

LOT 711 DP 1128593 RURAL RESIDENTIAL

Planning Proposal October 2021



DRAFT IN PROGRESS AS AT 01 03 2021

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Part 1 Objectives

South Pambula has been identified by the Bega Valley Shire Council as a preferred growth area with the capacity for future growth that was highlighted in previous planning schemes and is in keeping with the directions within the South East and Tablelands Regional Plan 2036.

Objectives

To amend the Bega Valley Local Environmental Plan 2013 (BVLEP 2013) to include the subject land at Lot 711 DP 1128593 (currently deferred matter) and provide for rural residential development of the land.

Intended Outcomes

- To clearly identify the development opportunities for Lot 711 DP 1128593 of 40.21 hectares (shown as the subject land in Figure 1 below) which is currently deferred from Bega Valley Local Environmental Plan 2013 and is zoned 1(a) General Rural with a 120 hectares minimum lot size under Bega Valley Local Environmental Plan 2002,
- To provide additional supply of rural residential living opportunities to meet future demand in the South Pambula area in a manner that is sensitive to the environment, the heritage item located on the land and the amenity of the locality, and
- To conserve areas of biodiversity value on the site.

Note: There is a parcel of land to the north of Lot 711 (blue edge) which is also deferred land. Council has resolved to deal with this parcel through a separate Planning Proposal.



Figure 1: Lot 711 DP 1128593 is the subject land and is edged red above. Lot 711 was identified as site 2 in the original draft Planning Proposal. The blue edged parcel titled site 1 is the residue of the deferred lands and will be the subject of a separate Planning Proposal.

Part 2 Explanation

This Planning Proposal seeks to achieve the objectives outlined in Part 1 through the rezoning of the land under the BVLEP 2013 and the making of appropriate amendments to relevant BVLEP 2013 maps, including the Lot Size Map. Table 1 outlines the proposed changes to zoning and minimum lot size. Snapshots of the proposed mapping changes are also provided below, with detailed mapping of all proposed amendments contained within PART 4 of this Planning Proposal.

Table 1: Description of Changes

Current Zone / Lot Size	Site Area	Proposed Zone / Lot Sizes	Lot Yield
1(a) Rural General / 120 HA	7.3 30.6 HA ex road	C2 – 120 HA C4 – 2 HA	0 Lot 15 Lots maximum

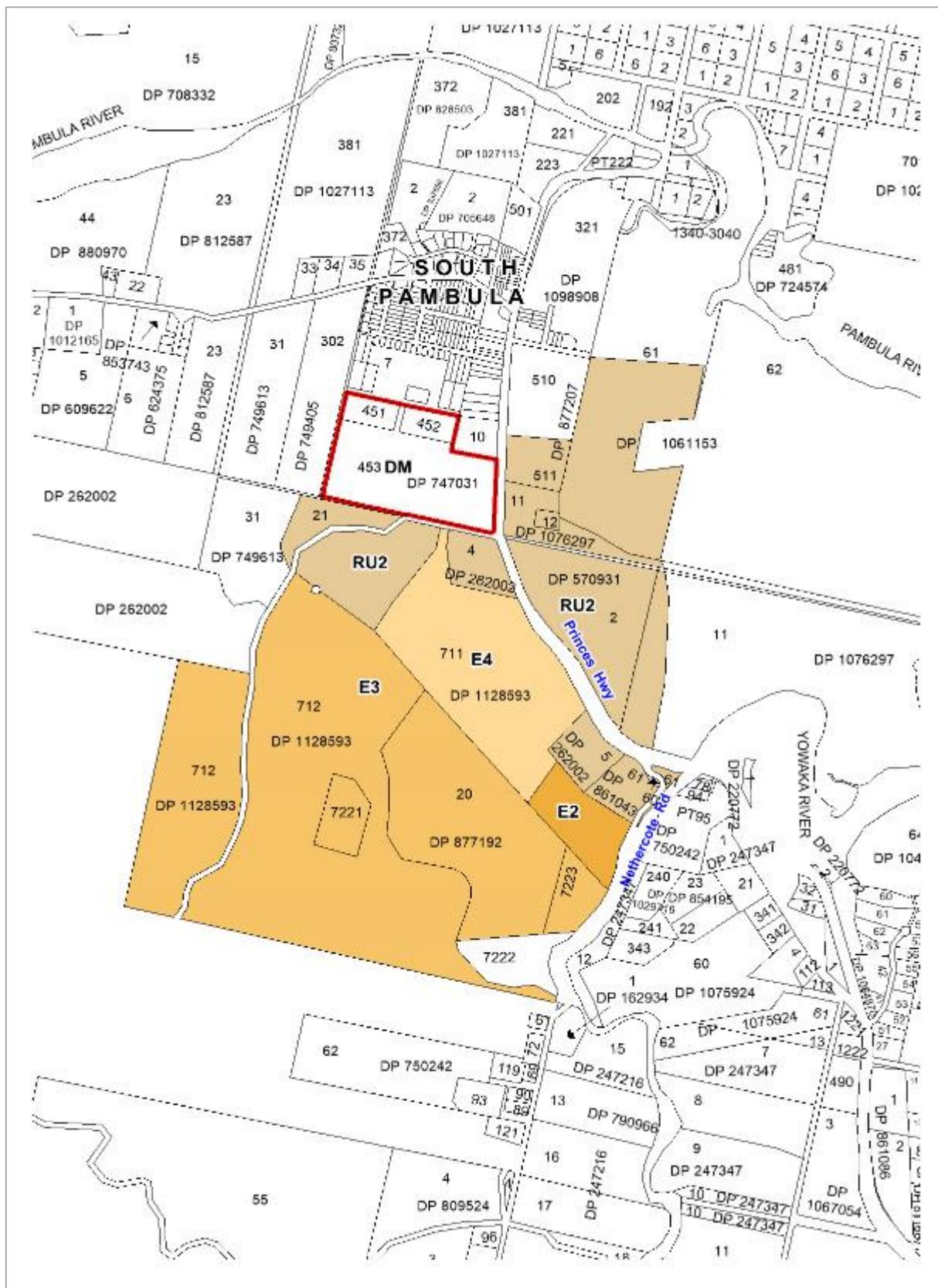


Figure 2: Proposed Zoning

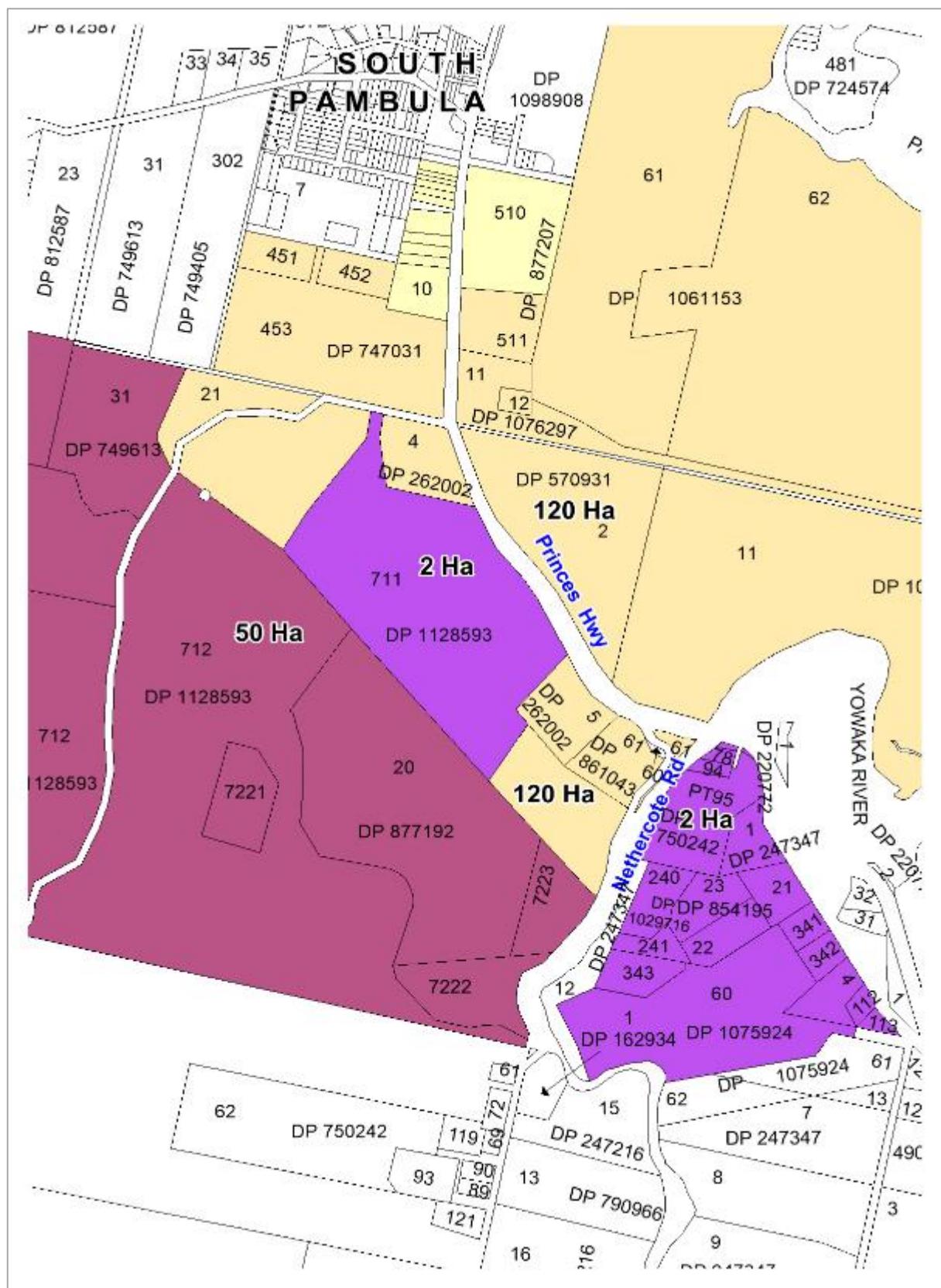


Figure 3: Proposed Lot Sizes

Notes:

Although the subject land is deferred from BVLEP 2013:

- The land is already included on the Heritage Map (Item I670). The extent of the mapping of the heritage item is currently the whole of Lot 711. It is intended to seek an amendment to the Heritage Map to reduce the extent of the mapping of the item to the proposed lot on which the item will be located, however, as the boundaries of that proposed lot is not yet defined, this amendment will be sought at a later date, potentially through a Council housekeeping LEP amendment,
- Although the subject land is deferred from BVLEP 2013, the land is already included in the Height of Buildings Map (K-10m) and no change to this map is proposed,
- Part of the land is already included on the Terrestrial Biodiversity Map and no change to this map is proposed.
- The land is not included on the Acid Sulfate Soils Map and no change to this map is proposed.
- The watercourses on site are already included on the Riparian Lands and Watercourses Map and no change to this map is proposed.
- The subject land is already included on the Natural Resources Land Map and no change to this map is proposed.

