Planning Proposal

to amend

Bega Valley Local Environmental Plan 2013

as follows:

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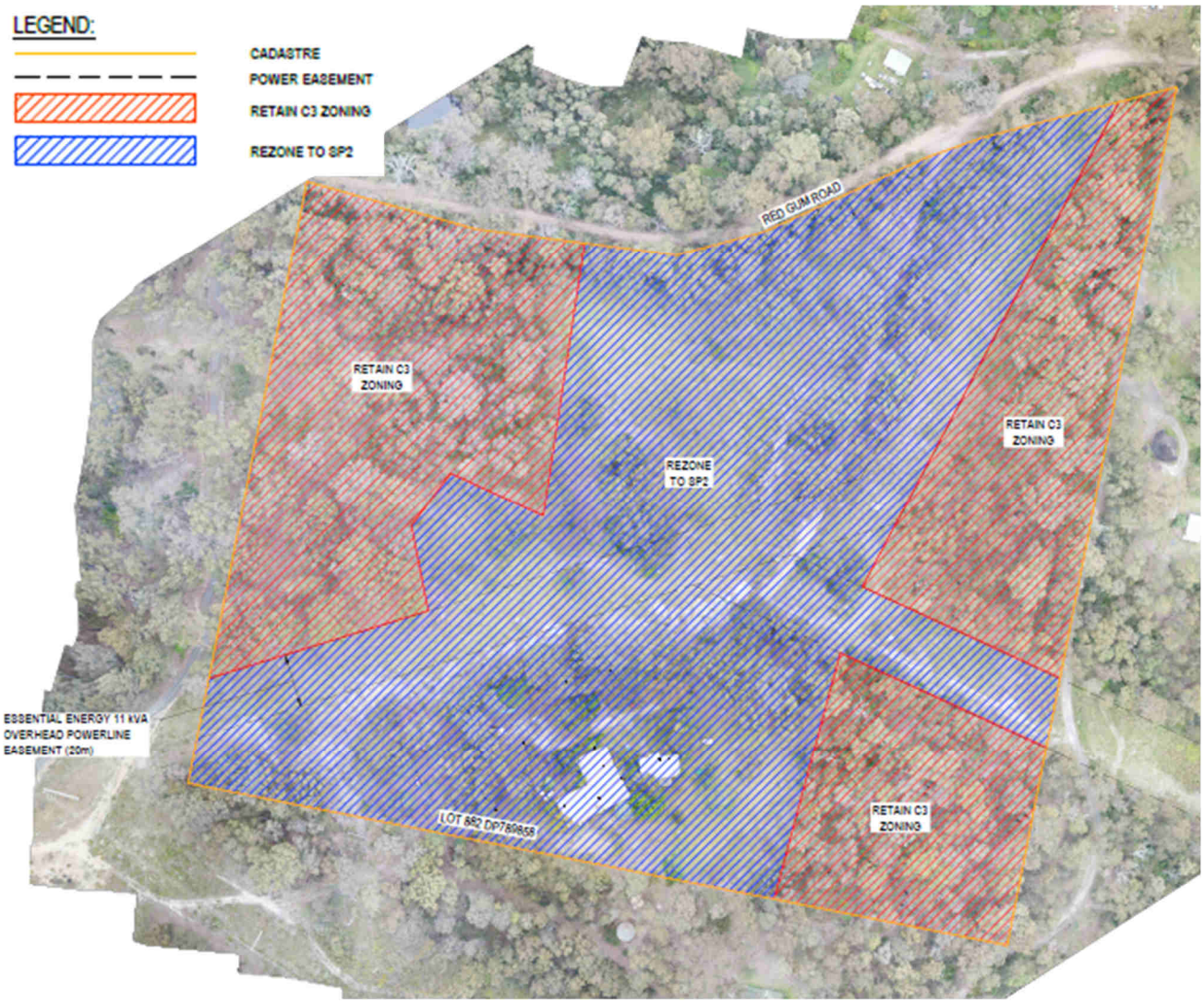
Yellow Pinch Dam - Water Treatment Plant (WTP)

43 Red Gum Road, YELLOW PINCH (Lot 882 DP789858)

Figure 1: Site aerial photo & draft proposed zoning.



Prepared on behalf Bega Valley Shire Council for Approval & Engagement

29 March 2023

Version: H (FINAL Planning Proposal – Pre-Gateway)

Figures

Document Control

Version / Date	Document	Provided To
A – 7 September 2022	Draft for Internal Review	TEF
B – 21 September 2022	Proposal for Agency Engagement	Council & TEF
C – 22 September 2022	Proposal for Agency Engagement	Council – addressing comments
D - 12 January 2023	Draft Planning Proposal	TEF
E – 19 January 2023	Draft Final Planning Proposal	Council & TEF
F – 20 January 2023	Planning Proposal (for Council/Gateway)	Council & TEF
G – 16 February 2023	Updated Planning Proposal (for Gateway)	Council & TEF
H – 29 March 2023	Minor corrections	Council & TEF

Acknowledgment

The Bega Valley Shire Council acknowledges the Traditional Custodians of the lands and waters of the Shire, the people of the Yuin nations, and show our respect to elders past, present and emerging.

Disclaimer

This Scoping Planning Proposal has been prepared based on information provided by Council, GHD & The Environmental Factor (TEF) & desktop assessment only based on a preliminary concept layout & site analysis. As detailed design progresses other opportunities & constraints may arise that were outside the scope of this initial Proposal.

Table of Contents

1 INTRODUCTION

This section should provide a simple introduction to the proposal, including:

- *the proponent's details*
- *site location and address, legal description, including plan and aerial photograph*
- *a simple description of the scope of the proposal amendments, including which LEP is proposed to be amended*
- *background and context (if relevant)*
- *outcomes of previous consultation (if relevant)*

1.1 Proponent

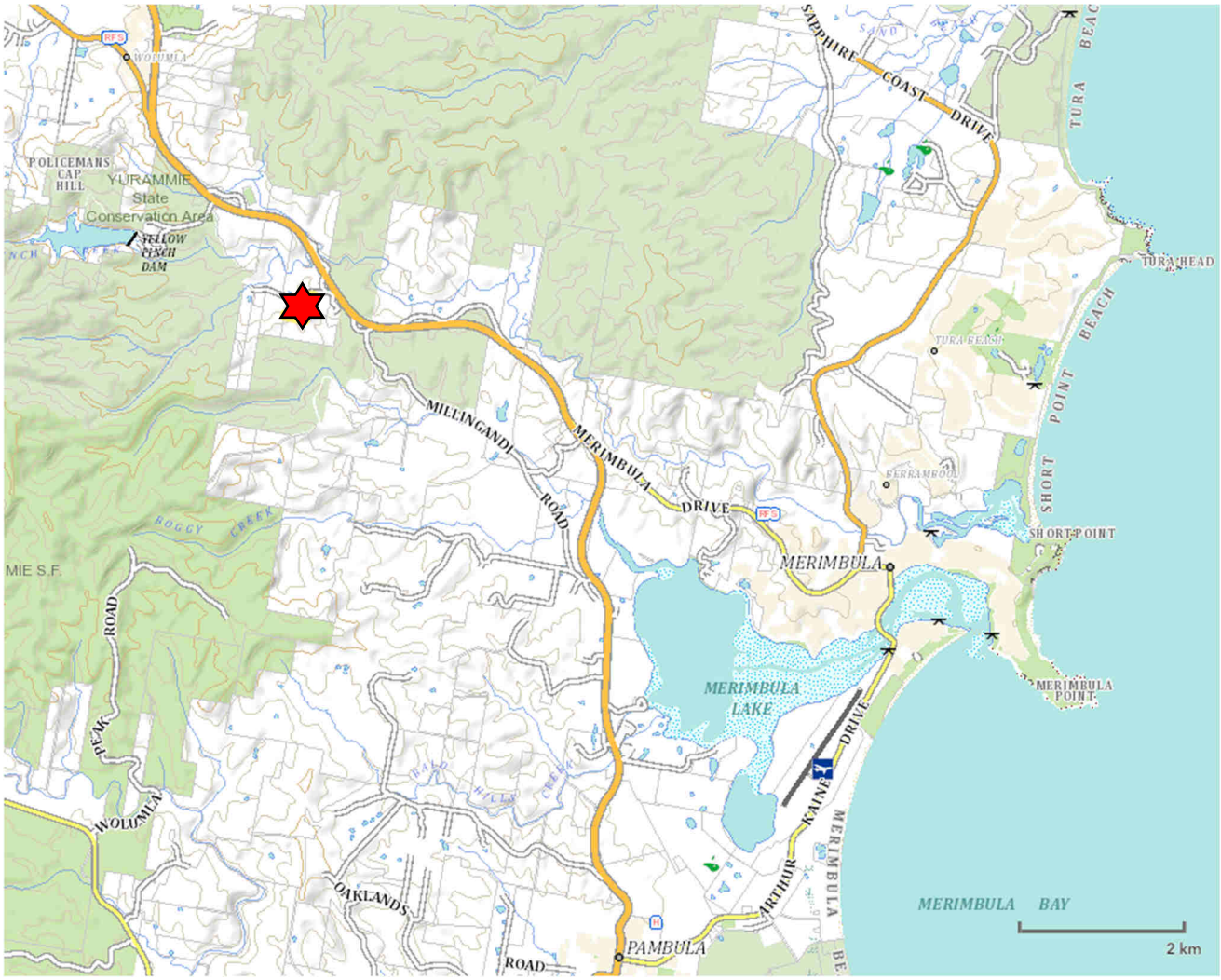
The Proponent is Bega Valley Shire Council ('Council') as the relevant water authority for the Bega Valley Shire.

1.2 Site Location & Address

The Site is a single lot known as Lot 882 DP789858 at 43 Red Gum Rd, YELLOW PINCH with an area of ~8.02ha.

As the Figure below shows, the Site (red star) is located just to the west of the Princes Highway near Yellow Pinch Dam. This is ~8km north-west of Merimbula and ~3.5km south-east of the village of Wolumla. It is located near South East Forest National Park & Yurammie State Conservation Area to the west and Bournda Nature Reserve/National Park to the east. An aerial photograph with draft proposed zoning is provided in *Figure.1* on the cover sheet. Further details are provided in the following section of this Proposal.

Figure 2: Location map of Site (red star).



1.3 Overview of Key Amendments

This Proposal seeks to amend *Bega Valley Local Environmental Plan 2013* ('LEP') for the Site to change the key planning control(s) to enable a Water Treatment Plant (WTP) to be constructed & operated on the Site. This seeks to build on the recommendations of Council's *Water & Sewer Strategy 2022-2025* ('*Water & Sewer Strategy*').

This may include (subject to NSW Government approval) changes to the relevant planning control(s) in the LEP to facilitate a WTP on the Site including, but not limited to land use zoning (currently Zone C3 Environmental Management).

1.4 Supporting Plans/Report

The Proposal is supported by the following:

- *GHD (2023) Draft Reference (Concept) Design Plans*
- *GHD (2022) Draft Yellow Pinch WTP Reference Design Report* (may be updated shortly by GHD)
- *TEF (2023) Preliminary Biodiversity Assessment Report (PBAR)*
- *Bega Valley Shire Council (August 2022) Bushfire Assessment Report*
- *Murphy & Co Surveying (August 2022) Plan of Survey*
- *GHD (October 2022) Geotechnical Investigation – Yellow Pinch Water Treatment Plant*
- *GHD (2021 March) Scoping Study (for Site Selection) including:*
    - *Appendix A – Geotechnical Desktop Review*
    - *Appendix B – MCA sensitivity results*
    - *Appendix C - Aboriginal Heritage Assessment*
    - *Appendix D – (Preliminary) Biodiversity Assessment*

1.5 Process Overview

Guidelines & Process

This Planning Proposal ('Proposal') has been prepared in accordance with *Divisions 3.4 – Environmental Planning Instruments (LEPs)* of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government (September 2022) *'Local Environmental Plan Making Guideline'* ('Guideline').

It is suggested that under the Guideline – this Proposal is likely to be seen as a 'Standard Planning Proposal' as opposed to a 'Complex Planning Proposal' as it facilitates critical infrastructure that supports rather than increases demand for services and is consistent with Council's infrastructure strategies and land use strategies.

Level of Detail

This Proposal should provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process including identifying relevant environmental, social, economic and other site-specific considerations. However, it is not a full application, so it is NOT required to consider specific detailed matters that should form part of any later approval process. The proposed indicative concept layout is provided only to inform an understanding of possible outcomes (subject to detailed design).

