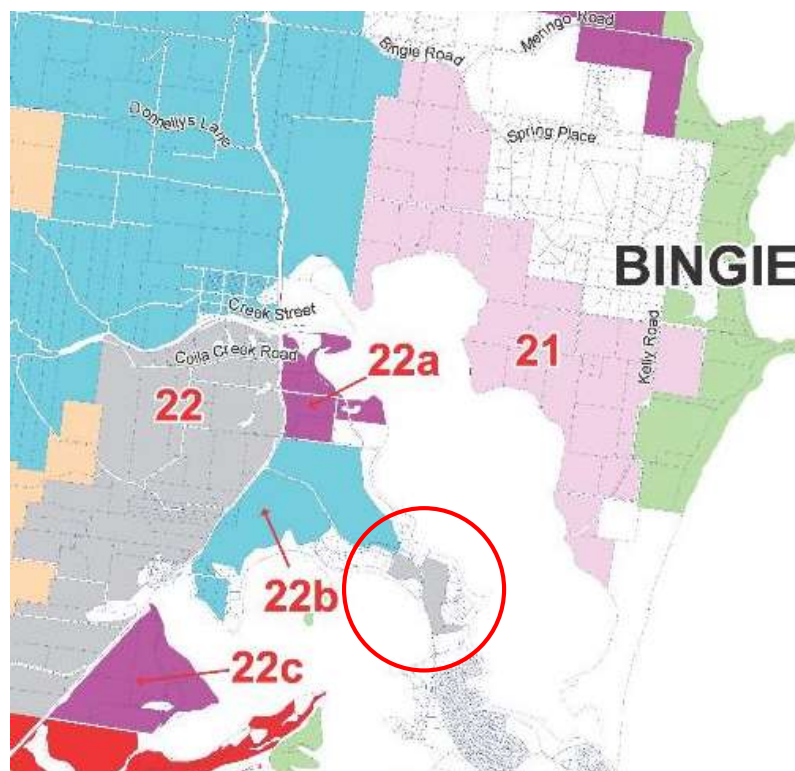
The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage submission did not make specific reference to land within this area.

AREA 42 – Hector McWilliam Drive, Tuross Head

Current Zone and Minimum Lot Size:	1(c) – 2ha (RLEP 1987 and DCP 156)
Proposed Zone and Minimum Lot Size:	RU1 – 20ha RE1 – No minimum lot size (for part of Council land Lot 77 DP 260321)
Potential Additional Lots and/or Dwellings	Lots: 0 Dwellings: 0
Discussion:	The land is owned by Eurobodalla Shire Council and is classified as community land. A private dwelling cannot be built on community land thus there is no potential for dwellings in this area as a result of this planning proposal.

Area Map



Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the direct result of, and implements, the Eurobodalla Rural Lands Strategy, adopted by Council on 23 February 2016. The following table outlines the changes to lot and dwelling yields (if any) facilitated by the planning proposal.

	Existing	Potential under current LEP	Potential under Rural Lands Strategy	Change from current LEP
Lots	3	3	3	0
Dwellings	0	0*	0	0

* The table does not consider all existing dwelling entitlements that may be available in this area, as not all existing dwelling entitlements are known. All existing dwelling entitlements are proposed to be retained.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Providing a zone and minimum lot size for the land is the best means of achieving the intended outcome. There is no suitable alternative.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

The South Coast Regional Strategy states that “local environmental plans will include minimum subdivision standards for rural and environment protection zones” and “local environmental plans will include provisions to limit dwellings in rural and environmental zones”. The planning proposal provides for an appropriate zone and minimum lot size for this area. There is no potential for subdivision or dwellings because the land is classified as community land. The planning proposal is considered to be consistent with the South Coast Regional Strategy.

4. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan

The planning proposal implements Council’s Rural Lands Strategy, with the exception of a small part of Council land adjoining the Kyla Park oval to be zoned RE1 Public Recreation.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies and Aims/Objectives	Consistency of Planning Proposal
SEPP62 Sustainable Aquaculture To encourage sustainable aquaculture and to provide minimum performance criteria for permissible aquaculture development.	Consistent
SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.	Consistent
SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Relevant Ministerial Direction and Objectives	Consistency of Planning Proposal
1.2 Rural Zones To protect the agricultural production value of rural land.	Consistent
1.4 Oyster Aquaculture To ensure oyster aquaculture is considered and to minimise adverse impacts on water quality.	Consistent
1.5 Rural Lands To protect the agricultural production value and facilitate the orderly and economic development of rural land.	Consistent
2.1 Environment Protection Zones To protect and conserve environmentally sensitive areas.	Consistent
2.2 Coastal Protection To implement the principles in the NSW Coastal Policy.	Consistent
2.3 Heritage Conservation To conserve items, areas, objects and places of environmental and indigenous heritage significance.	Consistent
4.4 Planning for Bushfire Protection To protect life, property and the environment from bush fire hazards.	Consistent
5.1 Implementation of Regional Strategies To give legal effect to regional strategies.	Consistent

For further discussion, refer to Appendix 5 in Volume 1 of this planning proposal.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no likely impacts on critical habitat or threatened species, populations of ecological communities, or their habitats, as a result of the planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. Given the planning proposal proposes no new lot or dwelling yield, there are no other likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides minimal changes to potential development outcomes for the land. By zoning the land RU1, some additional rural tourism activities will be permissible with consent, providing some potential social and economic benefit to land owners and the community.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

As the planning proposal proposes no additional lots or dwellings in this area, there will be no impact on existing public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities are addressed in Volume 1. Specific comments relating to this area from any public authority are addressed below.

The Office of Environment and Heritage's detailed submission identified the land in this area (site 111) recommending the land is not suitable for further subdivision. The planning proposal proposes the RU1 zone with a minimum lot size of 20ha for this area, which does not facilitate further subdivision of the land. The planning proposal is consistent with the OEH recommendation.