The Zones

- C2 Zone (7.3 ha) - continuing the buffer along Nethercote Road and adding protection to the remnant vegetation in the south of the property. The C2 zone will be contained in part of a rural residential lot with the dwelling area in the proposed C4 zone and compliant with lot size.
- C4 Zone (32.6 ha) - remainder of the site.

Minimum Lot Sizes

- 2 hectares for the proposed C4 zone to limit future development over constrained land but provide the opportunity for future management and development to the reasonable environmental capacity of the land.
- The proposed C2 area will have a 120 hectare lot size. It should be noted that further subdivision of the C2 zoned areas for residential purposes would not be permitted given dwellings are prohibited in the C2 zone.

Part 3 Justification

Background

Localities of South Pambula and Greigs Flat have a combined population of approximately 616 people. South Pambula is a small settlement on the outskirts to the south of Pambula and consists of low density urban and rural residential development which borders some industrial land located along Mount Darragh Road. The settlement is surrounded by some large greenfield sites, one of which is the focus of this Planning Proposal. These sites were deferred pending further investigation after submissions were made as part of the Comprehensive LEP exhibition process.

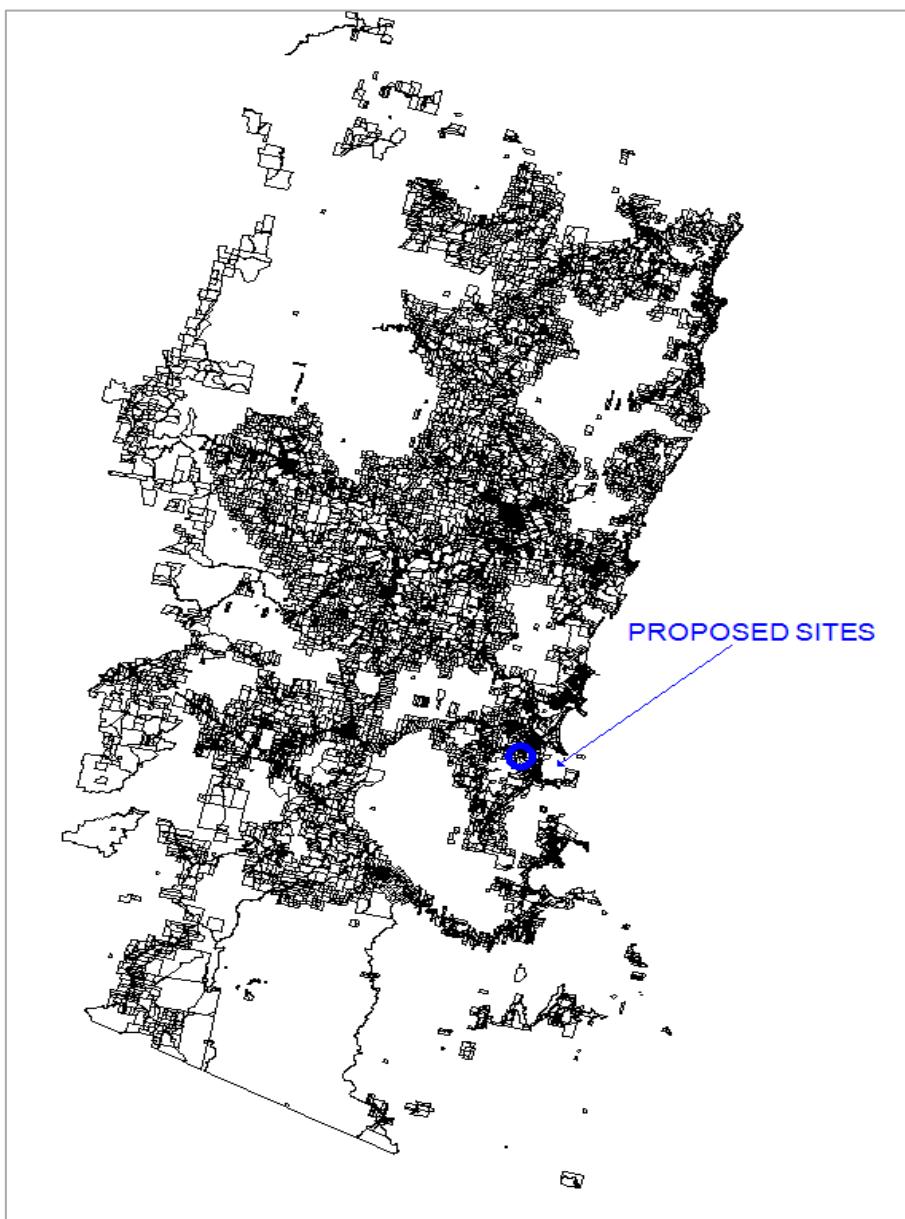


Figure 4: Context Plan



Figure 5: Subject land

Description of the Site

Lot 711 DP 1128593 occupies part of the small rural valley to the south of Summerhill Road, South Pambula and is 40.21 hectares in size.

The site contains 2 dwelling houses and is currently used for light grazing of sheep. The owner advises in average seasons the land can run about 80 ewes.

Most of the land is gentle slope to undulating with steeper areas in the south (proposed E2 area) and in the west.

The land is in the immediate catchment of the Yowaka River which in turn drains to Pambula Lake.

The proposed E2 zone is covered in native vegetation and a small area of native vegetation also exists in the north west as part of proposed Lot 1. Most of the remainder of the site is a mix of native and exotic grass pastures. (See biodiversity report for more vegetation detail).

Description of the Proposal

The owner of the site has submitted this Planning Proposal that seeks to have the property zoned part E4 with a 2 hectare minimum lot size. A parcel of E2 zoning in the south adjoining Nethercote Road is also proposed.

A new access is proposed to the Princes Highway to be funded by the developer which will make a significant improvement to public safety in allowing the closure of the sub-standard Summer Hill Road intersection, for all but emergency services.

Council resolved at its meeting on 20 July 2016 to support an E4 zoning with a 5 hectare minimum lot size.

Council has since adopted the Bega Valley Shire Rural Residential Strategy at the meeting of 5 February 2020. This Planning Proposal is consistent with the Strategy as the site has been identified as Area 4 within the Pambula catchment as suitable for rural residential development. The summary of findings of the strategy conclude there is insufficient supply in the Pambula catchment to meet the projected needs to 2040 and therefore limited additional rural residential zoning is supported in the areas identified. The summary for Area 4 is as follows:

Areas 1 and 4 – These areas are relatively unconstrained and contain lower quality agricultural land. The areas are sufficient distance from an existing agricultural activity likely to cause land use conflict, have good access to existing road infrastructure and are located close to existing rural residential development surrounding Pambula and South Pambula. Area 4 is partly subject of a Private Native Forestry Property Vegetation Plan and therefore is considered suitable for inclusion within this area.

This Planning Proposal seeks to rezone the land as per Council's resolution to C4 Environmental Living while retaining the 1.25 hectare strip of land along Nethercote Road exhibited as C2 Environmental Conservation and expanding the C2 zone to include most of the remnant native vegetation of the site.

The reference above to private native forestry relates to the land immediately to the west of the subject land. The subject land is not the subject of a Private Native Forestry Property Vegetation Plan.



Figure 6: Aerial Photos



STRATEGIC FRAMEWORK

Bega Valley Local Environmental Plan 2002

Lot 711 DP 1128593 is currently deferred from Bega Valley Local Environmental Plan 2013 and is zoned 1(a) General Rural with a 120 hectare minimum lot size under Bega Valley Local Environmental Plan 2002. The site does not have subdivision potential under BVLEP 2002.

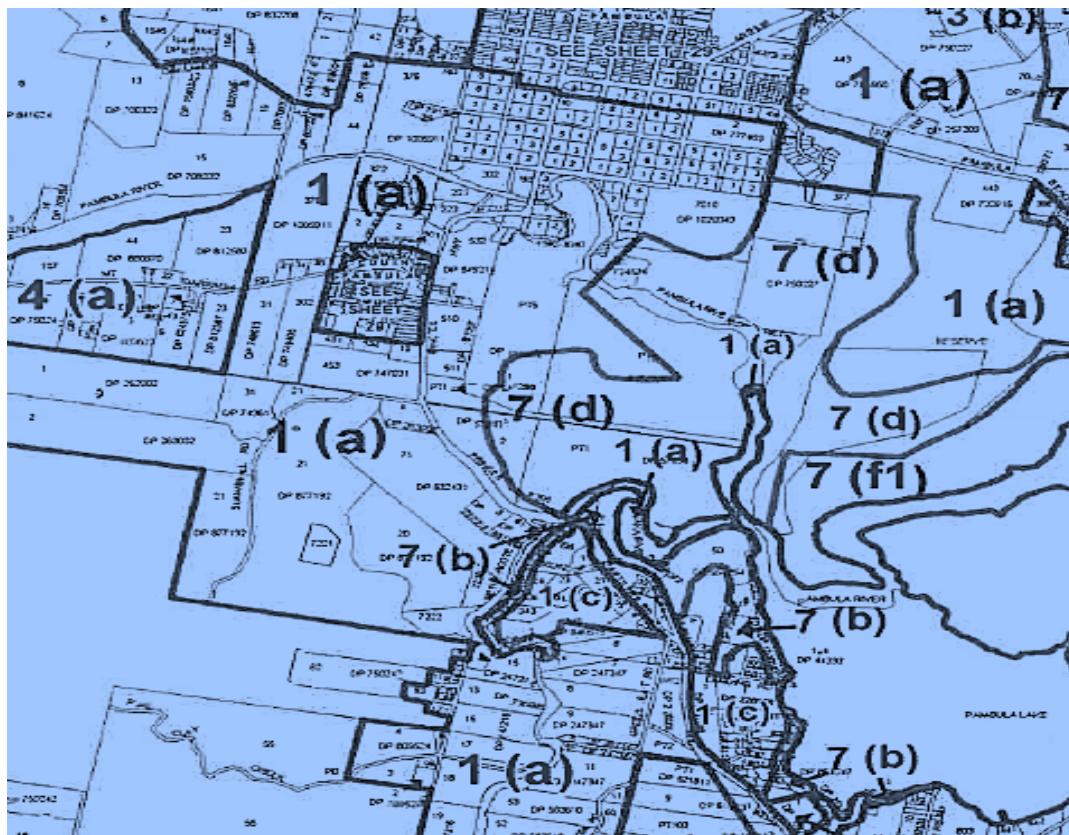


Figure 7: Map 4 - Zoning Under BVLEP 2002

Developer Servicing Plan

The site is located outside of the Developer Servicing Plan (DSP) boundary for South Pambula. Any development outside of the DSP area will be required to provide for onsite water supply and effluent disposal and this is assessed in detail in the accompanying draft DA.