Subject to the Gateway Determination, Council is likely to be the Planning Proposal Authority as this is unlikely to be of state or regional planning significance. However, the Department may direct that the Planning Secretary or relevant Regional Planning Panel to be the authority if it is necessary for transparency as Council is the land owner/proponent.

Way Forward

A Gateway Determination under the EP&A Act is requested from the *NSW Department of Planning & Environment* ('DPE') to allow this Planning Proposal to be placed on public exhibition.

The regional office of DPE has delegation to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application). Planning Circular PS 21-004 (8 June 2021) updates delegation of plan making decisions under the EP&A Act and replaces PS18-013, PS16-005 & PS12-006.

The Gateway Determination may provide details of further studies/consultation required by Council to enable the public exhibition and finalisation of the LEP amendments but we believe that the attached studies should be sufficient to support this Proposal.

2 PROPOSAL - OVERVIEW

This section should provide an overview of the proposal using supporting maps, plans, figures and tables. This overview must provide further detail on key aspects of the proposal, including (if relevant):

- *the proposed concept layout of the site and / or proposal at a conceptual level, including (as relevant)*
  - *broad land use breakdown (GFA or other)*
  - *key proposal metrics including yield range or job creation*
  - *comparison of current and proposed zoning and key controls*
- *proposed land uses and activities that would be carried out on site and distribution*
- *the likely timing of the delivery of the proposal*
- *envisaged services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed funding arrangements for infrastructure provision (high level)*
- *provide details on the principles or amendment to an existing contribution plan or new contribution plan*

2.1 Background & Context

The need for a new Water Treatment Plant (WTP) has been identified for some time in Council's strategic documents. Council engaged GHD to prepare *Yellow Pinch WTP -Scoping Study Report* (March 2021) to review a short-list of sites from which this Site was the preferred Site for the WTP. The confirmation of the preferred Site and recommendation for its acquisition was adopted at Council's 3 November 2021 Meeting with summary as follows:

Background

The development of the YPD WTP has been identified in the current Operational Plan. This project commenced in 2019 when Council was successful in securing $75,000 in grant funding from the Safe and Secure Water Program from Restart NSW.

The project intention is to develop a new YPD WTP [Yellow Pinch Dam Water Treatment Plant] to supply potable water to the towns connected to the Tantawanglo-Kiah water supply system.

The Tantawanglo-Kiah water supply system is owned and operated by Council. It services the areas of Merimbula, Tura Beach, Pambula Beach and Pambula. Water is also pumped to Candelo, Wolumla and rural properties when needed. This water is currently disinfected by chlorine only. The Yellow Pinch Dam is also supplemented by bore water from Bega via a 20 km pipeline.

The current treatment (chlorination only) will not meet proposed health-based targets for drinking water (WSSA Health Based Targets Manual, October 2015).

The project is currently being undertaken in 2 stages:

- *Stage 1 – Scoping study.*
- *Stage 2 – Process options assessment, site investigations and reference design.*

Water treatment plant site selection

As part of Stage 1 of the project, several areas have been identified as potential YPD WTP sites as shown in [the] figure ~~1~~ below. These options were developed primarily by identification of flat areas of land which are:

- *On (or near to) the hydraulic grade line for gravity flow to minimise pumping and energy use; and*
- *Near an existing main transfer pipeline from YPD to Merimbula to minimise pipeline connections.*

Preliminary investigations undertaken by the consultant, GHD, in consultation with Council eliminated some sites based on the estimated infrastructure cost as shown in red in figure 1 below.

Net present cost analysis

GHD have developed high-level capital and operating cost models for the purpose of comparing sites. The net present cost models will endeavour to incorporate all elements that can be monetised (e.g., risk, biodiversity offsets etc.) and an assessment has been undertaken of carbon emissions associated with electricity (pumping) costs for each site, relating this to the carbon sequestered per hectare of trees.

The initial cost assumptions have been refined following the findings of the environmental and cultural heritage assessments and the land valuations.

The multi-criteria analysis revealed the preferred site to be Lot 882 DP 789858, 43 Red Gum Road, Yellow Pinch as shown in figure 3 on the basis of lowest net present cost, ease of acquiring site, minimal impact on neighbours, Council's objective to achieve higher level of energy efficiency, and ease of access for operators due to the nature of works required to upgrade the existing access.

*Whilst the site presents a moderate to high constraint classification in the analysis, a conservative approach has been taken to estimate that amount of clearing required to achieve the Asset Protection Zone (**APZ**) with a buffer of 50m applied around the proposed structures (drying beds proposed to be located within the APZ) and the ability for the design to be reconfigured utilising more of the existing cleared areas within the site to further reduce the impact on biodiversity if required.*

A rezoning of the Property is required as its existing C3 Environmental Management zone prohibits the development of YPD WTP. The introduction of a SP2 Infrastructure zone is proposed to permit the development without consent in accordance with the State Environmental Planning Policy (Infrastructure) 2007.

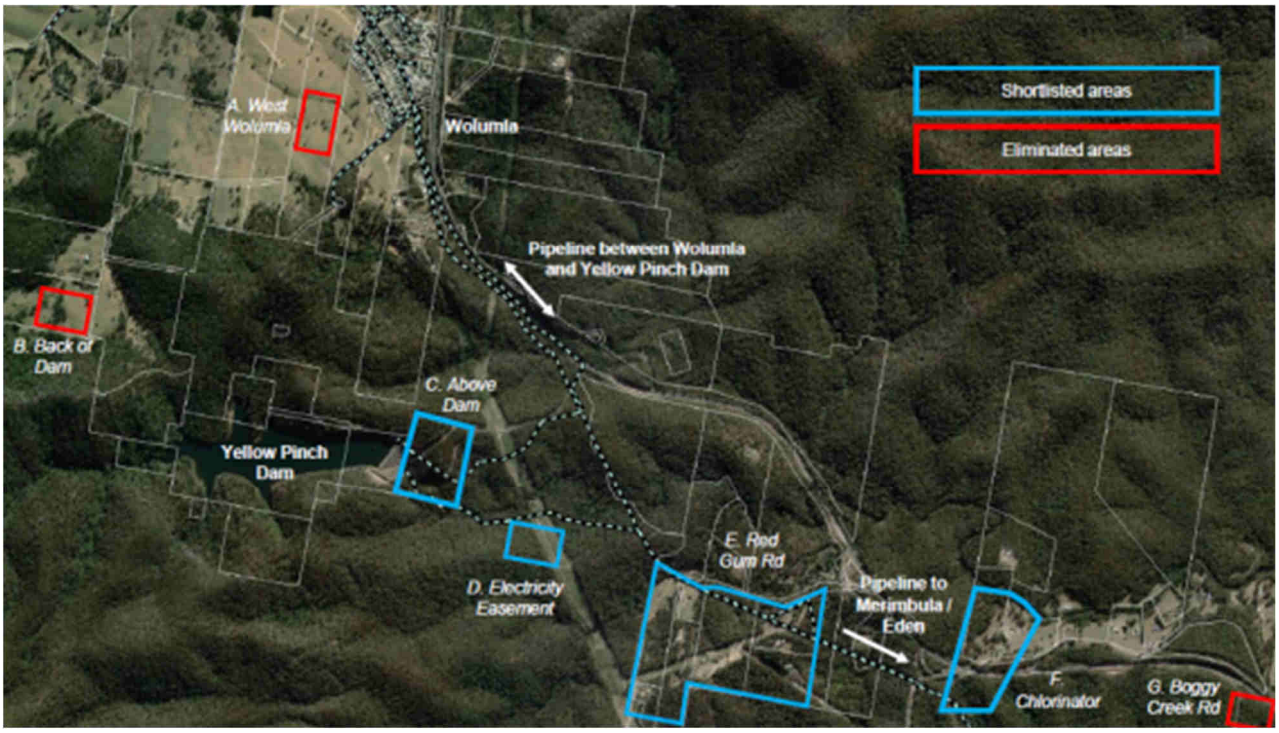


Figure 3: Sites of interest investigated in the GHD Scoping Study (2021) (GHD Scoping Study Figure.4).

Council's website has a news storey dated 13 April 2022 that also highlights some of the issues with water quality in the southern area of the Shire set out below:

Bega Valley Shire Council's Water Services team are taking steps to improve water quality in the shire's south following an increase in wet weather this year.

High rainfall across the Yellow Pinch and Eden water catchments has seen clay sediment washing into dams and making its way to homes in the Eden, Merimbula, Tura Beach, Pambula, Wolumla and Candelo areas.

Council's Water and Sewerage Services Manager, Chris Best said while a permanent solution lies with improved treatment and filtration infrastructure, interim steps are being made to improve the situation.

"We are changing the source of water supplies in these areas, starting with Eden, Pambula, Pambula Beach and South Pambula being switched over today. "These areas will mostly receive water from our Towamba River pumping station, transferred via the Eden trunk main.

"It's important to note that water supplied from a new source will still receive disinfection, regardless of where it comes from. The water from any new source is still safe to drink.

"Water obtained from the Yellow Pinch dam is also safe to drink even though it is often discoloured with fine clay sediment.

"Sediment levels fluctuate with different weather conditions, and while rerouting water sources will have a positive effect on local water quality, discoloured water can return if heavy rain falls across our catchments."

Mr Best said the only permanent solution is to build a new water treatment and filtration plant at the Yellow Pinch dam.

"This is coming, with funding from the NSW Government's Safe and Secure Water Program contributing to treatment and filtration plants in Brogo, Bega and Yellow Pinch. Brogo is nearing completion, Bega is in the early stages of construction and the Yellow Pinch plant is scheduled to go live in 2027," Mr Best said.

"In the meantime, we are using the network to supply water from sources minimally impacted by sediment levels. These changes mean we can chase the best water supply as different sources come on and off-line.

"Merimbula Airport and Fishpen will soon join the Eden and Pambula area in being connected to the Towamba River, and new works are underway to reroute the Merimbula, Tura Beach, Candelo and Wolumla supply from Tantawangalo Creek and the Bega River in the next few weeks.

"As an interim measure, to improve water quality in these areas we are controlling the Yellow Pinch aerator to allow faster settling of suspended sediment."

Changes to water supply sourcing will remain until conditions at Yellow Pinch dam improve or until completion of a new water treatment and filtration plant.

2.2 Concept Layout Overview

Please see the attached *GHD Reference Design Report* (& Draft Plans) for the Water Treatment Plant (WTP).

Please note that at this time ONLY a preliminary concept layout has been prepared to support this Planning Proposal and assess initial impacts for site. The project will later go out for tender for detailed design and be assessed in accordance with Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

2.2.1 GHD Reference Design Overview

Council has subsequently commissioned a Reference Design & Report from GHD to support this Planning Proposal. The Report makes the following key statements:

Executive Summary (p.1)

Currently in the Kiah-Tantawangalo network, gas chlorination of raw water is the only means of treating water for the supply of Merimbula, Pambula, Eden, Tura, Wolumla, and Candelo, as well as rural customers connected to the trunk mains. A new WTP is required to provide water security to the region, meet health-based targets and adhere the Australian Drinking Water Guidelines (ADWG), particularly during periods where the raw water supply is impacted by heavy rainfall or other extreme events (e.g., algae blooms, bushfire).

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Section 2.1 – Overall Design Criteria (p.7)

Key objectives for the WTP were agreed upon during the Reference Design Basis of Design Workshop held on 24 of October 2022. They are as follows:

– Meet future demand in accordance with overall strategy (short and long-term)
– Meet water quality guidelines (HBTs and ADWG)
– Ensure safety of public and operators
– Meet environmental regulations and minimise disturbance to local community
– Maximise environmental sustainability outcomes
– Easy to operate, i.e., robust processes and low operator attendance
– Easy to maintain, e.g., common plants across region
– Meet budget and timing

Section 2.3.1 – System Demands (p.8)

A plant size of 17 ML/d will be adopted for the design of the Yellow Pinch WTP. This is based on peak day demands for the Merimbula, Candelo, Wolumla and Eden areas until nominally 2036 as advised by BVSC. From 2036 onwards to 2051, the plant will only be required to supply Merimbula, Candelo and Wolumla.

Section 2.3.2 – Clear Water Storage (p.10)

During a meeting between GHD and BVSC on 26 September 2022, it was agreed that 3.4 ML clear water storage (CWS) will be adopted, based on storage requirements detailed in the Yellow Pinch WTP Options Report.

On-site CWS of 3.4 ML is equivalent to around 4 hours of peak day demand (2.8 ML) plus local demands that draw directly from the trunk main (i.e. not connected to a separate storage in the network, nominally 0.6 ML). The reference design will split this storage between two equal-sized CWS tanks for operational flexibility.