Bega Valley Shire Rural Residential Strategy 2020

The objectives of The Bega Valley Shire Rural Residential Strategy are to:

- Provide strategic direction for the provision of future rural living opportunities in the Bega Valley Shire to 2040,
- Implement the relevant goals of the Bega Valley Community Strategic Plan 2040 and directions and actions of the South Coast and Tablelands Regional Plan 2036,

- Identify where the supply of rural residential development opportunities is sufficient to meet demand to 2040,
- Identify suitable future growth areas in catchments where additional supply is required, and
- Investigate the distribution of the existing supply of vacant and underutilised rural residential zoned land and review suitability for further subdivision.

The summary of findings for the Pambula catchment conclude there is insufficient supply in the Pambula catchment to meet the projected needs to 2040 and therefore limited additional rural residential zoning is supported in the areas identified. The subject site is included in Area 4 of the catchment analysis for the Pambula catchment. The summary for Area 4 is as follows:

Areas 1 and 4 – These areas are relatively unconstrained and contain lower quality agricultural land. The areas are sufficient distance from an existing agricultural activity likely to cause land use conflict, have good access to existing road infrastructure and are located close to existing rural residential development surrounding Pambula and South Pambula.

This Planning Proposal is consistent with the assessment for Area 4:

- The site contains two existing dwellings. This site is relatively unconstrained containing largely cleared farmland with small patches of vegetation in the north western and south eastern portions of the site. There may be some natural resource constraints on developing this land as the site is dissected by two gullies, however, the draft DA submitted with this Planning Proposal, demonstrates that there is sufficient area and good design solutions to work around these constraints. The proposed C2 zoning will help conserve most of the remnant vegetation.
- The site adjoins a forested area to the west that comprises moderate to steep sloping land under various stages of regeneration to native forest and has a current Private Native Forestry Property Vegetation plan in place. The eastern section of this area forms part of the wooded landscape backdrop to the entry to South Pambula. This area is zoned C3 Environmental Management with a lot size of 50 hectares.

SECTION A NEED FOR A PLANNING PROPOSAL

QUESTION 1 Is the Planning Proposal a result of any strategic study or report?

KEY POINTS

- There is very limited and constrained future urban land available on the coastal strip (Eden/Merimbula/ Tura/ Tathra/ Bermagui).
- There is a need to redirect low density development to inland areas. South Pambula is a suitable location.
- South Pambula is ideally located within the servicing context of surrounding towns and villages.
- The subject land has been identified as potential for rural residential development.
- The land is ideally suited for rural residential development.

Council's adopted Rural Residential Strategy 2020 concluded there is insufficient supply in the Pambula catchment to meet projected needs to 2040, therefore, limited additional rural residential zoning is supported in the areas identified. The subject land was identified as part of Area 4 in the Pambula catchment.

Area 4 includes the majority of the subject site. Most areas of existing native vegetation are excluded from Area 4. Most areas in the subject site are proposed to be zoned C2 Environmental Conservation. This area is relatively unconstrained and comprises a small holding of lower quality agricultural land which is below a viable commercial threshold (the owner is an experienced sheep farmer and has records demonstrating the land cannot average better than 80 ewes). Even at current record prices of \$200 per lamb, that is a gross of \$12,000 per annum. Clearly, the land only supports hobby farming). The subject land is a sufficient distance from any existing or potential commercial agricultural activity likely to cause land use conflict, will have good, proposed access to existing road infrastructure and is located close to existing rural residential development surrounding Pambula and South Pambula.

This Planning Proposal refines rural residential zones around South Pambula to provide more supply and diversity of housing choice outside the major centres of Eden and Merimbula but the site is close enough for good service access. These zones and minimum lot sizes have been refined from those exhibited zones and would result in an increase in the potential lot yield of the sites. But as the draft DA details, the land has the capability to provide up to 15 rural residential lots.

The Planning Proposal is supported by the following technical reports included as Appendixes:

- Draft DA including:
 - Bushfire assessment,
 - Biodiversity (BDAR report),
 - DA engineering (road grading, stormwater management, traffic management),
 - Design of new highway intersection,
 - Onsite sewerage Management (OSSM) including compliant disposal areas for every lot,
 - Flooding and water management, and
 - Aboriginal Cultural Heritage assessment.

The outcomes of these reports support the Planning Proposal in its current form and are appropriately summarised throughout this Planning Proposal and in the draft DA.

QUESTION 2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject land is deferred from BVLEP 2013. To achieve the objective of the Planning Proposal to include the land within BVLEP 2013, there is no alternative but to prepare a Planning Proposal that seeks to rezone the land under BVLEP 2013. The subject land is a relatively large greenfield site that has remained in historical zonings and is in need of updating to better reflect the inherent constraints and best uses of the land.

A Planning Proposal to rezone the land for rural residential development is also the best way of achieving the objectives of increasing the supply of rural residential living opportunities in the Pambula area.

As demonstrated in this Planning Proposal and in the accompanying technical reports, the proposed zoning and minimum lot size allows for a subdivision that:

- Is sensitive to the environmental qualities and constraints of the land, such as vegetation, bushfire, flooding and the coastal zone,
- Maintains an appropriate curtilage around the heritage item on the site, and
- Will fit well into the local context and character of the area with minimal to no land use conflicts or amenity impacts.

The proposed rezoning of the major areas of native vegetation on the land to the C2 zone is considered the best means of achieving the objective of conserving areas of biodiversity on the land.

SECTION B STRATEGIC PLANNING FRAMEWORK

QUESTION 3 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

SOUTH EAST AND TABLELANDS REGIONAL PLAN 2036

CLAUSE	ASSESSMENT
DIRECTION 7	
Grow the South Coast's aquaculture industry	The subject land is within the catchment of Pambula Lake which is an oyster growing lake with excellent water quality. The Planning Proposal will facilitate development within this catchment. Development impacts will be minimised through the protection of riparian corridors and the use of appropriate onsite effluent management systems and stormwater treatment– refer to technical OSSM report.
DIRECTION 8	
Protect important agricultural land Draft State Significant Agricultural Land Map.	<p>The subject land is not considered to be important agricultural land and has the capacity to run only 80 ewes in average seasons. As such, it is only a hobby farm scale and is unlikely to be mapped as such, particularly given its strategic identification for rural residential development. The land is also not surrounded by any commercially viable agricultural land and will therefore not cause any rural land use conflicts.</p> <p>The land is not included on the draft State Significant Agricultural Land (SSAL) Map, as shown opposite with the subject land identified by the red circle. The draft SSAL is shown in light blue.</p> 
DIRECTION 14	
Protect important environmental assets	<p>The subject land contains some high environmental value lands that are mapped in BVLEP2013. The Planning Proposal will protect most of these lands through the use of the C2 zone.</p> <p>The Biodiversity Assessment identifies a need for minor offset payments to address the limited clearing needed for the roads and homesite in Lot 1.</p>

CLAUSE	ASSESSMENT
DIRECTION 15	
Enhance biodiversity connections	<p>The proposal is to conserve most of the remaining native vegetation on the site.</p> <p>It is proposed to exclude stock access to the main gullies and enhance riparian vegetation.</p> <p>As such, this will assist with wildlife movement east-west and ensure conservation of important vegetation.</p>
DIRECTION 16	
Protect the coast and increase resilience to natural hazards	<p>The site is above likely influence of coastal hazards and of sound geological structure.</p> <p>The site is not dominant in the coastal views and once normal dwelling landscaping is in place, the impact of up to 15 dwellings is considered acceptable in this setting when approaching or leaving the urban precinct of South Pambula. (See detail in the draft DA package.)</p>
DIRECTION 17	
Mitigate and adapt to climate change	<p>The site is not exposed to coastal hazards and each potential lot has a sound flood free dwelling area.</p> <p>The site is considered to have neutral impacts overall regarding climate change. On the positive side, native vegetation should be enhanced.</p>
DIRECTION 23	
Protect the region's heritage	<p>A due diligence assessment of the site was performed by a qualified archaeologist in consultation with Eden Local Aboriginal Lands Council. No matters of significance were discovered and the probability of items of importance is considered low.</p> <p>The Land Council has endorsed the report findings.</p> <p>One European heritage item appears on the site. This property is listed as Heritage Item Number I670 'Farm cottage with red roof', Princes Highway, Greigs Flat.</p> <p>The proposed Lot 5 contains the cottage and its outbuildings with a generous curtilage. As such, the proposal addresses the item's conservation.</p>
DIRECTION 24	
Deliver greater housing supply and choice	Council's rural residential strategy identifies limited supply of rural residential living opportunities and maps a number of potential opportunities, including the subject land. This proposal adds up to 13 new dwellings on 15 rural residential lots.

CLAUSE	ASSESSMENT
DIRECTION 25	
Focus housing growth in location that maximise infrastructure and services	This direction applies principally to urban housing growth and seeks to minimise the need for new services. This Planning Proposal seeks to develop rural residential land that will rely on rainwater collection and onsite effluent management and therefore will not increase the demand for new public infrastructure. The developer will fund the access and bushfire trail infrastructure.
DIRECTION 27	
Deliver more opportunities for affordable housing	This direction applies principally to urban residential development and seeks to maximise a greater variety of housing types, including affordable housing. This Planning Proposal seeks to develop rural residential lots which are generally beyond the scale of affordable housing. It is, however, a land market niche which is currently under supplied and the provision of greater supply will help to dampen market prices and expand housing choice.
DIRECTION 28	
Manage rural lifestyles	The Planning Proposal enables new rural residential development in an area specifically identified in the Council's Rural Residential Strategy. The subject land is in close proximity to the urban settlements of Pambula and Merimbula, will utilise existing infrastructure and services where available, with onsite water and effluent management. As outlined in this Planning Proposal, the development of the land will minimise land use conflicts and protect areas of high environmental value.
LOCAL GOVERNMENT NARRATIVES	
Housing	This Planning Proposal seeks to reduce the pressure for development within the coastal zone and consolidate rural residential growth in high demand catchments near existing developments and infrastructure. The site is close to the South Pambula village, of negligible value for agriculture and surrounded by fragmented land. It will have high standard, direct road access.

QUESTION 4 Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

Bega Valley 2040 Community Strategic Plan

The Community Strategic Plan (CSP) identifies the long term aspirations of the Bega Valley Shire's community. Two of the key aims of the CSP are:

- To support a place where everyone regardless of age or circumstance can enjoy a safe, involved and affordable community life; and
- To ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

This Planning Proposal is consistent with these two aims of the CSP by encouraging and enabling residential opportunities that are:

- Capable of supporting a range of housing choices that are sustainable and suited to the needs of the community,
- Located within close proximity to existing townships, accessible to a range of services and amenities, and
- Capable of minimising and managing impacts on the natural environment.

Bega Valley Shire Local Strategic Planning Statement 2040

The Bega Valley LSPS 2040 contains the following principles for rural residential development:

1. Locate close to existing urban settlements in high demand catchments,
2. Avoid and minimise potential for land use conflicts with productive, zoned agricultural land and natural resources,
3. Avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards (Action 28.2),
4. Rezoning/lot sizing only where supported by Rural Residential Strategy.

The Planning Proposal is consistent with the principles in that:

- The land is close to the existing urban settlements of Pambula and Merimbula and is in an area of low existing supply and high demand,
- The land is not surrounded by commercial agricultural land and therefore rural residential development will not cause rural land use conflicts,
- Areas of high environmental value on the site will be protected with a C2 zoning and covenants restricting grazing of waterways. Water quality will be protected through a site exit wetland and settling dam. (See DA for detail.),
- Dwelling sites can be accommodated with adequate protection from bushfire risk, onsite sewage disposal areas that conform to required standards and away from potential flood prone land along watercourses, and
- The rezoning of the land is supported by the Council's Rural Residential Strategy.

Bega Valley Shire Rural Residential Strategy 2020

Council's adopted Rural Residential Strategy 2020 concludes there is insufficient supply in the Pambula catchment to meet projected needs to 2040, therefore, limited additional rural residential zoning is supported in the areas identified. The subject land was identified as part of Area 4.

Area 4 is relatively unconstrained and contains lower quality agricultural land in a holding too small for commercial agriculture. The areas are a sufficient distance from an existing agricultural activity likely to cause land use conflict, will have good access to existing road infrastructure and are located close to existing rural residential development surrounding Pambula and South Pambula.

This Planning Proposal is consistent with the objectives of this strategy as it proposes to rezone land to allow for a small amount of additional rural residential land supply, creating potentially an additional 15 lots in close proximity to the existing settlement of South Pambula.

QUESTION 5 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no other applicable State or regional studies or strategies.

QUESTION 6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

POLICY	ASSESSMENT
SEPP (PRIMARY PRODUCTION AND RURAL DEVELOPMENT) 2019	
The Rural Subdivision Principles are as follows: <ul style="list-style-type: none">• the minimisation of rural land fragmentation,• the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,• the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,• the consideration of the natural and physical constraints and opportunities of land,• ensuring that planning for dwelling opportunities takes account of those constraints. The SEPP also regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture. Specifically, Clause 29(1) requires consideration of whether a proposal will have an adverse impact on oyster aquaculture.	<p>The proposal utilises existing mostly cleared grazing land by rezoning 1(a) zoned land under BVLEP 2002 to E4 under BVLEP 2013. Most existing areas of native vegetation are proposed to be zoned C2.</p> <p>The proposed rural residential land does not inhibit or extinguish the operation of any adjoining rural uses (intensive or non-intensive). The majority of the land is used for very limited grazing, below commercial viability, and the creation of C2 and C4 zones will improve environmental outcomes.</p> <p>The original 1(a) zoning is redundant and does not reflect the use and operation of this land. It is now only serving as an impediment to growth and future development of this land.</p> <p>The site is currently zoned 1(a) with the majority of the land being Class 3 agricultural land with limited agricultural viability. The majority of this land has been used as grazing land, at hobby farm scale for past decades and the proposed zones would be more in keeping with the characteristics and environmental constraints of the land.</p>

POLICY	ASSESSMENT
	<p>This Planning Proposal has the potential to be inconsistent with this SEPP as future development of the Subject Area has the potential to impact on oyster aquaculture in terms of cumulative nutrient impacts and cumulative pathogen impacts. The subject land is located within the catchment of Pambula Lake. In this regard, consultation with the Director General of Primary Industries will be undertaken as part of the Planning Proposal process.</p> <p>The Planning Proposal, however, has planned for additional dwelling opportunities over the Subject Land by applying minimum lot sizes that ensure adequate lot area for effective onsite effluent disposal and management can be achieved. (See accompanying report by Martens.)</p> <p>Riparian areas are to be fenced out and revegetated and a water quality pond and wetland installed at the catchment exit of the site.</p>
SEPP KOALA HABITAT PROTECTION 2020 AND 2021	
These SEPP's aim to encourage the proper conservation and management of natural vegetation that provide habitat for koalas.	<p>This Planning Proposal is consistent with the 2020 SEPP as none of the subject lands are considered as core koala habitat due to the low probability of Ribbon Gum or Red Gums being present and the lack of recent records that indicate the absence of a breeding population of koalas.</p> <p>The 2021 SEPP is not considered to apply as the land is currently zoned the equivalent of RU1. Regardless, the impact of the proposal on koala habitat is considered acceptable and no core habitat will be disturbed. (See biodiversity report.)</p>
SEPP (VEGETATION IN NON-RURAL AREAS) 2017	
This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	<p>This SEPP will apply to the land should the rezoning to C2 and C4 be approved. The SEPP applies to the clearing of native vegetation.</p> <p>The proposal has the potential to improve vegetation management of the subject land:</p> <ol style="list-style-type: none"> 1. The main areas on the site with higher environmental values will be either zoned C2 for their protection or included in non-development sections of lots, 2. Streamlines will be fenced out for improved biodiversity outcomes, and

POLICY	ASSESSMENT
	<p>3. The bulk of the land is substantially cleared and comprised of exotic grasslands. Rural residential use is likely to add to tree planting.</p>
SEPP (INFRASTRUCTURE) 2007	<p>This SEPP aims to facilitate the effective delivery of infrastructure across the State.</p> <p>Clause 101 of the SEPP relates to development with frontage to a classified road. Refer to traffic plans and concept approval of the proposed highway intersection by Traffic for NSW.</p> <p>Clause 104 of the SEPP relates to traffic generating development and applies to certain developments of a certain size or capacity as outlined in Schedule 3 of the SEPP. The proposal is not considered to be a traffic generating development as the number of allotments proposed is less than 50.</p>
SEPP (STATE AND REGIONAL DEVELOPMENT) 2011	<p>This SEPP aims to identify development that is State significant development or infrastructure and regionally significant development.</p> <p>The proposal does not meet the relevant thresholds for State or regionally significant development.</p>
SEPP MINING, PETROLEUM AND EXTRACTIVE INDUSTRIES 2007	<p>This SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&A Act. Under the SEPP, the relevant consent authority in determining an application must consider the compatibility of the proposed development with mining, petroleum production or extractive industry.</p> <p>This Planning Proposal does not seek to allow mining, petroleum production or extractive industry within the subject land. The Planning Proposal might be considered inconsistent with the SEPP. There was an extractive industry located within Lot 712 DP 1128593. Examination reveals it appears to have been unused for many years and the remaining accessible reserve seems limited.</p> <p>There are existing houses within 200 metres of the pit which further constrain any prospects of its recommencement.</p> <p>Consultation with the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) to determine if clause 13 of the SEPP applies will be undertaken during public exhibition of the Planning Proposal.</p>
SEPP (COASTAL MANAGEMENT) 2018	<p>SEPP (Coastal Management) 2018 aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area, by managing development in the coastal zone and protecting the environmental assets of the coast, establishing a framework for land use planning to guide</p> <p>The site is located within both the mapped Coastal Use Area and Coastal Environment Area under the SEPP.</p> <p>The Planning Proposal is consistent with the SEPP as the concept layout provides for C2 zoning and ongoing conservation of all of the site within the coastal use zone and only 3 dwellings in the Coastal Management zone. High</p>

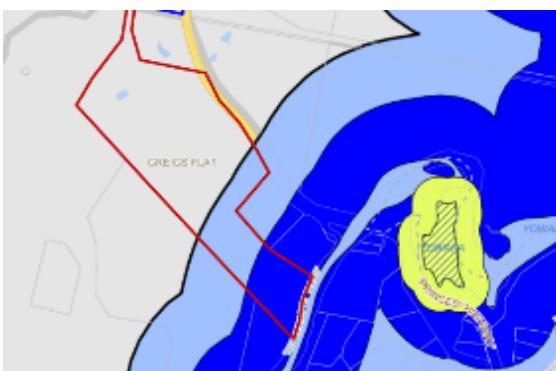
POLICY	ASSESSMENT
<p>decision-making in the coastal zone, and mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i>.</p>  <p>Legend:</p> <ul style="list-style-type: none"> Coastal Management Policy - SEPP Land Application Wetland Proximity Wetland Coastal Use Coastal Environment 	<p>standards of effluent management are proposed in the attached report.</p> <p>This allows for future rural residential development to be designed, sited and managed to avoid and minimise any adverse impact on coastal environmental values, natural coastal processes, public use of the foreshore area, marine vegetation and habitat and Aboriginal cultural heritage.</p> <p>This Planning Proposal does not contradict or hinder the application of the coastal planning provisions contained within the SEPP or promote development that will impede or diminish access to coastal foreshores, result in effluent discharge that negatively affects water quality, or involve a discharge of untreated stormwater into the sea, a beach, an estuary, or coastal lake or creek.</p> <p>(See accompanying draft DA and associated reports.)</p>

Table 6.1: Riparian corridor widths and vegetated riparian zones	VRZ width (each side of watercourse)	Total RC width
1 st order	10 metres	20m + channel width
2 nd order	20 metres	40m + channel width
3 rd order	30 metres	60m + channel width
4 th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80m + channel width

Source: NSW Office of Water, 2012 Watercourse type.