Section 3.1 – Overview of Process Units

The water treatment process to be adopted for the Yellow Pinch WTP design is summarised below. Details on the process selection and additional background information is contained in the Yellow Pinch WTP Options Report.

– Raw water from Yellow Pinch Dam gravitates to the new WTP site located at 43 Red Gum Road. There is an existing pipeline running from the dam through the WTP site. GHD is assisting Council to confirm the suitability of the raw water pipeline for raw water transfer to the new WTP as part of a separate scope of work.

– Powdered Activated Carbon (PAC) dosing to a PAC contact tank at the head of the WTP
– pH correction and addition of coagulant chemical
– Flocculation
– DAFF (combined DAF and filtration)
– UV disinfection
– Treated water relift pumping
– Treated water stabilisation or pH correction
– Chlorination
– Fluoridation
– Treated water storage (3.4 ML)
– Washwater tank and sludge thickener
– Sludge drying beds
– Supernatant return to the head of the plant

Section 3.2 – Reference Design Criteria

Please note that the criteria are subject to detailed design and costings and may change as the project progresses.

Figure 4: Reference Design Criteria – Key Assumptions & Criteria (Reference Report Table 10).

Process	Parameter
Overall treatment plant	
Peak daily treated water output Delivered	17 ML/d
Design hours per day of operation	22 hours
Plant turndown	4:1
DAFF	
Number of units	Min 2 No.
Flocculation	2 stage
Minimum flocculation time	10 mins per stage
Design DAFF rate[2] (at peak flow, including recycle)	10 $m^3/m^2/hr$
Design DAFF recycle rate	5 to 20% of plant flow
Number of recycle pumps (duty)	One per train (shared standby)
Float removal system	Cutting sprays and hydraulic float removal
Access	Trafficable area above platform area including external access stairs

Process	Parameter		
Filter media	Dual media – sand and filter coal		
Filter media L/D	>1300		
Backwash method	Air scour then water rinse		
Design backwash rate	>55 m/hr		
Design air scour rate	>55 m/hr		
Backwash source	Clear Water Storage		
Washwater Tank			
Volume basis	Allow for 2 no. backwashes simultaneously		
Volume	450 kL		
Clear Water Storage Tank			
Sizing basis	4 hours at PDD plus additional local demands (Refer Section 2.3.2)		
Number of storages	2 No.		
Size (total)	3.4 ML		
Disinfection			
Log removal parameters	**Bacteria**	**Virus**	**Protozoa**
LRV required	6	6	5.5
LRV claimed			
DAFF	2	2	3.5
UV			2
Chlorine	4	4	0
Total	**6**	**6**	**5.5**
UV Redundancy	N+1		
Minimum UVT	80%		
Chlorine disinfection	Chlorine Gas		
Chlorine disinfection C.t.	15 mg/L.min		
Sludge Drying Beds			
Sludge loading rate	44,950 kg/year (conservatively based on Alum and PAC dosing)		
Number of drying beds	Minimum 3 no.		
Minimum drying bed area	1,800 m^2		
Sludge thickener	1 No. duty Conventional or lamella plate		
Supernatant return pumps	Duty/standby submersible pumps		
Subnatant return pumps	Duty/Standby		
Underdrains	Required		
Decant structure	Required		
% dry solids at start of drying period	5%		
Decanted sludge depth	1 m		
Chemical Building/s			
Purpose	Area for both chemical storage and dosing systems		
External Walls			

Process	Parameter
Ventilation	Natural and mechanical ventilation
Insulation	Required
Chemical storage requirement	14 days at PDD
Powdered Activated Carbon	
Purpose	Control taste & odour compounds and colour in raw water
Contact time	30 min at PDD
Contact tank volume	450 kL
Coagulant	
Purpose	Suspended solids removal from raw water
Chemical	Aluminium sulphate (alum) – TBC through jar testing
Polymer	
Purpose	Improved flocculation
Design inclusions	Filter aid polymer Sludge thickening polymer
pH and alkalinity adjustment	
Purpose	pH and alkalinity adjustment
Chemical	Caustic soda
Fluoridation	
Purpose	Public health
Chemical	Sodium silicofluoride (SSF)
Mechanical/Control Building	
Office/control	Included
Electrical Room	Included
Laboratory	Included
Mechanical Room	Included
Lunchroom, Toilets	Included
Total floor space	250 m^2 (nominal)
External Walls	Brick or Blockwork
Fire Resistance - Window	Screens
Fire Resistance - Doors	Fire rating
Noise	Meet EPA rural noise criteria Meet requirements of the REF
Air Conditioning	Required in electrical room, office and laboratory.
Ventilation	Natural and mechanical ventilation in plant room.
Insulation	Required
Chemical Building/s	
Purpose	Area for both chemical storage and dosing systems
External Walls	Brick or Blockwork
Ventilation	Natural and mechanical ventilation
Insulation	Required
Chemical storage requirement	14 days at PDD

<u>Section 5 – Site Works</u>

The following is an overview of the siteworks required for the Yellow Pinch WTP Construction:

– Modification of the existing property entrance

– Access and site road works

– Administration building with office, bathroom, laboratory and mechanical room

– Chemical buildings housing all new chemical systems

– Estimated 560 kW of solar power to be implemented on the following structures and locations. Note that this scope will be delivered by a separate subcontractor to the WTP D&C Contractor.

• Admin/mechanical building

• Chemical buildings

• 2 No. clear water storage tanks

• Ground mounted in cleared areas north of WTP

– Vegetation removal

– All bulk earthworks, levelling and surface treatments including pavement works required to allow full plant operation, including footpaths around the admin/mechanical building

– Site stormwater system to be sized for 1% AEP floods including:

– Design philosophy to disperse stormwater across the surface of the site as much as possible to avoid concentrated flows and potential erosion.

• Swales across site to be sized

• Culverts underneath roads

– Groundwater removal system to include provision of suitable means to control groundwater underneath road pavements and sludge drying beds

– Pipe cut-ins to existing raw water supply pipework from Yellow Pinch Dam and associated pipework reconfiguration. Separate treated water cut-ins are required to supply:

• The Merimbula/Eden end of the network to the south-east, and

• The Wolumla high level storage to the north-west.

– Security fencing of WTP complex including actuated gate at entry from Red Gum Road with swipe card access to the primary access road. A manual lockable gate shall be provided between Red Gum Road and the secondary access point.

2.2.2 Potential Impact Areas

The following summary from the *Preliminary Biodiversity Assessment Report (PBAR)* outlines the potential impact areas of the future development based on the reference design (see the PBAR and discussion in Section below for details). It is important to note that the majority of the 'direct/direct partial impact' areas are in existing disturbed areas (making up ~2.35ha of <30% of the total site area). Impacts in the 'potential modification' areas can be minimised or mitigated.

Figure 5: Table summarising areas of potential impact from Preliminary Biodiversity Assessment Report.

Development area	Area (ha)
Direct impacts to facilitate the construction of the WTF and associated infrastructure (i.e., office etc)	**0.39**
Direct impacts to allow for the construction of an access track to the site	**0.44**
Direct impacts for the construction of a solar array	**0.44**
Direct Partial impacts to native vegetation resulting in the loss of the canopy stratum to provide for Asset Protection Zones (APZs) for future infrastructure	**1.08**
Potential modification of areas outside of the direct impact area within the Subject Site, including ongoing grounds maintenance such as mowing.	**2.34**
Total potential impact areas for WTF	**4.68**

2.2.3 Demolition of Existing Buildings

The Proposal will include the demolition of the existing building on the Site which includes, but is not limited to, the existing two dwellings, sheds, on-site effluent system, etc.

A more detailed Contamination Assessment is likely to support the Review of Environmental Factors (REF). However, a preliminary review suggests there have not been any potentially contaminating uses in the history of the Site except for an on-site effluent system. The existing on-site effluent system will be removed and remediated as required.

The dwellings and/or Site may have some asbestos and this will be further assessed for removal by licenced asbestos professional(s) in accordance with SafeWork NSW requirements.

2.2.4 Access, Traffic & Parking

The Site is accessed from Red Gum Road which connects to the Princes Highway (classified road). The photos below show that the connection to the Princes Highway is a sealed intersection with good sightlines in both directions. There is a dedicated left and right-hand turn lanes from the highway providing safe access/egress to Red Gum Road. This was likely constructed to service 'Potoroo Palace' – a native animal wildlife park on Red Gum Road.

Further down Red Gum Road it changes to gravel/unsealed and turns off to the driveway to this property. The existing driveway to the Site off Red Gum Road is located >400m from the Princes Highway.

The Proposal shows re-use of the existing driveway as the primary access road as potential for a secondary access road (location to be determined) to provide emergency access should the primary access be blocked or inaccessible. Neither driveway access to Red Gum Road would be within 90m of the Princes Highway (classified road). It is expected that only minor upgrades will be required to the existing primary access road to improve drainage and meet *Planning for Bushfire Protection* Guidelines. The secondary access road would provide alternate access if the primary access was inaccessible.

Council is currently reviewing the likely traffic generation and parking requirements during the construction and operation of the WTP. Construction is likely to have the peak traffic but only for a limited period and will likely be assessed in the preparation of a Construction Management Plan.

During operations traffic is expected to be light as the WTP is largely an automated process that requires regular maintenance and inspections but no major work-force. However, Council is likely to continue to engage with Transport for NSW (TfNSW) on appropriate requirements for the highway access point.

Figure 6: Public road access (blue) on Red Gum Rd to Princes Highway & existing access driveway (red) (NSW Portal).