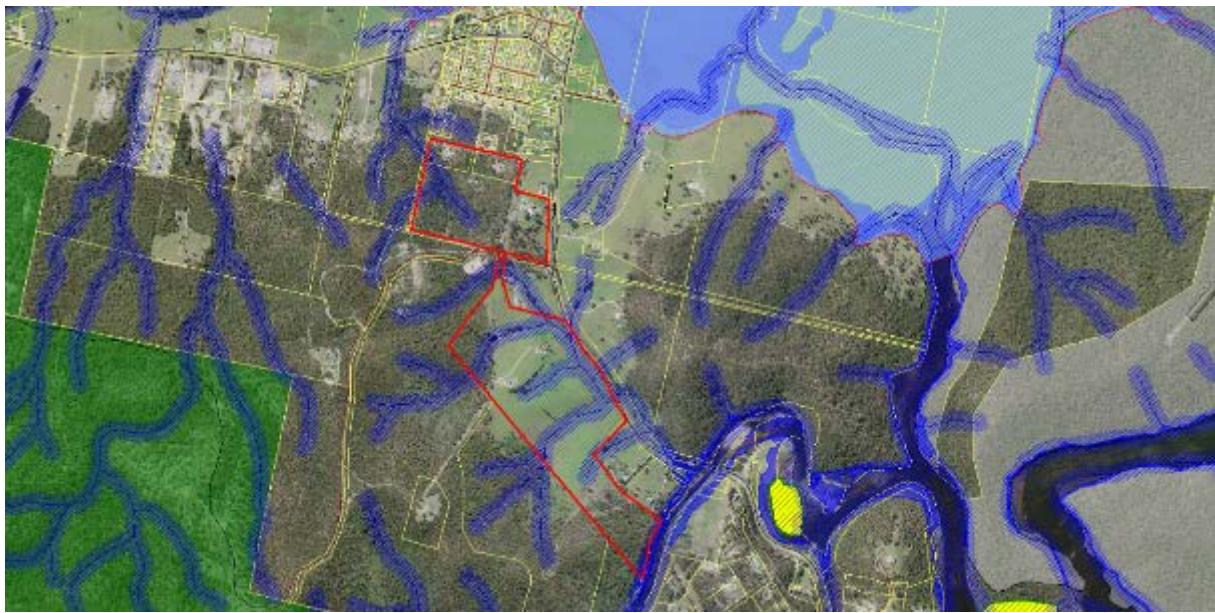


Figure 8: Map 7 Riparian Buffers For South Pambula

QUESTION 6 Is the Planning Proposal consistent with applicable Ministerial Directions?

This Section addresses consistency with applicable Ministerial Directions.

POLICY	ASSESSMENT							
1.2 RURAL ZONES								
<p>This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land.</p> <p>Agricultural Land Classification Atlas Mapping</p>  <table border="1"> <tr><td>1</td></tr> <tr><td>2</td></tr> <tr><td>3</td></tr> <tr><td>4</td></tr> <tr><td>5</td></tr> <tr><td>7</td></tr> <tr><td>8</td></tr> </table>	1	2	3	4	5	7	8	<p>The Planning Proposal is inconsistent with this direction as it proposes to rezone land from a rural zone to a residential/environmental zone. Planning proposals can be inconsistent with this direction if the proposal is justified by a relevant strategy or study or is of minor significance.</p> <p>The Planning Proposal is justified by the Council's Rural Residential Strategy that identifies the subject land for rural residential development.</p> <p>The site represents a very small rural holding of limited agricultural capability being Class 3 and 4 grazing land more suitable for rural residential development.</p> <p>The site is bordered by land that is more residential/rural residential and C3 zoned heavily vegetated land than traditional agricultural holdings that might be a cause for concern in terms of future rural land use conflict.</p>
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POLICY	ASSESSMENT
1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES	
<p>This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> <p>The objective of this Direction is to ensure that the future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>This Planning Proposal may be considered inconsistent with this Direction as it contains provisions that may lead to land use conflicts between an extractive industry and future rural residential living opportunities.</p> <p>As discussed under Question 5, there is significant doubt there would ever be a request to seek to reopen the pit.</p> <p>The Direction requires consultation with the Department of Primary Industries to identify if the Planning Proposal will affect any resources of State or Regional significance.</p> <p>A Planning Proposal may be inconsistent with the Direction if Council can satisfy the Department of Primary Industries that the inconsistency is of minor significance.</p> <p>Consultation with the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) will be undertaken during public exhibition of the Planning Proposal.</p>
1.4 OYSTER AQUACULTURE	
<p>This Direction applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p> <p>The objectives of this Direction are to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a Planning Proposal; and protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>	<p>This Planning Proposal has the potential to be inconsistent with this Direction as it contains provisions which could result in adverse impacts to an existing Priority Oyster Aquaculture Area. Any issues that have the potential to impact on water quality can be adequately addressed via the appropriate siting and design of future development. The 13 potential dwellings all have sound envelopes, good separation from drainage lines and a proposed robust on site sewerage management system.</p> <p>The subdivision roads will be sealed and high standards of erosion and sediment control can be achieved including detention and water quality ponds.</p> <p>Minimal additional clearing of vegetative cover is required.</p> <p>It is unlikely that the additional development will have adverse impacts on oyster aquaculture in terms of water quality. As such, the inconsistency with the terms of this Direction is of minor significance.</p>

POLICY	ASSESSMENT
<p>1.5 RURAL LANDS</p> <p>This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>The objectives of this Direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>The proposed changes to the zoning and minimum lot size controls contained in this Planning Proposal are consistent with this Direction because they conform to the Rural Planning and Rural Subdivision Principles listed in SEPP (Primary Production and Rural Development) 2019 and will not compromise the production value or development of rural land for rural purposes.</p> <p>In particular, this Planning Proposal will:</p> <ul style="list-style-type: none"> • Not enable the fragmentation of high quality agricultural land, • Protect areas of high environmental values through the use of the C2 zone, • Adequately protect the heritage item on the site and not impact on any Aboriginal cultural heritage, • Protect water resources and nearby oyster aquaculture through appropriate onsite effluent and stormwater controls, • Not enable the potential for additional rural land use conflicts, particularly between residential land uses and other rural land uses; • Provide rural residential opportunities compatible with the natural and physical characteristics of the land and that will integrate with surrounding and existing rural residential developments, and • Provide residential and rural residential opportunities in areas close to existing town centres that are well serviced and capable of meeting the daily needs of residents.
<p>2.1 ENVIRONMENT PROTECTION ZONE</p> <p>This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to protect and conserve environmentally sensitive areas.</p>	<p>This Planning Proposal is consistent with this direction as it proposes to zone most identified areas of high environmental value C2 Environmental Conservation and contains provisions that relate to the application of the E4 zone consistent with the environmental characteristics of each site and provides minimum lot size controls appropriate to protect and conserve those environmentally sensitive areas.</p> <p>Ridgelines and riparian corridors have also been identified to protect this land.</p> <p>Most native vegetation on the site would be conserved and waterways excluded from stock</p>

POLICY	ASSESSMENT
	<p>and allowed to have some regeneration for wildlife corridor values.</p> <p>Detailed studies on biodiversity and riparian lands accompany this Planning Proposal.</p>
2.2 COASTAL MANAGEMENT	<p>This Direction applies when a planning authority prepares a Planning Proposal that applies to land in the Coastal Zone. The objective is to implement the principles in the NSW Coastal Policy.</p> <p>This Planning Proposal seeks to amend the zoning and minimum lot size controls within the Coastal Zone. This Planning Proposal is consistent with this Direction as it does not contradict or hinder the application of the coastal planning provisions contained in the NSW Coastal Policy, the Coastal Design Guidelines 2003 or the NSW Coastline Development Manual 1993.</p> <p>With the objective of implementing the principles of the NSW Coastal Policy, this Planning Proposal will ensure the application of BVLEP 2013 to the subject land, which includes the Standard Instrument Clause 5.7 relating to development below mean high water mark, as well as local Clause 6.4 Coastal Risk Planning.</p>
2.3 HERITAGE CONSERVATION	<p>This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Photo of 'Farm Cottage with Red Roof'.</p>  <p>This Planning Proposal is consistent with this Direction as it does not include provisions that will affect the protection or conservation of identified items, areas, objects or places of environmental heritage significance or indigenous heritage significance.</p> <p>One heritage item appears on the site. This property is listed as Heritage Item Number I670 'Farm cottage with red roof', Princes Highway, Greigs Flat.</p> <p>This Planning Proposal does not seek to change the Heritage Map in BVLEP 2013 or amend the listing of the item in Schedule 5.</p> <p>The land is currently zoned 1(a) and the proposed E4 zoning would not have a detrimental impact on this heritage item.</p> <p>The Planning Proposal will facilitate subdivision of the land. An assessment of the proposed lot layout in relation to the heritage item has been undertaken in the draft DA.</p> <p>Should the development application be approved creating 15 new lots, an amendment to the Heritage Map in BVLEP 2013 will be sought to identify the lot on which the item is located and remove it from the other approved lots.</p>

POLICY	ASSESSMENT
<p>Map of the Heritage Item</p> 	<p>The item and its curtilage are well sited within the proposed lot. The old cottage is well conserved and the proposal will only enhance its ongoing potential conservation.</p> <p>No significant adverse impact on Aboriginal heritage is envisaged as detailed in the accompanying due diligence report.</p>
2.6 REMEDIATION OF LAND	
<p>This Direction applies to all lands where further residential use is proposed and is therefore applicable.</p> <p>Before this Proposal can proceed, the Planning Proposal authority must be satisfied that the land is now contaminated or that adequate measures are in place to remediate any contamination.</p>	<p>Bega Valley Shire Council's records indicate that the subject land is not contaminated except for existing approved onsite sewerage management systems that have been developed for the existing dwellings within the subject rea.</p> <p>The attached contamination report has been prepared in accordance with the contaminated land planning guidelines and identifies one minor additional constraint with potential for impact on proposed Lot 3. The possible demolition waste site is well clear of the building envelop and further remediation is not warranted.</p> <p>Each of the proposed 15 lots has a safe homesite. See the DA for a more detailed assessment.</p>
3.4 INTEGRATED LAND USE AND TRANSPORT	
<p>This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objective of this Direction is to ensure that urban structures, building forms,</p>	<p>This Planning Proposal is consistent with this Direction as adequate infrastructure is available to service any additional residential development that results from this Planning Proposal in the South Pambula area.</p> <p>The proposed zoning amendments will encourage rural residential development within</p>

POLICY	ASSESSMENT
land use locations, development designs, subdivision and street layouts achieve a number of planning objectives.	close proximity to existing urban settlements and will achieve the planning objectives of improving access to housing and services. Transport for NSW supports the new proposed highway intersection and the closure of the substandard Summer Hill Road intersection.
3.5 DEVELOPMENT NEAR LICENSED AERODROMES	
This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.	The South Pambula settlement is located approximately 4.5 kms from the Merimbula Airport. This Planning Proposal is consistent with this direction as the highest part of any of the subject lands where a dwelling envelope might be considered is less than 50 metres AHD and all affected lands are located within either the Inner Horizontal Surface RL or Transitional Surface RL. Those surfaces range from 108 to 122 metres AHD over the subject lands. The height of buildings will remain unchanged for all the site at 10 metres. Therefore, the highest potential dwelling would be under 60 AHD - giving at least 50 metres clearance.
4.3 FLOOD PRONE LAND	
This Direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land. The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	This Planning Proposal is consistent with this direction as the extent of flooding for South Pambula is known. The site is not mapped as flood prone land, however, a very small area in the extreme south of the site (approx. 3000 sqm) is located within the 3 metres AHD contour. But this area is proposed for zoning to C2 and the lowest potential dwelling site on the land is above 18 metres and well clear of any river or estuary flooding. A detailed flood report accompanies the Planning Proposal and establishes that all dwelling envelopes are several metres higher than any projected local flooding.
4.4 PLANNING FOR BUSHFIRE PROTECTION	
This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.	This Planning Proposal is consistent with the objectives of this Direction as it does not encourage the establishment of incompatible land uses and appropriate development of the land can occur through the application of the provisions contained within Planning for Bushfire Protection 2019. A detailed bushfire assessment accompanies this Planning Proposal and establishes full compliance is achievable for the 15 proposed lots.

POLICY	ASSESSMENT
<p>Bushfire mapping</p>  <p>The map displays a coastal area with various land parcels. A legend below the map identifies the following categories:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Bushfire Prone Land (Red) <input checked="" type="checkbox"/> Category 1 (Dark Orange) <input checked="" type="checkbox"/> Category 2 (Light Orange) <input checked="" type="checkbox"/> Category 3 (Orange) <input checked="" type="checkbox"/> Bushfire Buffer (Yellow) 	
5.10 IMPLEMENTATION OF REGIONAL PLANS	
<p>Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	<p>This Planning Proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036.</p> <p>The overall objective with this Planning Proposal is to provide direction on these deferred matters and apply zones that reflect the capacity of the land for future development.</p> <p>This aligns with the directions contained within this document and more specifically 24, 25 and 27 as they relate to housing supply and growth in areas with available infrastructure.</p> <p>Affordable housing is an issue within the Bega Valley as we have a limited supply of unconstrained coastal land. We have identified our villages as an important resource in terms of providing more affordable residential land to meet this supply need and to promote growth and activity within our villages.</p> <p>The preparation of a Rural Residential Strategy as identified within the Local Government Narratives for housing and South Pambula has been undertaken and identifies as an area of demand, additional rural residential development in the Pambula catchment, including the subject land.</p>
6.1 APPROVAL AND REFERRAL REQUIREMENTS	

POLICY	ASSESSMENT
<p>This direction applies when a relevant planning authority prepares a Planning Proposal. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>This Planning Proposal is consistent with the direction as it does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.</p>
<p>6.3 SITE SPECIFIC PROVISIONS</p> <p>This Direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>This Planning Proposal does not seek to include additional uses beyond what is permitted within the land use table for the applicable zone. Therefore, it is consistent with this Direction.</p>

Section C Environmental, Social and Economic Impact

QUESTION 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 accompanying biodiversity report establishes minimal impact on biodiversity. Minor areas of dry forest type that is not EEC (up to 5000m²) will need clearing for APZ requirements in Lot 1. Most of the grassland areas within the subject land are exotic species. A small section comprises native grasses and part of this will be disturbed by roadworks for the subdivision. If triggered, offset payments will be made to the Biodiversity Trust for the small areas of clearing or Stewardship agreements formulated over the retained remnants.

Most of the existing native vegetation and habitat will be conserved and there are prospects of ongoing stewardship to improve the existing vegetation which has seen past private forestry and agricultural clearing impacts.

QUESTION 8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

It is unlikely that the proposed amendments to BVLEP 2013 contained in this Planning Proposal will result in development creating any environmental effects that cannot be readily controlled.

Environmental impacts from development which may proceed as a result of this Planning Proposal, such as subdivision of land and development of up to 15 rural residential dwelling lots, will be controlled by the application of objectives and requirements of BVLEP 2013 and Council's Development Control Plan 2013.

There is potential for Stewardship of the site vegetation and only minor clearing is needed for the development. If required, offset payments will be made to the Biodiversity fund.

Noise and visual impacts can be reasonably addressed as detailed in the accompanying development application.

QUESTION 9 Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is likely to have a positive social and economic impact on South Pambula through the provision of additional rural residential land, helping to dampen market prices.

The objectives of the Bega Valley Rural Residential Strategy 2020 are to:

- Provide strategic direction for the provision of future rural living opportunities in the Bega Valley Shire to 2040,
- Implement the relevant goals of the Bega Valley Community Strategic Plan 2040 and directions and actions of the South Coast and Tablelands Regional Plan 2036,
- Identify where the supply of rural residential development opportunities is sufficient to meet demand to 2040,
- Identify suitable future growth areas in catchments where additional supply is required, and

- Investigate the distribution of the existing supply of vacant and underutilised rural residential zoned land and review suitability for further subdivision.

The strategy also makes recommendations for further investigations regarding residential development in rural areas to encourage affordable housing and review the application of the RU4 zone throughout the Shire.

The Subject Site is located within the Pambula catchment, which is around 140 km² and consists of seven localities whose daily needs are serviced by the town of Pambula. Within the catchment, Greigs Flat and Lochiel contain extensive areas of State Forest, parts of Pambula and Pambula Beach contain National Park and Lochiel, Bald Hills and Greigs Flat contain large areas of agricultural lands. Extensive areas of rural residential zoned land are spread throughout the catchment with minimum lot sizes ranging from 1 to 50 hectares. However, many of these areas have been developed to their potential and there is strong demand for rural residential opportunities within the catchment.

Localities	Bald Hills, Broadwater, Greigs Flat, Lochiel, Pambula, Pambula Beach, South Pambula	
Rural Residential Zones	Total Ha.	1376
	% Shire's total	16
Rural Residential Supply	No. Occupied lots	341
	No. Vacant lots	57
	No. Potential additional lots	55
	No. Original Holdings	23
	Total Supply	135
Rural Residential Demand	% of Shire's demand	14
	Forecast demand per annum	18.37
	Forecast demand to 2040	386
Gap Analysis	Dwelling supply shortfall to 2040	251
	Years supply remaining	7
Estimated supply from rezoning recommendations	Total Ha.	298
	No. lots	135-269

(Source: Council's Rural Residential Strategy 2020)

The Subject Site forms part of Area 4 which is recommended for future rural residential land which will account for approximately 15 lots of the estimated supply from rezoning recommendations.

As part of the research for this Planning Proposal further examination was made of potential lot supply from the existing zones. The figure above of 135 potential lots in the catchment is optimistic and Council accepts that this yield is largely the lot size divided into the residue vacant lands area. Many of the vacant areas of C4 and R5 zoned land in the district are constrained and as such it is suggested the realistic yield is closer to 60-70 lots for the entire district.

Also, demand has seen a substantial strengthening over the past 2 years such that local agents report almost no available vacant rural residential lots for sale in the catchment and indeed much of the Shire.

So a reasonable conclusion updated from the 2020 strategy position is that potential yield from the existing rural residential zones is perhaps 60 lots and would be exhausted well within 5 years. Other rezoning proposals in the district are some years from completion. As with the existing vacant lands, the estimate of up to 269 lots makes no allowance for considerable land constraints and a realistic yield from all the Strategy recommendations is more like 100 additional lots.

This Planning Proposal provides a small but valuable contribution to that limited supply and one that could be developed in the short term while supply is lacking.

The social impact of 13 additional families in this location is seen as mostly positive. They will add viability to the Pambula district commercial area and the community in general.

The development will not supply affordable housing (other than by increasing supply of land) but will address a shortage in reasonable priced rural residential lots.

The development will address its servicing impacts – funded through the developer. This includes the closure of the current very dangerous Summer Hill Intersection with the Princes Highway and its replacement with a new fully compliant intersection to TfNSW requirements.

The accompanying development application contains more socio-economic assessment including noise and visual assessments.

Section D: State and Commonwealth Interests

QUESTION 10 Is there adequate public infrastructure for the Planning Proposal?

Given the scale of the proposed zoning for rural residential development and the location adjacent to the existing urban area of South Pambula, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by the additional development of 13 new dwellings.

There will not be reticulation of water or sewer with water collection and sewage disposal being on site. Power reticulation exists on the site and can be economically extended. Road access to the highway will be funded by the developer to TfNSW requirements. The substandard Summer Hill Road highway intersection will be closed.