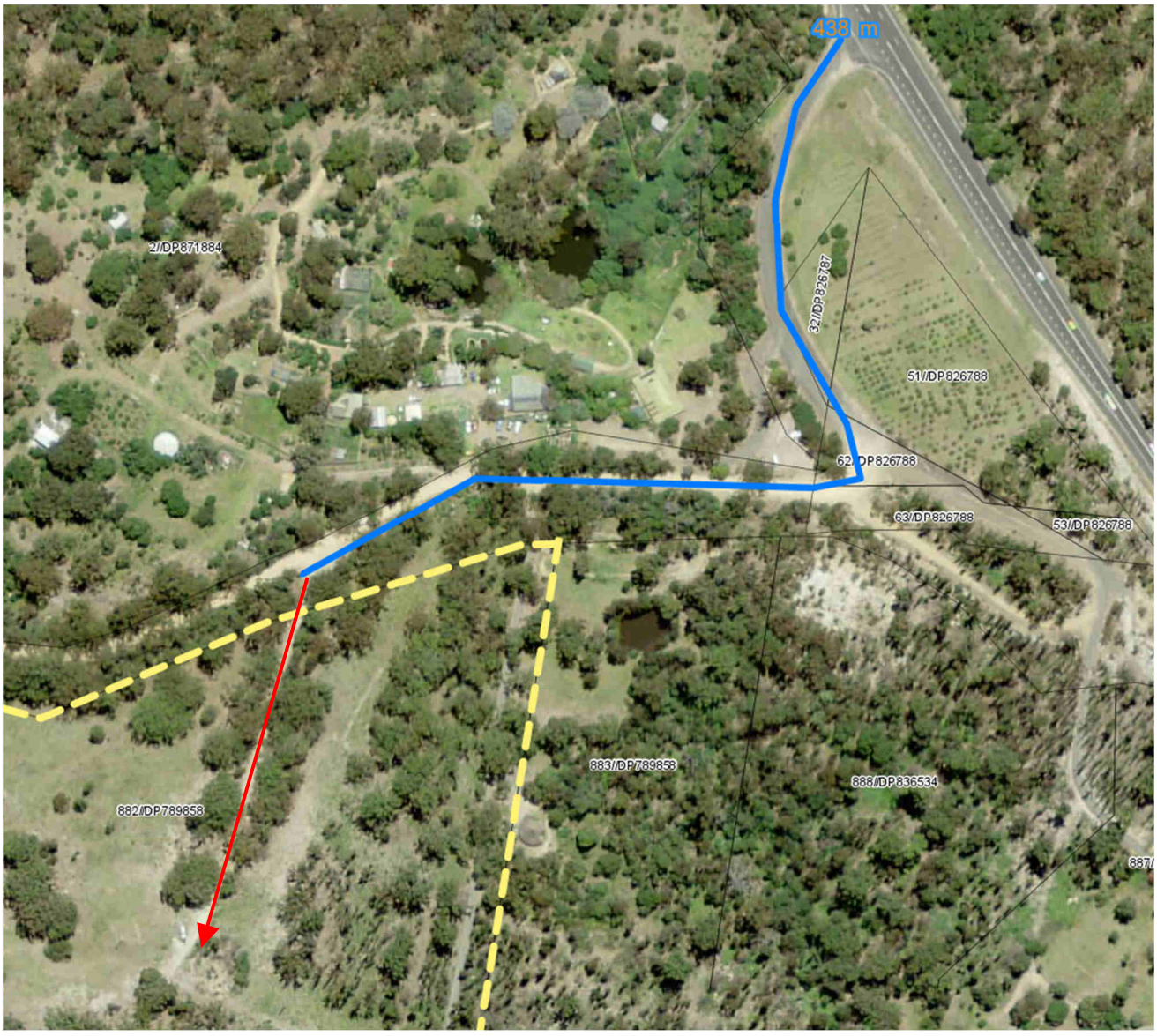


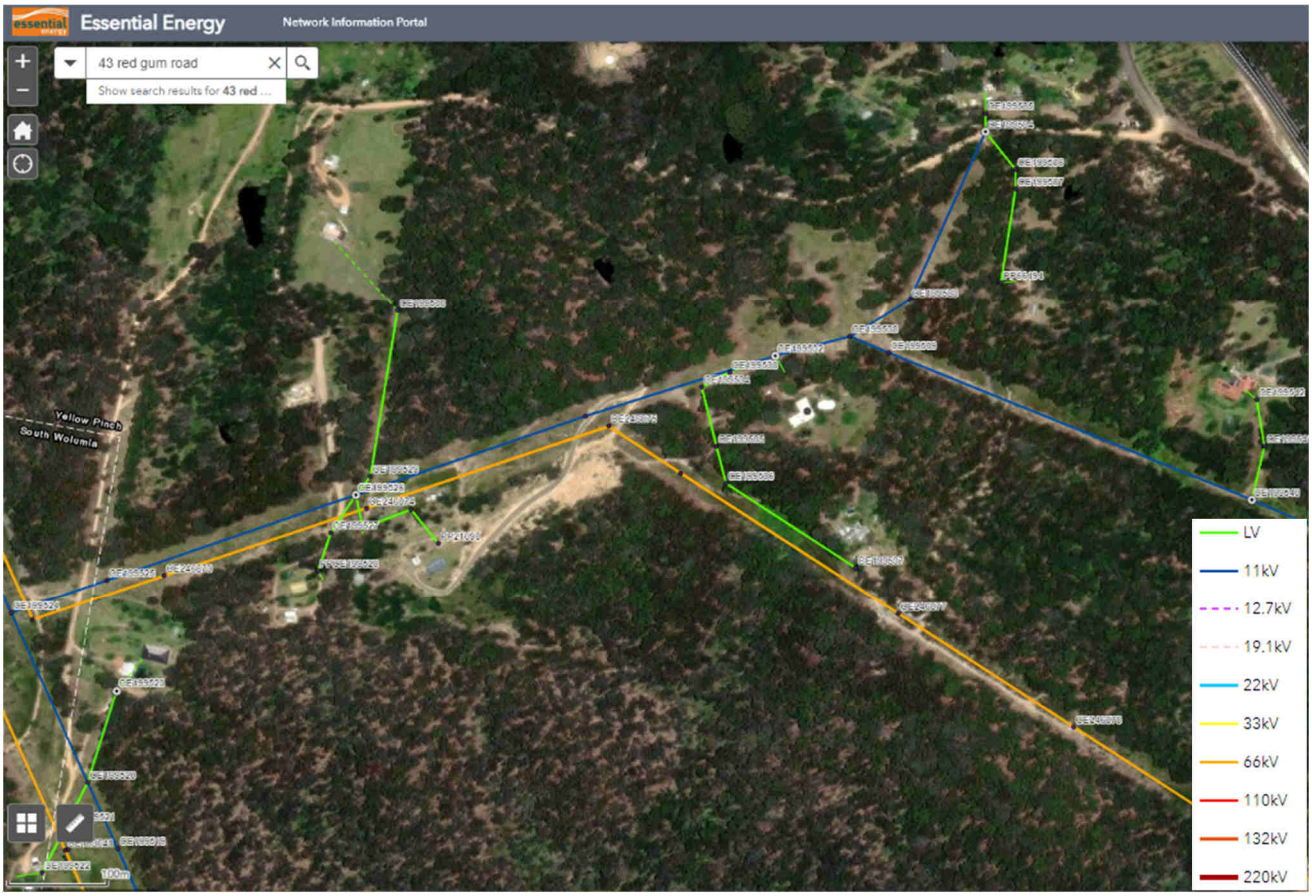
Figure 7: Site Photos (c/- TEF August 2022) showing existing Site access roads.

2.2.5 Utility Connections

The Concept Layout(s) above show that there is the existing water main(s) connecting Yellow Pinch Dam (YPD) to Merimbula run through the Site which is the primary reason for the Site selection.

In addition, the Figure below shows both high-voltage (66kV) electricity lines running near the Site as well as 11kV and low voltage lines through/to the Site to provide power. Essential Energy has required compliance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure* ('Electricity Guidelines'). As only roads are proposed within the electricity easements (subject to detailed design) these are likely to comply with the Electricity Guidelines. An additional transformer/substation may be required (subject to detailed design).

Figure 8: Essential Energy Network Information Portal Map.



It is likely that the Site will require telecommunications for both staff and for operations of the WTP. This will be assessed as part of the detailed design.

On-site toilets will require some effluent management if connection to sewer is not available (to be confirmed at detailed design stage).

2.2.6 Adjacent Land Uses

Some of the adjacent lots are large lot residential 'bush blocks'. The nearest dwelling on adjacent land is located to the south, greater than 50m from the southern boundary of the Site. Other dwellings are located more significant distances to the west of the Site. To the north of the Site is the 'Potoroo Palace' animal sanctuary and café.

National Parks & nature reserves surround the area but are generally buffered by the 'bush-blocks'.

2.2.7 Setbacks & Asset Protection Zone(s)

It is intended that all plant and buildings will be setback from the boundaries of the property (exact setbacks yet to be determined). The setbacks will largely be determined by the required minimum Asset Protection Zone (APZ) for bushfire protection (see below).

2.2.8 Clearing of Vegetation & Asset Protection Zone(s)

The *Bushfire Assessment* states that it has used the *Planning for Bushfire Protection 2019* (PBP2019) guidelines to determine the width of the Asset Protection Zone (APZ) required for critical infrastructure buildings for the site vegetation and slopes.

The *Bushfire Assessment* has identified an APZ of minimum 45m around the perimeter of the core infrastructure extending out to the southern boundary of the lot including a 10m defendable space free from combustible materials. This will require some clearing of vegetation within the APZ in accordance with Planning for Bush Fire Protection (PBP) Guideline requirements.

At this initial stage, Council and the consultants have identified that the following key areas of the Site re vegetation and flora/fauna protection:

a) The WTP is likely to be located with the majority of building(s)/asset(s) in areas that have been historically cleared and have LOW value for conservation and LOW risk of likely flora/fauna impact. This is mostly around the area of the existing dwelling(s)/shed(s);
b) The majority of HIGH value conservation areas with a HIGH risk of flora/fauna impact are likely to be retained in Zone C3 Environmental Management and will be avoided for development of the WTP;
c) The impact on MEDIUM value conservation areas and interface areas will be determined during the detailed design process. The aim is to avoid or minimise/mitigate any impact on these areas though the detailed design process. However, some impacts may be unavoidable.

The Preliminary Bushfire Assessment has determined that an Asset Protection Zones (APZ) of ~45m would be required around the core building. The APZ does not necessarily require total vegetation removal but limitations on canopy and under-storey plantings. A perimeter road is recommended for fire-fighting.

The closest boundary to the proposed critical plant buildings is likely to be the southern boundary and the proposed APZ is entirely within the site boundary so no easement is required over adjacent properties. A perimeter road will provide a clear zone for bushfire protection and fire-fighting.

The APZ largely determines the footprint of the WTP and ancillary operations and it is likely it can be designed within this area. This will be confirmed with updates to the *Bushfire Assessment* after detailed design.

2.2.9 Operations & Estimated Employment

The WTP will be a 24-hour / 7-days a week facility (though the table above suggests 22 hour operation/day). However, it is largely an automated facility with minimal staffing for routine checking and maintenance. Staff requirements will be expanded during the detailed design phase.

2.2.10 Funding Arrangements

This project has received approval for funding by DPE Water under the *Safe and Secure Water Program* under the NSW Government's *Restart NSW* Fund.

The *Safe and Secure Water Program* was established to address key risks to regional water safety and security in NSW, to provide safe, secure and sustainable water and wastewater services to regional NSW towns. The program provides funding for water security, water quality and environmental infrastructure solutions.

2.3 Overview of Proposed LEP Amendments

2.3.1 Objective(s) & Intended Outcomes

The Objective of the Proposal is to amend the relevant planning controls in *Bega Valley Local Environmental Plan 2013* ('LEP') to enable the development of the Site for a Water Treatment Plant (WTP) and associated infrastructure, access & servicing with ancillary infrastructure, buildings, access & servicing necessary for its safe operations.

2.3.2 Existing Land Use(s) & Zoning

2.3.2.1 Proposed Land Use Definition

Under the LEP Dictionary definitions, a Water Treatment Plant (WTP) and associated infrastructure is likely to be defined as follows:

The GROUP term is a ***water supply system*** which means *any of the following—*

(a) a water reticulation system,

(b) a water storage facility,

(c) a water treatment facility,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

The SPECIFIC LAND-USE TERM is likely to be ***water treatment facility*** which means *a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.*

ANCILLARY or ASSOCIATED works may include ***water reticulation system*** which means *a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.*

2.3.2.2 Existing Zoning & Permissible Land Uses

The Site is currently in Zone C3 Environmental Management with the objectives and permitted/prohibited land uses listed in the table below. *Water Treatment Facilities* & *Water Reticulation Systems* are prohibited in Zone C3. Whilst the objectives could be met by a WTP they do not specifically envisage or support the level of infrastructure needed for a WTP so Additional Permitted Uses in the same zone are unlikely to be a suitable method to enable the WTP.

Figure 9: Excerpt of LEP Zone C3 Land Use Table.

Zone C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for low density development and land use activities relating to settlement in natural surroundings, for sustainable agriculture and for other types of land uses compatible with the primary environmental values of the zone.
- To limit residential development in environmentally sensitive areas.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home industries; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Bee keeping; Boat launching ramps; Building identification signs; Camping grounds; Cellar door premises; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Function centres; Home-based child care; Information and education facilities; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Viticulture; Water recreation structures; Water storage facilities

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

2.3.2.3 Height of Building

It is also important to note that the Site has a 10m height limit on the Height of Building Map in the LEP. Clause 4.3(2) states that *the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map*.

> *B*uilding *has the same meaning as in the Environmental Planning & Assessment Act* (EP&A Act) that states:
> ***Building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993.*

During detailed design it is assumed that the height of any proposed building(s), plant or equipment will be tested.

At this Concept Stage it is envisaged that all buildings and plant should be able to comply with the 10m height requirement, subject to testing of the cut and fill across the Site. However, telecommunications structures may require height to achieve line-of-sight to nearby towers/ receivers to run/monitor the facility. It is assumed that any telecommunications structures would fall within the definition of 'building' under the EP&A Act. This will be confirmed with the NSW Department of Planning & Environment (DPE).

2.3.3 Proposed LEP Amendments

2.3.3.1 Overview of Preferred Approach

> The preferred approach of the Proposal is to amend the Land Zoning Map (LZN_012B) for the Site from Zone C3 Environmental Management to part Zone SP2 Infrastructure – Water Supply System (with the remainder of the Site/more sensitive areas of the Site to remain in Zone C3 Environmental Management).

2.3.3.2 Proposed Zoning & Permissible Land Uses

The aim of this Proposal is to amend the land zoning for PART of the Site so that it is (at least where the WTP will be constructed) included in a 'prescribed zone' in accordance with *SEPP (Transport & Infrastructure) 2021* (see section below) to enable future infrastructure applications to be addressed under that SEPP. 'Prescribed zones' include:

(a) RU1 Primary Production,

(b) RU2 Rural Landscape,

(c) RU4 Primary Production Small Lots,

(d) IN1 General Industrial,

(e) IN3 Heavy Industrial,

(f) SP1 Special Activities,

(g) SP2 Infrastructure.

Whilst it is noted that there is immediately adjacent land to the north in Zone RU2 Rural Landscape that could be extended to the Site, it is suggested that important infrastructure such as a WTP should sit within Zone SP2 Infrastructure as it more clearly defines its intended use and ensures the objectives and future land uses are consistent with its infrastructure purpose. Therefore, Zone SP2 Infrastructure (Water Supply System) would be the best fit for the PART of the Site where the WTP will be constructed plus ancillary facilities/works.