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

Final consultation with State and Commonwealth public authorities has not yet been undertaken on this draft. Preliminary comment on a former draft of this proposal has been previously provided by several agencies as detailed below with responses.

In issuing the Gateway Determination, the Department of Planning, Industry and Environment has required further consultation to be had with the following agencies:

- Transport for NSW:
 - Comment: Detailed consultation has been undertaken with Transport for NSW resulting in agreement for the proposed highway access and a major potential improvement in public safety through the closure of Summer Hill Road intersection.
- DPIE Biodiversity and Conservation:
 - Comment: See detailed comment below with respect to the letter from Biodiversity and Conservation of 12 March 2021.
- DPI Fisheries,
- DPI Agriculture,
- Natural Resources Access Regulator,
- NSW Rural Fire Service (s9.1 Direction 4.4 Planning for Bushfire Protection),
- DPIE Mining, Exploration and Geoscience,
- NSW Environmental Protection Authority,
- The relevant Local Aboriginal Land Council:
 - Comment: Formal consultation has been undertaken with Eden Local Aboriginal Land Council, and the Land Council has endorsed the Due Diligence Assessment (NSW Archaeology 2021) that accompanies this proposal. No significant impact on Aboriginal heritage is anticipated by this proposal.

LETTER FROM BIODIVERSITY AND CONSERVATION 12 MARCH 2021

Biodiversity and Conservation raise a number of matters with respect to the previous draft Proposal on which they required further information. These matters are now addressed:

1. Compliance with Ministerial directions 2.1, 4.3 and 5.10

See section above on ministerial directions.

2. Further Biodiversity Assessment

This proposal is supported by a detailed site biodiversity assessment in the form of a draft Biodiversity Development Assessment Report.

The impacts of the minor clearing can readily be addressed by offsets or Stewardship. Most existing native vegetation and habitat can be enhanced from its currently partly disturbed state.

3. Compliance with SEPP (Vegetation in Non-Rural Areas) 2017

See section above on SEPPs.

4. Bega Valley Shire Rural Residential Strategy 2020

Biodiversity and Conservation advise, at the time of their letter, Department of Planning, Industry and Environment (DPIE) had not endorsed this land as part of the strategy. However, Council has subsequently resolved that this land be included for assessment and this Planning Proposal and its accompanying reports and draft development application provide evidence to support the proposal.

It is noted DPIE have recently extended the gateway time period to allow this assessment to proceed on its merits.

5. Floodplain Risk Management

Biodiversity and Conservation consider the land has tributary water courses that require assessment under Ministerial Direction 4.3 Flood Prone Land. A detailed assessment has been carried out in the accompanying Flood Risk and Surface Flow Assessment report (South East Engineering and Environmental, 2021).

The report demonstrates safe homesites for all proposed lots well above any risk of potential inundation or current projected climate change impacts. The report recommends fencing out of watercourses for water quality and biodiversity improvements and this is proposed in the draft development application, with such corridors to be protected by way of easement and performance conditions of consent.

6. Coastal and Estuary Management

Biodiversity and Conservation consider more detailed assessment be required under Direction 2.2 Coastal Management, in particular:

- Measures to protect the nearby Yowaka River and Pambula Lake Estuary. Particularly with regard to stormwater management, erosion control and on site effluent disposal.
- Examine riparian buffers.
- Discussion on Coastal Hazards.
- Discussion on compliance with the Pambula Lake Estuary Coastal Zone Management Plan.

This Planning Proposal is accompanied by a full draft development application and associated reports. This package concludes there are sufficient measures to achieve the estuary management objectives including:

- Fully compliant effluent disposal areas and methodology,
- Fencing out of waterways and development of permanent sediment controls and additional wetlands,
- Improved conservation of vegetation in the proposed E2 zones, and
- The landform is well protected from coastal hazards and the lowest homesite above 20 metres Australian Height Datum. The geology is not at risk of or exposed to coastal erosion.

Part 4 Mapping

Zoning

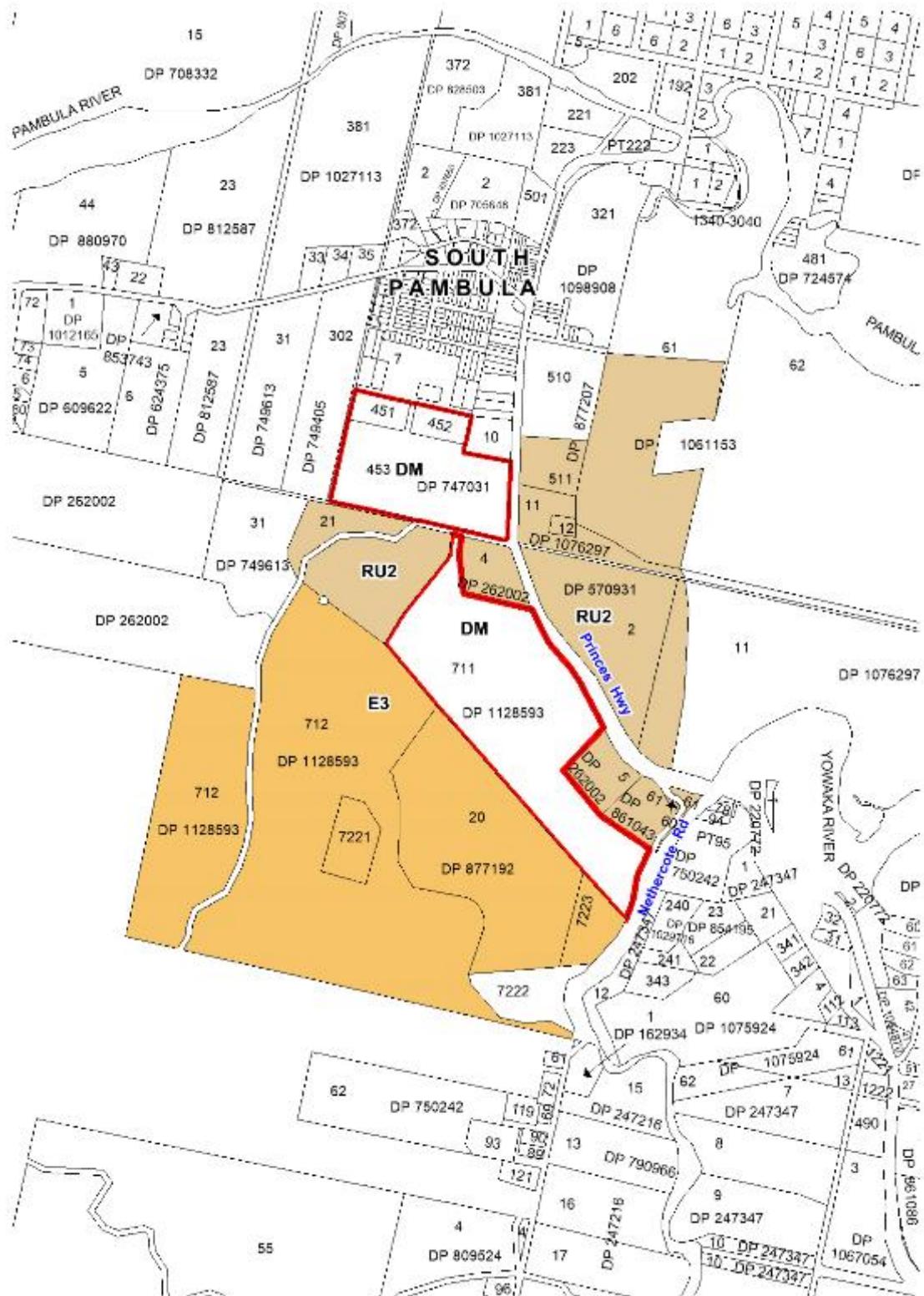


Figure 9: Exhibited.

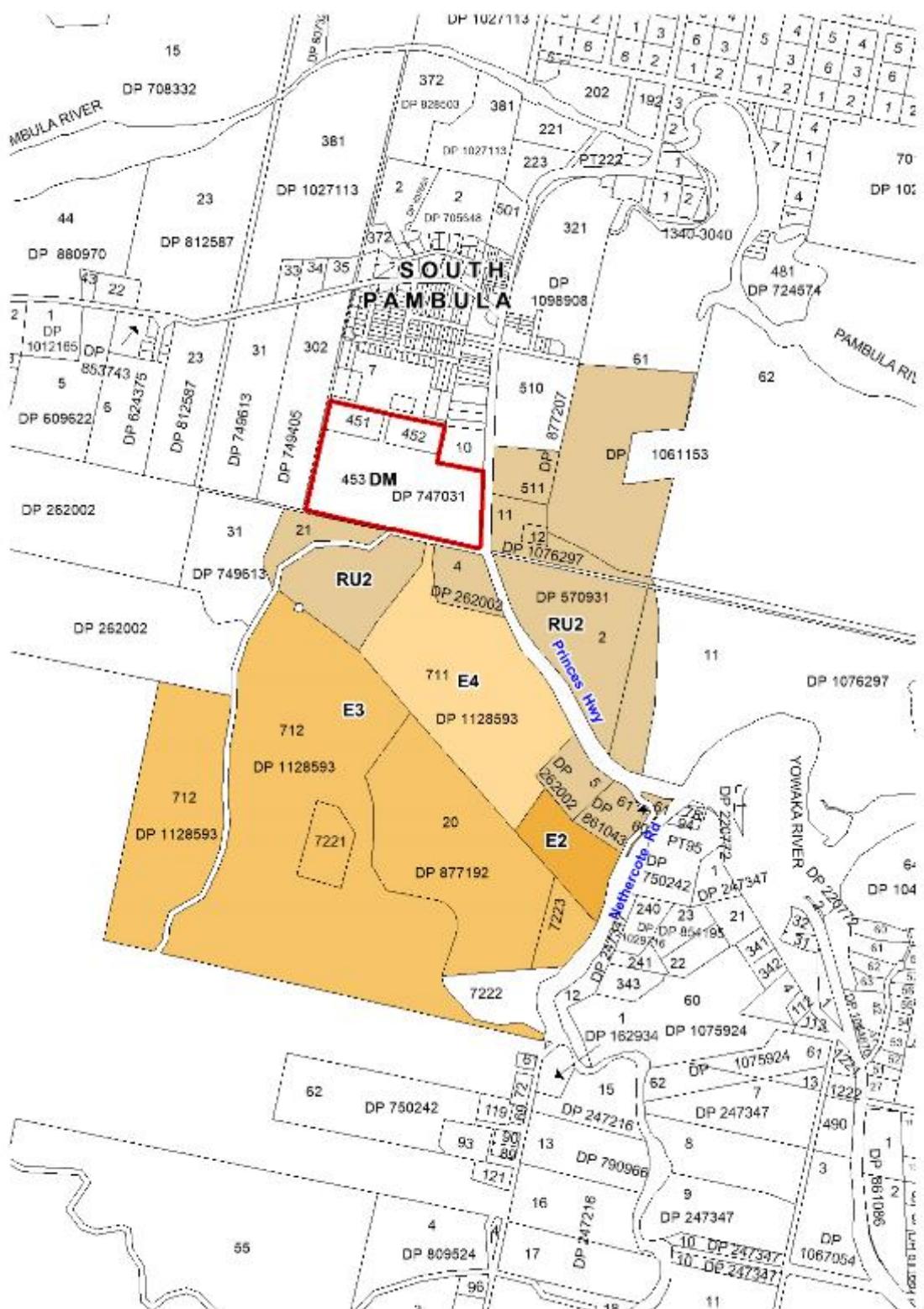


Figure 10: Proposed.