As stated above, subject to detailed environmental mapping – more environmentally sensitive areas of the Site that are outside the areas required for infrastructure (or ancillary works and suitable buffers) will remain in Zone C3 Environmental Management. This includes more heavily vegetated sections of the lot in the north west and eastern sections of the Site.

> The proposal includes rezoning of ~4.68ha of land from Zone C3 to Zone SP2 Infrastructure. Approximately 3.34ha of the Site will remain in Zone C3.

The footprint of the WTP is expected to be contained largely within the existing cleared areas of the lot and around the existing dwelling/sheds. However, Asset Protection Zone(s) and ancillary development may extend into other areas of the Site. See discussions on Site Planning later in this Report.

2.3.3.3 Land Acquisition Reservation Map

Council has already acquired the Site from the previous private land owner by agreement. Therefore, there is no need to acquire it through compulsory acquisition and no need to identify it on the Land Reservation Acquisition Map or modify Clause 5.1 of the LEP to add Zone SP2 Infrastructure (Water Supply Infrastructure) with Council as the Authority of the State.

2.4 Planning Process after LEP Amendment

2.4.1 SEPP (Infrastructure & Transport) 2021

It is important to understand an overview of the Planning Process for approvals for infrastructure after the rezoning takes place as this may affect the method/tool by which the Proposal amends the LEP.

The aim of Council is to ensure that the WTP can be assessed under the relevant pathways of *State Environmental Planning Policy (Infrastructure & Transport) 2021*.

Chapter 2- Infrastructure; Clause 2.1 states:

The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—

a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and

b) providing greater flexibility in the location of infrastructure and service facilities, and

c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and

d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and

e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and

f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and

g) providing opportunities for infrastructure to demonstrate good design outcomes.

The Proposal would be assessed under SEPP *Part 2.3 Development Controls - Division 24 – Water Supply Systems* and, particularly the clauses below that would require the land to be in a 'prescribed zone'. As it will be connecting to existing water mains on the Site – there is no need for significant new water pipelines to be constructed (only new connections).

Clause 2.159(4) *Development for the purpose of water treatment facilities may be carried out by or on behalf of a public authority without consent on land in a prescribed zone.*

Clause 2.158 *In this Division—*

prescribed zone *means any of the following land use zones or a land use zone that is equivalent to any of those zones— (a) RU1 Primary Production, (b) RU2 Rural Landscape, (c) RU4 Primary Production Small Lots, (d) IN1 General Industrial, (e) IN3 Heavy Industrial, (f) SP1 Special Activities, (g) SP2 Infrastructure.*

water reticulation system *has the same meaning as in the Standard Instrument but also includes water supply reservoirs.*

water storage facility, ***water supply system*** *and* ***water treatment facility*** *have the same meanings as in the Standard Instrument.*

Part 5 Division 5.1 of the EP&A Act – Non State Significant Infrastructure

As a result, the WTP could then be considered under *Part 5 – Infrastructure & Environmental Impact Assessment* of the EP&A Act, in particular, *Division 5.1 Environmental impact assessment (except for State significant infrastructure)*.

2.4.2 Part 5 Division 5.2 of the EP&A Act & SEPP (Planning Systems) 2021

It is intended that the WTP will fall below the threshold(s) for State Significant Infrastructure/Development under EPA Part 5 Division 5.2 as identified in the *SEPP (Planning Systems) 2021* – Chapter 2- under Schedules (see below).

Schedule 1- State significant development – general

- **Section 21 Water storage or water treatment facilities** – (1) Development for the purpose of water storage or water treatment facilities (not including desalination plants) that has a capital investment value of more than $30 million.

Schedule 2-State significant development – identified sites (Not Applicable)

Schedule 3-State significant infrastructure – general

- **Section 4 Water storage or water treatment facilities –** (1) Development for the purpose of water storage or water treatment facilities (not including desalination plants) carried out by or on behalf of a public authority that has a capital investment value of more than $30 million.

Schedule 4-State significant infrastructure-specified development on specified land (Not Applicable)

Schedule 5-Critical state significant infrastructure (Not Applicable)

The Proposal would not be Regionally Significant Development under Part 2.4 or Schedule 6 Section 3 as (if the above process if followed) it is development for which development consent is not required even though it is:

Development that has a capital investment value of more than $5 million if—

a) a council for the area in which the development is to be carried out is the applicant for development consent, or

b) the council is the owner of any land on which the development is to be carried out, or

c) the development is to be carried out by the council, or

d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

3 PLANNING PROPOSAL

The Guidelines require Council (as the Proponent) to address the following components:

- **Part 1 – Objectives and intended outcomes** – a statement of the objectives of the proposed LEP.
- **Part 2 – Explanation of provisions** – an explanation of the provisions that are to be included in the proposed LEP.
- **Part 3 – Justification of strategic and site-specific merit** – justification of strategic and potential site-specific merit, outcomes, and the process for implementation.
- **Part 4 – Maps** – maps, where relevant, to identify the effect of the planning proposal and the area to which it applies.
- **Part 5 – Community consultation** – details of the community consultation that is to be undertaken on the planning proposal.
- **Part 6 – Project timeline** – project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline.

These have largely been addressed above – but for completeness the specific questions are addressed below and reference background information above.

3.1 Part 1 – Objectives & Intended Outcomes

This section must provide a clear and concise description of the planning proposal and be written in plain English, so it is easily understood by the community. The objectives or intended outcomes, when read with Part 2 - Explanation of provisions, constitute the core of the planning proposal and will be the basis for drafting the LEP. They must be specific enough to reflect the objective of the proposal yet flexible enough to allow for alternatives. This section in a planning proposal is a statement of what is planned, not how it is to be achieved.

Objective(s)

The Objective of the Proposal is to amend the key planning controls in *Bega Valley Local Environmental Plan 2013* ('LEP') to enable the development of part of the Site for a Water Treatment Plant (WTP) and associated infrastructure, access & servicing with ancillary infrastructure, buildings, access & servicing necessary for its safe operations.

See Section 2 of this Proposal for more details.

Intended Outcome(s)

The Planning Proposal should provide controls that would enable the WTP to be approved under the relevant pathways of *State Environmental Planning Policy (Infrastructure & Transport) 2021*, particularly *Part 2.3 Development Controls - Division 24 – Water Supply Systems* that would require that part of the Site to be in a 'prescribed zone' such as Zone SP2 Infrastructure.

3.2 Part 2 – Explanation of Provisions

This section must provide a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP. The explanation of provisions should be clearly stated and contain enough information on the proposal to assist legal drafting of the LEP. Proposed zones and/or development standards may be stated if known at this stage in the planning proposal.

The preferred approach of the Proposal is to amend the Land Zoning Map (LZN_012B) in the LEP for part of the Site (as shown on the map in Part 4 below from Zone C3 Environmental Management to Zone SP2 Infrastructure – Water Supply System (with the remainder of the Site/more sensitive areas to remain in Zone C3 Environmental Management).

3.3 Part 3 – Justification of Strategic & Site-Specific Merit

This section must provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported. This is the most important section of the planning proposal and should integrate findings from supporting studies and investigations and provide justification for the proposed amendments to the LEP. It must also consider the interaction between these findings and whether the proposal will align with the strategic planning framework and have any environmental, social, or economic impacts.

Strategic Merit – Assessment Criteria

Does the proposal:

- Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or
- Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or
- Respond to a change in circumstances that has not been recognised by the existing planning framework

Site-Specific Merit – Assessment Criteria

Does the proposal give regard and assess impacts to:

- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)
- existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates
- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision

See Sections 4 & 5 of this Proposal for more detail addressing the site-specific merit of this Proposal and its consistency with relevant land-use/infrastructure strategies.

Table 3 of the Guidelines has 'Matters for Consideration' to address in this Section. They are addressed as follows:

SECTION A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Infrastructure such as a new Water Treatment Plant (WTP) is not always identified in an LSPS or land use strategy. However, the development of the Yellow Pinch Dam WTP has been identified in Council's adopted:

- *Water & Sewer Strategy 2022-2025* – that identifies the Yellow Pinch WTP as a number 1 priority for capital works program (upgrades & renewals – Table.7) with capital budget set aside for next five (5) years of up to $30 million. It identifies growth in resident & visitor population as increasing demand for water supply; and
- *Delivery Program 2022-2025 + Operational Plan 2022-2023* to align with the *Community Strategic Plan*.

This includes the following (that are addressed in more detail in *Section 5* of this Report (Water & Sewer Services p.56-57 of Operational Plan):

- Core Business – Deliver water supply & sewerage system capital works (renewal, upgrade & new)
- CSP Theme: Our environment – We embrace sustainable living and value and conserve our natural environment
- CSP Strategy: C.1. Deliver & support integrated water management
- Delivery Program C1.1.9 – Complete 'For Tender' design and specifications for Yellow Pinch Water Treatment Plant (WTP).
- Capital Program – Asset Services – Yellow Pinch WTP in 2022-23 Budget.

Additional relevant strategies are addressed in Section 5 of this Report.

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

The proposed method(s) are consistent with the Objective(s) & Intended Outcomes (above) and are site-specific in that it creates a transparent (mapped) connection between the land use controls and the intended development outcomes.

Whilst there is potential to nominate an Additional Permitted Use in Schedule 1 of 'Water Supply System' to Schedule 1 of the LEP for the Site – we suggest this is not suitable for this Proposal. If this approach was adopted the Site would remain in Zone C3 Environmental Management and, as such, this would not be a 'prescribed zone' under *SEPP (Transport & Infrastructure) 2021*. Therefore, it may trigger the requirement for approval under Part 4 of the EP&A Act instead of Part 5 which would cause potential delays and added cost to the project.

In addition, it would permit a 'Water Supply System' on any area of the Site which may allow it in areas identified as 'higher conservation value'. By mapping the required area in Zone SP2 and leaving the 'higher conservation value' areas in Zone C3 it could improve environmental outcomes for the Site.

In summary, amending the zoning on the Land Zoning Map (LZN) avoids the need to amend any specific clauses or specifically list the affected lots for Additional Permitted Uses and it limits the area for the proposed development to minimise environmental impact. It also ensures that the area for the WTP is in a 'prescribed zone' (see next section) so that approvals can be sought through the infrastructure pathways.

SECTION B – Relationship to the Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)

There only relevant regional or district plan is the *South East & Tablelands Regional Plan 2036* ('Regional Plan') and Draft Regional Plan 2041 that was on exhibition in late 2022. These are addressed in more detail in *Section 5.6 – Regional Plan(s)* below. In summary, the Proposal is consistent with the Regional Plan and Draft Regional Plan except that it requires some balancing of environmental objectives against engineering constraints for critical infrastructure that will improve the sustainable development of the Shire. Variations have been addressed below.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

As detailed in *Section 5* of this Report and discussed in Question 1 above, the Yellow Pinch Dam WTP is a project adopted by Council as part of its *Delivery Program 2022-25 + Operational Plan 2022-23* and *Water & Sewer Strategy 2022-2025* and aligns with the *Community Strategic Plan 2042* five themes, associated strategic objectives, and strategies as well as addressing the infrastructure needed to support the growth requirements in the LSPS and residential (and other land use) strategies. The Site was chosen after as part of a comprehensive *Scoping Study* assessing sites near Yellow Pinch Dam to avoid or minimise/mitigate impacts on the environment whilst promoting sustainable infrastructure. The LSPS does not specifically address the WTP.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

As detailed in *Section 5* of this Report, the Yellow Pinch Dam WTP is a project that is consistent with the majority of goals, directions, and actions in the Regional Plan (and Draft Regional Plan) and balances competing priorities for sustainable infrastructure whilst minimising environmental impacts. The attached *Preliminary Biodiversity Assessment Report (PBAR)* addresses the sensitive environmental areas of the Site and has guided the proposed zoning that retains a significant proportion of the Site in Zone C3 Environmental Management whilst making recommendations to avoid or minimise impacts in the proposed Zone SP2 Infrastructure areas.

6. Is the planning proposal consistent with the applicable SEPPs?

As detailed in *Section 5* of this Report, the Yellow Pinch Dam WTP is consistent with the relevant SEPPs applicable to the Site.

7. Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?

As detailed in *Section 5* of this Report, the Yellow Pinch Dam WTP is consistent with the majority of Directions. Minor inconsistencies have been justified – particularly for Directions 1.1 (Implementation of Regional Plans) and 3.1 (Conservation Zones). Please see below for details.