Minimum Lot Sizes

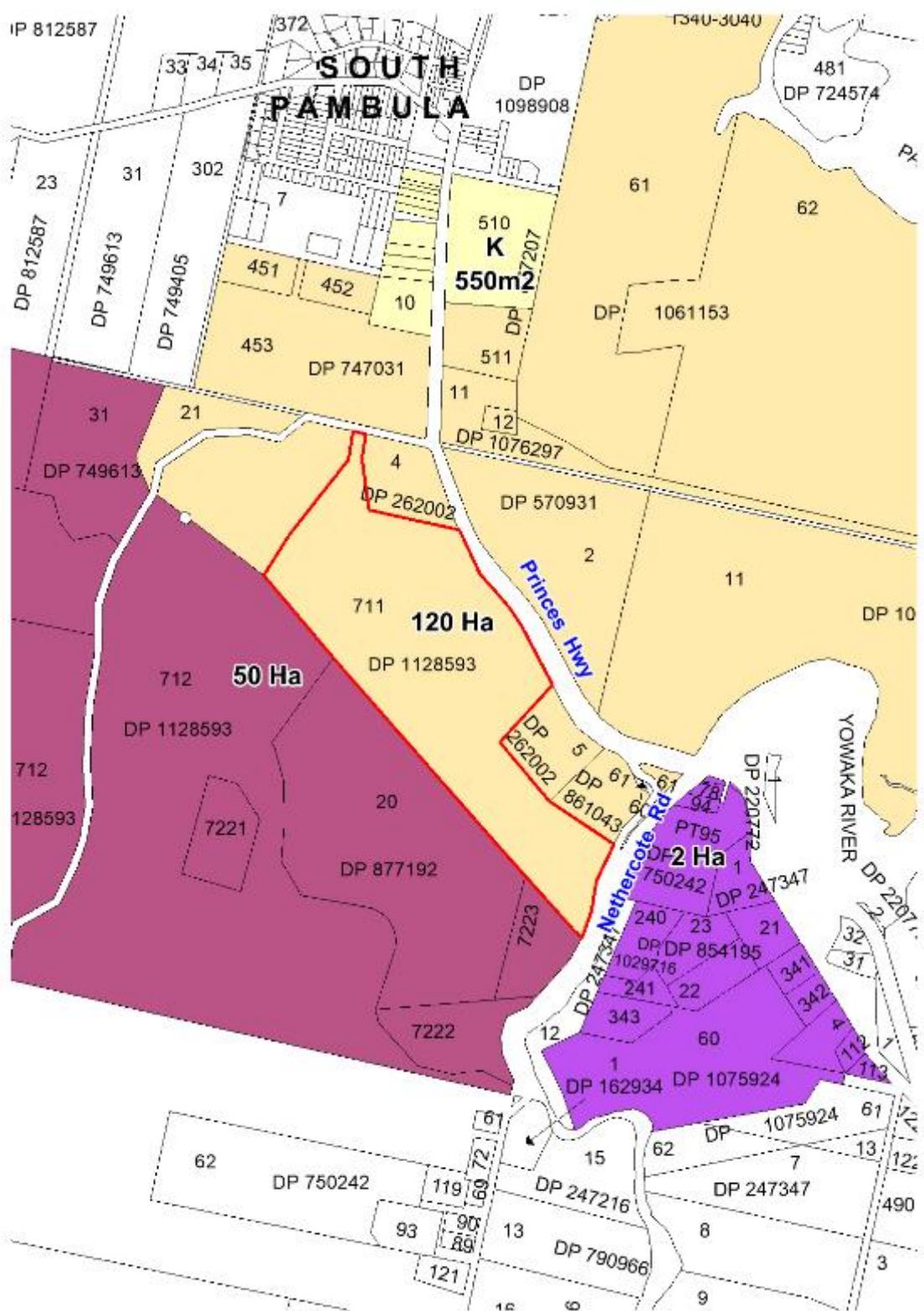


Figure 11: Exhibited.

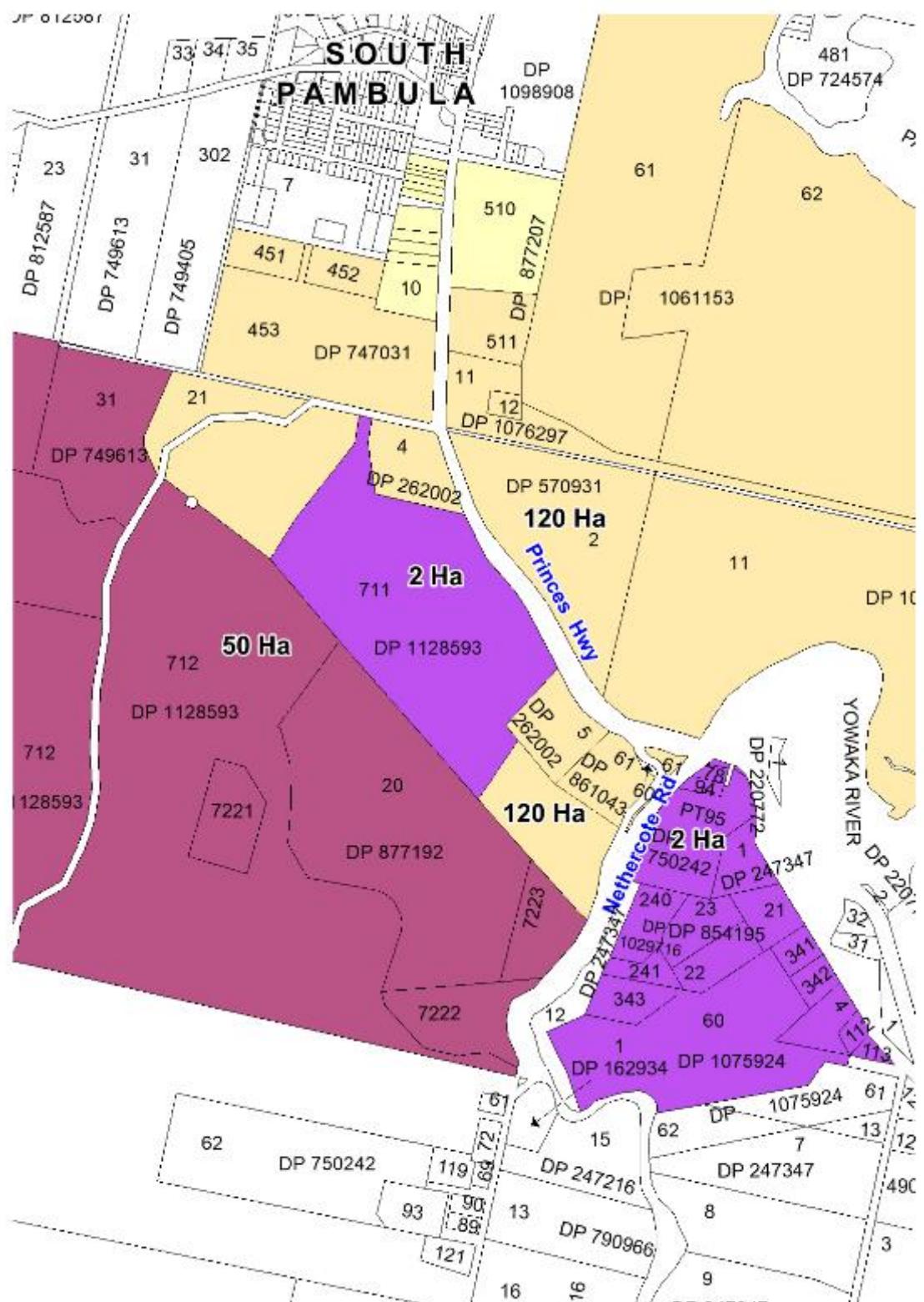


Figure 12: Proposed.

Part 5 Community Consultation

The Gateway Determination requires the Department's approval of this revised Planning Proposal before consultation is effected and the Department will confirm community consultation requirements in such approval. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a 'low' impact proposal for a period of not less than 28 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*. A 'low' impact proposal is defined as '*a Planning Proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses;*
- *Consistent with the strategic planning framework;*
- *Presents no issues with regard to infrastructure servicing;*
- *Not a principle LEP; and*
- *Does not re-classify public land'.*

Public exhibition of the Planning Proposal will include notification on the Bega Valley Shire Council website and in writing to affected and adjacent landowners.

Part 6 Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by July 2022.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Group Manager Planning and Environment.

Table 2: Estimated Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	January 2019
STAGE 2 – Receive Gateway Determination	May 2020. Revised Gateway 10/12/21.
STAGE 3 – Preparation of documentation for Public Exhibition	March 2021
STAGE 4 – Public Exhibition of the Planning Proposal	April 2022
STAGE 5 – Review/consideration of submissions received	May 2022
STAGE 6 – Council Report	June 2022
STAGE 7 – Meetings	June 2022
STAGE 8 – Forward Planning Proposal to Department of Planning and Infrastructure with request amendment is made	June 2022
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	July 2022
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	July 2022