SECTION C – Environmental, Social & Economic Impact

8. Is there any likelihood that critical or threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?

Please see the attached *Preliminary Biodiversity Assessment Report (PBAR)* and discussion in the Section below. No detectable threatened ecological communities (TECs) were located during surveys, and PCTs located on the Site are not associated with any TECs. No detectable threatened flora species were found during targeted surveys (seasonal targeted flora surveys not conducted) though there are threatened species records in the locality. Three (3) detectable threatened fauna species were recorded on the Site with a large number of records in the locality.

A significant amount of the high-value ecological areas have been protected by retaining part of the Zone C3 area over 3.34ha (>40% of the Site Area). Within the proposed Zone SP2 Infrastructure are, the aim of the PBAR has been to assess the draft reference design and guide the future detailed design so that it avoids, or if it cannot avoid – minimises or mitigates the impacts of the proposal through appropriate siting of the WTP and ancillary infrastructure.

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

Section 4 of this Proposal addresses most of the other environmental effects of the Proposal including traffic and potential impacts on neighbours. Whilst some impacts are subject to the detailed design, there are clear buffers/setbacks to minimise or mitigate some of these impacts.

10. Has the planning proposal adequately addressed any social & economic effects?

The provision of improved water quality and security is a critical community benefit that should largely have positive social and economic effects by supporting growth and a healthy community. Impacts of the development on the broader community are minimal. The costs of providing such infrastructure have been canvassed as part of the *Water & Sewer Strategy* and are deemed a priority.

SECTION D – Infrastructure (Local, State & Commonwealth)

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

The Site location for the WTP has been guided in the *Scoping Study* by ease-of-access to both water mains from Yellow Pinch Dam and high-voltage electricity with suitable access from the Princes Highway. With minor upgrades to access and connection to electricity and water mains this has been chosen as the preferred site for this project. As stated above, the provision of the new WTP is critical to the provision of safe and secure water supply.

SECTION E – State & Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The list of authorities that have been contacted/engaged as part of the preliminary stages of this Project (and Scoping Planning Proposal) are listed in *Part 5 – Community Consultation* below. We believe we have addressed the feedback from the key agencies in this Planning Proposal. There will be further consultation (where required) during the public exhibition of the Planning Proposal (post-Gateway).

3.4 Part 4 - Maps

Mapping may include:
- the subject site and immediate surrounds
- current zoning
- current development standards
- any alternative zone(s), if a change is proposed

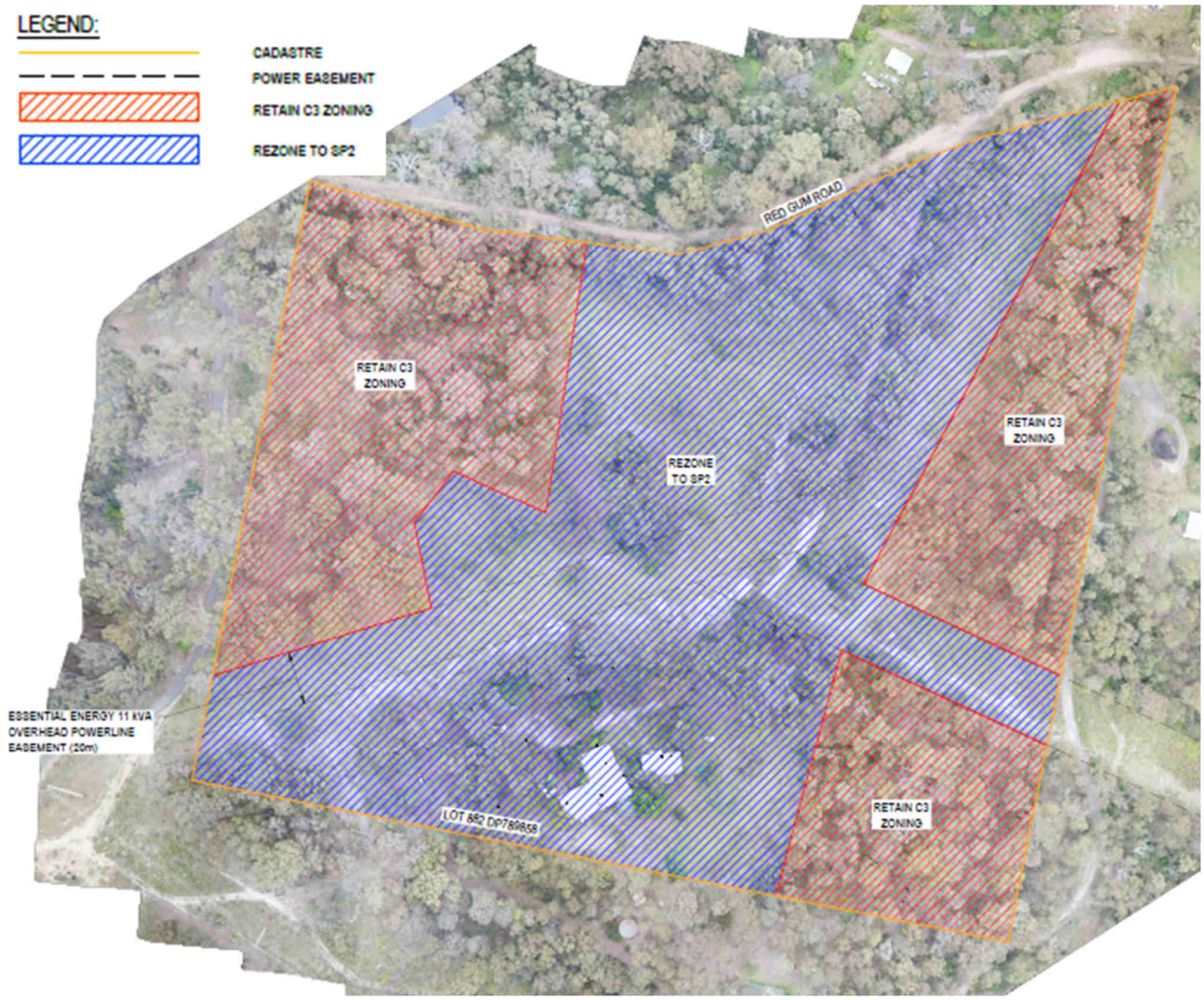
Other relevant maps or figures may include:
- maps illustrating changes of development standards if a change is proposed
- extent of a proposed heritage conservation area
- location of a specific heritage item
- extent of native vegetation and validated regionally important environmental values
- proposed extent of an environmental conservation area
- area to which a local provision will apply

Additional material such as aerial photographs clearly identifying the subject site should also be included where appropriate.

If these requirements cannot be met at planning proposal stage, the Gateway determination may require technically compliant mapping to ensure consistency with any current LEP maps

The Figure below (& on the title page) is an excerpt of the Proposed Zoning Map for the Site (see GHD Reference Design Plans). Once a Gateway Determination has been issued, Council can arrange to prepare the proposed zoning map in the Standard Instrument LEP format.

Figure 10: Site aerial photo & draft proposed zoning.



3.5 Part 5 – Community Consultation

This section of the planning proposal must describe:

- Consultation and outcomes undertaken with council, state agencies or authorities during the pre-lodgement stage
- Any community consultation undertaken, or consultation with other key stakeholders

It should set out the extent of consultation having regard for the public exhibition requirements in Section 1 of this guideline. The Gateway determination will also outline the required public exhibition period based on the different planning proposal categories.

Community consultation will be considered at the Gateway stage, with the Gateway determination confirming the requirements.

The Gateway determination may also specify additional information or studies to be finalised before any consultation commences, often to make sure that everyone can make an informed opinion. In some cases, the Gateway determination may require the PPA to submit studies to the Department for review prior to public exhibition.

3.5.1 Outcomes of Pre-Lodgement Consultation

Council has already commenced engagement with key agencies and landholders as part of the site selection process and in progressing more detailed examination of the preferred Site in this Proposal.

Prior to the preparation of this Proposal engagement included:

Date	Group/Organisation	Comment
Ongoing	DPE Water (Regional Engineer) – Funding Body (Safe and Secure Water Program)	Ongoing consultation throughout project
January 2021	Wider community	Media Release & Social Media Coverage
January 2021 (resp. March)	Essential Energy	Seeking comments on specific sites as part of the scoping study and site selection (Stage 1)
January 2021	National Parks & Wildlife Service	Seeking comments on National Park site and the process around declassifying as National Park and rezoning the land
January 2021	Landowners (directly affected)	Landowners that owned land identified as potential sites for the WTP and access was required for initial site investigations
March 2021	Landowners (indirectly affected)	Nearby landowners that may be affected by the development
March 2021	Vendor	Land negotiations for the purchase of the identified site for the WTP
November 2021	Council Meeting & broader community	Report to Council meeting on site selection process & preferred Site
March 2022	Local Aboriginal Community Representative	Seeking input (field investigations) into the Aboriginal cultural due diligence assessment report for the identified WTP site
July 2022	Essential Energy	Seeking comments regarding specific elements of the identified site for the WTP
July 2022	Landowners (directly affected)	Nearby landowners of the identified WTP site that may be affected by ongoing site investigations
August 2022	Rural Fire Service (RFS)	Seeking comments on draft bush fire strategic assessment report
September 2022	DPIE Water (Regulator)	Ongoing consultation though process options assessment and reference design

A Scoping Proposal was prepared and was issued to a number of agencies with comments from the following agencies (attached in Appendices):

a) **Department of Planning & Environment (DPE)** - Local & Regional Planning, Queanbeyan – email 18 October 2022 – no specific comments.

b) **DPE – Biodiversity & Conservation (BCD)** – Ms Allison Treweek, Senior Team Leader Planning (South East) dated 24 October 2022. This highlighted potential inconsistencies with Ministerial Directions 1.1-Implementation of Regional Plans; 3.1-Conservation Zones; and 4.1-Flooding and requested clarifications to the biodiversity assessment. This Proposal has been updated to address these in more detail.

c) **Rural Fire Service (RFS)** – Ms Martha Dotter, Supervisor Development Assessment & Plan, Built & Natural Environment dated 7 November 2022 – noting that RFS has no objections to the proposal subject to compliance with the *Planning for Bush Fire Protection 2019* Guidelines and that any subsequent development should be accompanied by a detailed Bush Fire Report (one has now been attached).

d) **Transport for NSW (TfNSW)** – Mr Timothy Mahoney, Development Case Officer, Development Services (South) that highlights upgrades to the Princes Highway in Roadmap to 2040 document. It requests a Traffic Impact Study and turn warrant assessment but we suggest this is sufficiently addressed in this report and considering there are existing left and right hand turn lanes into Red Gum Road.

e) **Essential Energy** – Ms Fiona Duncan, Conveyancing Officer (Governance & Corporate Services) by email dated 9 March 2022. In summary this requires compliance with the *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure* ('Electricity Guidelines'). As only roads are proposed within the electricity easements (subject to detailed design) these are likely to comply with the Electricity Guidelines.

f) **Transgrid** – Ms Lauren Player - Feedback provided was that there was no impact to their assets so there were no concerns with proposal.

g) **WaterNSW** – Ms Alison Kniha, Catchment Protection Planning Manager (Parramatta) dated 21 October 2022 – noting that WaterNSW has no assets in the area and Yellow Pinch Dam is owned and managed by Council. A correction has been made to a reference to funding from WaterNSW when this was in fact DPE Water.

h) **Civil Aviation Safety Authority (CASA)** – Mr David Alder, Aerodrome Developments & Airspace Protection – Air Navigation, Airspace & Aerodromes Branch – Canberra ACT – by email dated 5 October 2022 & **Airspace Protection & Airport Safeguarding (Airports Branch) Canberra ACT –** email dated 31 October 2022 & **Department of Infrastructure, Transport & Regional Development and Communities (Airports)** – response 1 November 2022. No agency raised any issues or aviation safety implications and directed comments back to Council that manages Merimbula Airport.

No comments were received from the following agencies that were notified:

- Rural Fire Service (RFS) – Ms Martha Dotter;
- Department of Primary Industries (DPI) – Mr Tim Baker;
- Heritage Office;
- Transgrid;
- NSW Health;
- Merimbula Airport;
- Natural Resources Access Regulator (NRAR);
- Local Aboriginal Land Councils (LALCs) at Eden & Bega (previously consulted).

3.5.2 Consultation after Gateway Determination

A quick review of the Guidelines (& Appendix B) suggests the following agencies could be FURTHER consulted after the Gateway Determination is issued (during the public exhibition process):

- Department of Planning & Environment (DPE)
- DPE Environment & Heritage (particularly Biodiversity & Conservation - BCD)
- DPE Water
- Rural Fire Service (RFS)
- Electricity Authority/Essential Energy – transmission line adjacent + new substation (Essential energy have been consulted throughout the project)

The following agencies may be consulted but there is no specific trigger for this at this preliminary stage:

- Transport for NSW (TfNSW) – even though access is to a local road >90m to classified road assuming this is not a Traffic Generating Development)
- Natural Resource Access Regulator (as works are likely to be greater than 40m from any watercourse and/or Council is likely to have exemption for public works)
- LALC (they were consulted during Stage 1 when identifying a suitable site and during the subsequent Aboriginal Study)
- National Parks as nearby land owner (though there is a low risk of impact)
- NSW Health (water treatment)

3.5.3 Public Exhibition

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination requirements and Guidelines. As a 'Standard Planning Proposal' the public exhibition period is likely to be a minimum of 20 working days (excluding public holidays) consistent with Council's Community Participation Plan.

3.6 Part 6 – Project Timeline

This section must outline the project timeline as a tool for the PPA, the Department and PCO to monitor the progress of the planning proposal through the LEP making process and manage resources accordingly.

STAGE	**ESTIMATED TIMEFRAME AND/OR DATE**
Consideration by Council	January/February 2023
Council Decision	March Council Meeting
Stage 3 - Gateway Determination	**April/May**
Pre-Exhibition	May/June (20 working days minimum)
Stage 4 - Commencement and Completion of Public Exhibition Period	June/July
Consideration of Submissions	July/August
Stage 6 - Post-Exhibition Review & Additional Studies	August/September
Council meeting to approve the LEP Amendment	September/October
Submission to the Department for Finalisation (or Parliamentary Counsel if Council is the LPMA)	October/November 2023
Gazettal of LEP Amendment / Commencement	Early 2024

4 SITE SPECIFIC & PRELIMINARY ENVIRONMENTAL CONSIDERATIONS

Site Specific Considerations

This section must identify key site-specific issues that are likely to be relevant to the assessment and evaluation of the proposal. These factors are to be impact assessed and for the proponent to test whether the site is or can be made suitable for the proposal.

The Proposal is not required to undertake any detailed assessment but rather to identify characteristics of the site and its surrounds that may then warrant additional impact assessment through supporting studies and investigations for the planning proposal.

The level of detail included in this section should be proportionate to the importance of the strategic context to the proposal and tailored towards informing the setting of the scoping study requirements.

Preliminary Environmental Considerations

This section is to identify key impact assessment considerations that will in the opinion of the proponent (or council if council-initiated proposal) be addressed as part of the planning proposal documentation.

This should include what scope and depth of assessment will be undertaken for each specific study or investigation proposed to support the planning proposal.

This should identify:

- *the matters requiring further assessment in the planning proposal, including supporting technical documents*
- *the proposed approach to assessing each of these matters*
- *what consultation may be required or proposed to be carried out with local community that will inform the preparation of the planning proposal*

4.1 NSW Planning Portal/LEP Mapping Overview

The table below is a summary of where the Site is or may be affected by mapping in the Portal/LEP (Tile 12 or Tile 12B). These are addressed in more detail in the section below:

LEP Map	Overlay
Land Application (LAP)	The Site is NOT a Deferred Matter & LEP2013 applies to the Site
Land Zoning (LZN)	Zone C3 Environmental Management
Lot Size (LSZ)	120ha (AD)
Height of Building (HOB)	10m
Terrestrial Biodiversity (BIO)	Biodiversity mapped on part of Site

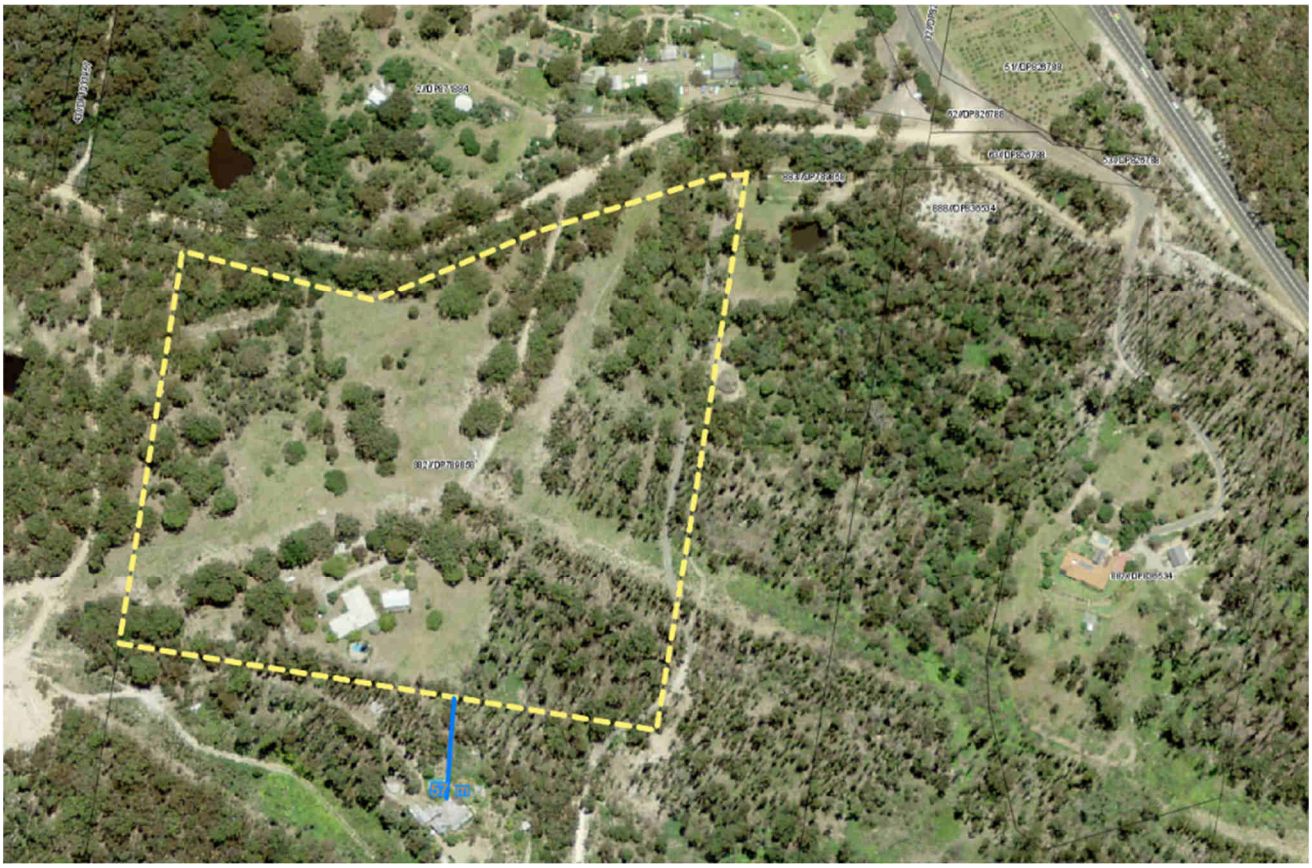
The table below is a summary of where the Site is NOT affected by mapping in the Portal/LEP:

LEP Map	Comment
Acid Sulfate Soils Map (ASS)	No Map for Tile 12/12B
Additional Permitted Uses (CL1)	No Map for Tile 12/12B
Biodiversity Values Map	Whilst there is mapped Biodiversity Values on adjacent or nearby Sites this does NOT extend across the Subject Site. However, other biodiversity thresholds may still apply and are addressed below.
Floor Space Ratio (FSR)	Site & surrounds NOT identified on FSR_012B (only part Wolumla)
Heritage (HER)	Site & surrounds NOT identified on HER_012B (only parts of Wolumla) but still addressed in more detail below.
Land Reservation Acquisition (LRA)	No Map for Tile 12/12B
Riparian Lands & Watercourses Map (WCL)	Whilst the buffer to watercourses on land south of the Site extends up to the southern boundary on the PDF of the LEP map – it is NOT listed as a constraint on the Site on the Planning Portal.

4.2 Site Aerial Photos

Figure 11: Site aerial photo showing access tracks, vegetation, & dwellings/structures (Google Earth Sept 2018 - outdated).

Figure 12: Site aerial photo (with indicative lot boundary – yellow) (NSW Planning Portal).



4.3 Site Photos

The following are Site Photos taken in 2022:

Drone image 27/07/2022 from Bushfire Assessment Report.

4.4 Existing Site Dimensions/Areas

The Site has an area of ~8.027ha (see Survey). It has three straight sides and one variable side along Red Gum Road. The straight boundary lengths are as follows: 312.755m (south); 230m (west); 327.74 (east).

4.5 Existing Development & Uses/Easements

The Site is currently used for residential purposes with an existing dwelling and a secondary dwelling that will need to be demolished. There are a number of easements across the Site (see Survey for locations/dimensions) that primarily relate to high-voltage electricity and water pipeline easements (connections to Yellow Pinch Dam).

A high-voltage overhead electricity easement runs east-west through the centre of the Site and branches into legs at the eastern extent of the Site with access/service tracks. There is also a fibre optic telecommunications line that runs through the property; a dial before you dig process has been completed with results available.

The site is situated on a slightly raised area compared to the surrounding landscape. Areas surrounding the site are vegetated. There are no permanent water bodies at the site.

4.6 Topography - Slope & Geotechnical Overview

The Survey shows the following site levels at the corners of the Site:

- North-western corner (on Red Gum Rd) ~RL130.4m;
- Near north-eastern corner (on Red Gum Rd/Electricity easement) ~RL140m;
- Near south-western corner (not clear on survey) ~150-151m;
- High point of ~162-163 around the existing house and shed towards the centre of the Site.

Therefore, the Site has a central high point with a central flatter area around the existing dwelling and sheds. This falls away in each direction. Most of the site falls to the north-west towards the catchment of Merimbula Creek/Yellow Pinch Creek. The south-east part of the Site falls to the east and south-east towards the catchment for Boggy Creek.

The GHD Scoping Study conducted a preliminary desktop geotechnical study for all sites. It found the general slope conditions on the Site were between 5-10 degrees and is unlikely to present any major slope instability constraints. However, some stepping (cut/fill) of the Site is likely to be required for the proposed facilities. This will be assessed as part of the detailed design but can be accommodated by the proposal.

4.7 Hydrology – Watercourses & Groundwater

The topographical maps on the Planning Portal (confirmed by the NSW Government Hydroline maps) show there are NO mapped watercourses on the Site (see also Figure.19 below). However, there are three 1st order watercourses mapped on the land to the south and east. These watercourses are located at the top of their catchments. As such they are likely to be intermittent drainage lines and can be protected with suitable sediment & erosion control & buffers to the critical infrastructure and associated ponds.

There are no mapped bores on the Site or immediately surrounding Sites on the WaterNSW Groundwater Map.

Council is likely to have an exemption from concurrence from the Natural Resource Access Regulator (NRAR) as a public authority but this will be confirmed during detailed design stage as will proximity to and any risk of impacts on these watercourses and suitable buffers.

Figure 13: Excerpt of Topographic Map (NSW Planning Portal) showing mapped watercourses near Site (yellow boundary).

4.8 Heritage & Cultural Important Landscapes

4.8.1.1 Non-Indigenous Heritage

The Site is NOT listed as a heritage item or in a heritage conservation area (HCA). The nearest listed items or HCAs are in Wolumla and are >2.7km to the north-west of the Site. These items are not visible from the Site and/or they are unlikely to be impacted by development of the Site for a WTP. We suggest that further heritage assessment is not required.

4.8.1.2 Indigenous Heritage

Council (through GHD) commissioned the NSW Archaeology Pty Ltd (February 2021) *Aboriginal Heritage* Assessment (AHA) as part of the GHD Scoping Study (attached) that reviewed seven (7) potential sites for the WTP and included the Subject Site. There has also been a full Aboriginal Due Diligence (ADD) assessment completed by Lantern Heritage (June 2022). This study assessed 22 separate locations throughout the LGA, which included the Yellow Pinch property.

This AHA included engagement with (& presence during site survey of) Ron Thomas representing Bega Local Aboriginal Land Council (BLALC) with a copy of the report provided to BLALC. The report included, an Aboriginal Heritage Information Management System (AHIMS) Search, a legislative review, a review of the landscape and archaeological context and field survey results.

The specific findings for the Site at No.43 Red Gum Rd were as follows:

> The 43 Red Gum Road site is comprised of crest and simple slope landforms. Slopes of generally of gentle gradient, however, certain areas in the east are steep. It has been extensively cleared with very young regrowth in certain areas. The site is currently occupied by a dwelling with various outbuildings, an old horse round yard and fencing. A road and electricity easement runs through the property.
>
> Soils contain high levels of natural conglomerate gravels some of which is quartz. It has suffered extensive disturbance from prior clearing and soils are erosional.
>
> Surface exposures are abundant particularly from sheet erosion. The potential to observe artefacts was relatively high. The site is assessed to be of very low to negligible archaeological potential.

This Report concluded the following (Introduction p.1 / Conclusions & Recommendations p.21):

- There are no known previously recorded Aboriginal objects located in the proposed activity areas (AHIMS Site Search #566021).
- A comprehensive field assessment was undertaken and no Aboriginal object sites were found at any of the nominated sites during the field assessment.
- Each of the nominated sites is assessed to be of either very low or negligible archaeological and cultural heritage potential.
- Given that no Aboriginal objects are known to be present, and the area is not predicted to have a high probability of possessing subsurface Aboriginal objects with high potential conservation value, further archaeological assessment is not required.
- If Aboriginal objects are found while undertaking the activity the proponent must stop work and notify the Heritage NSW; an AHIP may need to be sought.
- In the unlikely event that human skeletal remains are found the proponent must stop work immediately, secure the area to prevent unauthorized access and contact the NSW Police and Heritage NSW.

4.9 Ecological Characteristics & Values

The Environmental Factor (TEF) are the lead consultant in this project and have provided a *Preliminary Biodiversity Assessment Report (PBAR)* to support this Planning Proposal based on an estimate of the potential impacts of the reference design (subject to detailed design). The findings will act as recommendations to guide the detailed design and assessment process. This Section duplicates the Executive Summary (we have added sub-headings/references & made minor changes) - please refer to PBAR for detail and supporting figures.

It is important to note that the Planning Proposal only seeks to change the land use zoning of PART of the Site. It does not result in any approvals for future use or avoid the processes required for assessment of the future detailed design. The PBAR seeks to address the ecological requirements and particularly the feedback from Department of Planning & Environment – Biodiversity & Conservation (Division – 'BCD') at the Scoping Proposal stage.

4.9.1 Planning Proposal & Impact Areas

The Environmental Factor (TEF) was commissioned by Bega Valley Shire Council (herein 'the Client' or 'Council') to undertake a *Preliminary Biodiversity Assessment Report (PBAR)* to consider the potential future ecological impacts arising from the rezoning of land under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), for the purpose of enabling the future development of a Water Treatment Facility (WTF) for the Bega community on Lot 882 DP 789858 at 43 Redgum Road, Yellow Pinch, NSW (Figure 1 *of the PBAR*) (herein 'the Planning Proposal').

The Planning Proposal consists of the following key features:

- Rezoning of **4.68 ha** of land on Lot 882 DP 789858 from C3 Environmental Management, to SP2 Infrastructure, with potential for subsequent direct and indirect impacts to the Subject Land as a result of the rezoning the parcel of from high environmental conservation to low environmental conservation protection; and
- Retention of **3.34 ha** of native vegetation present on Lot 882 DP 789858 as C3 Environmental Management land use zone.

The re-zoning of the **4.68 ha** portion of the Subject Land, as described above, is required to allow for the future construction of a new WTF and associated infrastructure near the Yellow Pinch Dam to ensure treated water supply will meet the demands of the surrounding townships. Subsequently, in addition to the key features assessed within this PBAR relating to the re-zoning of land, the report has also considered the potential for future impacts to biodiversity, including threatened species and ecological communities (threatened biota) as a result of the proposed future development of a WTF on site. These preliminary impact assessments have been made based on the concept designs received as of 13 January (GHD, 2023; Appendix A *of the PBAR*). Features of the proposed future development and their respective impact areas are as follows:

- Direct impacts to facilitate the construction of the WTF and associated infrastructure (i.e., office etc) (**0.39 ha**)
- Direct impacts to allow for the construction of an access track to the site (**0.44 ha**)
- Direct impacts for the construction of a solar array (**0.44 ha**)
- Direct impacts to native vegetation resulting in the loss of the canopy stratum to provide for Asset Protection Zones (APZs) for future infrastructure (**1.08 ha**)
- Potential modification of areas outside of the direct impact area within the Subject Site, including ongoing grounds maintenance such as mowing, with retention of canopy species (**2.34 ha**)
- Total potential impact areas for WTF (**4.68 ha**)

The Subject Land is located along Red Gum Road, south-east of Yellow Pinch Dam about fifteen (15) kms from Bega *[to north-west of Merimbula]*, and is surrounded by heavily vegetated large-lot residential properties (Figure.1 *of the PBAR*). The site is bisected with access roads, electricity easements and infrastructure, as well as a number of private dwellings and other buildings. The electricity easement runs east-west through the centre of the site and branches into two (2) arms at the eastern extent. The existing driveways, residential buildings and garden areas are more heavily disturbed than the broader Subject Land; the majority of the future WTF would be located over these already disturbed areas, based on the preliminary advice provided to avoid impacts to biodiversity, and the subsequent concept design. In and around the existing disturbed areas and infrastructure, the Subject Land contains a mixture of good quality, remnant native woodland, and degraded and previously modified woodland and derived native grasslands (DNGs).

Several alternative locations for the proposed WTF were considered prior to the selection of the Subject Site. The alternative sites included:

- Three (3) residential sites, which landowners were willing to sell by agreement.
    - Two (2) of these did not have the required footprint size, or suitable environmental attributes
- A site within a National Park, which appeared to have suitable elevation, and was by bordered an electricity easement and was previously cleared
    - Which was ultimately discounted due to the acquisition complexity risk, and timing.

The location of the site for the proposed WTF development off Red Gum Road was selected based on the results of a Scoping Study completed (GHD 2021), which summarised that:

- The Subject Site contained an existing disturbed (by residential buildings) footprint of approximately the right dimensions for the WTF, and subsequently an anticipated lower environmental impact footprint
- The site is easily acquired, as it is already owned by Council
- The site is optimal as it easily links in with the existing water supply network, and
- It provides the required elevation for the facility to maximise gravity feed into the Tantawangalo-Kiah drinking water network and avoid excess pumping.

In addition, based on the biodiversity site assessment conducted, preliminary constraints were provided to the design team by TEF, and as a result the Planning Proposal boundaries and future Subject Site were amended so as to avoid and minimise impacts to biodiversity, through exclusion of the more intact areas of vegetation from the rezoning. As such, the resulting Subject Site for the proposed future location of the WTF, and the boundaries of the newly established SP2 area, were considered suitable from a biodiversity perspective based on the following:

- Infrastructure associated with the WTF would be located where existing residential buildings occur, to reduce additional biodiversity impacts,
- The Subject Site predominantly contains previously modified and disturbed native vegetation, and subsequently, minimal good quality vegetation would be impacted,
- The proposed future access road to the site is located within an area previously cleared of native vegetation to reduce the need to further remove canopy vegetation, and
- The existing disturbance and modification of the site, especially in the vicinity of the residential buildings lessens the likelihood that threatened flora occurs within the future impact zone.

4.9.2 Preliminary Findings

During field investigations, the condition and habitat values of the vegetation present was assessed in accordance with the Biodiversity Assessment Method (BAM), including habitat identification, vegetation community mapping, confirmation of presence or absence of Threatened Ecological Communities (TECs), collection of floristic data, and opportunistic threatened flora and fauna surveys. A total of nine (9) BAM plots were completed to confirm the composition and structure of native vegetation present.

A total of fifty-five (55) fauna species were recorded during the surveys. This included twelve (12) native mammals, three (3) native amphibians and forty (40) native bird species. Three (3) threatened fauna species were recorded within the Subject Land during surveys:

- Gang-gang Cockatoo (*Callocephalon fimbriatum)* – listed as Vulnerable (BC Act) and Endangered (EPBC Act)
- Large Bent-winged Bat (*Miniopterus orianae oceanensis*) – listed as Vulnerable (BC Act)
- Scarlet Robin (*Petroica boodang)* – listed as Vulnerable (BC Act)

A total of one hundred and fourteen (114) species were recorded within vegetation survey plots and incidental observations, consisting of one hundred and seven (107) native species and thirty-three (33) exotic species, including nine (9) High-Threat Exotics (HTE).

The following threatened flora species were surveyed for during site surveys:

- *Leionema ralstonii* (Ralston's Leionema)- V, BC Act and V EPBC Act
- *Acacia georgensis* (Bega Wattle)- V, BC Act and V EPBC Act
- *Astrotricha crassifolia* (Thick-leaf Star-hair) - V, BC Act and V EPBC Act
- *Zieria buxijugum* (Box Range Zieria)- CE, BC Act and CE, EPBC Act
- *Zieria formosa* (Shapely Zieria)- CE, BC Act and E, EPBC Act

No threatened flora or TEC's were identified on site during surveys.

In addition to the threatened biota recorded on site, the species listed in Table [*Figure.14*] below have the potential to occur in the Subject Land, and are considered to have potential to be impacted as a result of the proposed future development of the site. Recommended mitigation measures, including the need for further assessment for specific species are outlined in this report; however, the significance of impacts to these threatened biota have not been assessed as part of the current Planning Proposal. Instead, conclusions have been drawn on the likelihood of occurrence and subsequent likelihood of impact to species with potential to occur on the site, based on the results of desktop surveys and site assessments, and the concept designs provided. Assessments of significance are required to be prepared in accordance with Section 1.7 of the EP&A Act and the EPBC Act Matters of National Environmental Significance – Significant Impact Criteria Guidelines (DEWHA, 2009) for these species as part of the next stage of development assessment, once the Planning Proposal and rezoning process has been concluded. Further site

investigations, including seasonal, targeted surveys may be recommended to provide data to refine the number of species considered to have potential to be impacted by the construction of the WTF. If a significant impact were to be considered likely as a result of the construction and operation of the WTF, a Species Impact Statement or Biodiversity Development Assessment Report (BDAR), and / or Referral to the Environment Minister may be required. Recommended mitigation measures, to reduce the likelihood of a significant impact to these species arising from the proposed future WTF development, have been provided in Section 7 [*of the PBAR*].

Figure 14: Threatened species with a moderate to high potential to be impacted by the future WTF development (Table.1 in PBAR).

Scientific Name	Common name	BC Act	EPBC Act
Flora			
Acacia georgensis	Bega Wattle	V	V
Astrotricha crassifolia	Thick-leaf Star-hair	V	V
Astrotricha sp. Wallagaraugh	Merimbula Star-hair	E	-
Leionema ralstonii	Ralston's Leionema	V	V
Pomaderris bodalla	Bodalla Pomaderris	V	-
Pomaderris cotoneaster	Cotoneaster Pomaderris	E	E
Pomaderris parrisiae	Parris' Pomaderris	V	V
Pultanaea pedunculata	Matted Bush-pea	E	-
Thesium australe	Thesium Australe	V	V
Birds of Prey			
Circus assimilis	Spotted Harrier	V	-
Falco subniger	Black Falcon	V	-
Hieaaetus morphnoides	Little Eagle	V	-
Lophoictinia isura	Square-tailed Kite	V	-
Fruit-eating bats			
Pteropus poliocephalus	Grey-headed Flying Fox	V	V
Woodland birds			
Anthochaera phrygia	Regent Honeyeater	CE	CE
Artamus cyanopterus cyanopterus	Dusky Woodswallow	V	-
Climacteris picumnus	Brown Treecreeper (eastern subspecies)	V	-
Daphoenositta chrysoptera	Varied Sitella	V	-
Epthianura albifrons	White-fronted Chat	V	-
Lathamus discolor	Swift Parrot	E	-
Melanodryas cucullata cucullata	Hooded Robin (south-eastern form)	V	-
Pachycephala olivacea	Olive Whistler	V	-
Petroica boodang	Scarlet Robin	V	-
Petroica phoenicea	Flame Robin	V	-
Stagonopleura guttata	Diamond Firetail	V	-
Hollow-dependent Birds			
Callocephalon fimbriatum	Gang-gang Cockatoo	V	-
Calyptorhynchus lathami	Glossy Black-Cockatoo	V	-
Glossopsitta pusilla	Little Lorikeet	V	-
Ninox connivens	Barking Owl	V	-
Ninox strenua	Powerful Owl	V	-
Tyto novaehollandiae	Masked Owl	V	-
Tyto tenebricosa	Sooty Owl	V	-

Scientific Name	Common name	BC Act	EPBC Act
Hollow-dependent Mammals			
Cercartetus nanus	Eastern Pygmy-possum	V	-
Dasyurus maculatus	Spotted-tailed Quoll	V	E
Petaurus australis	Yellow-bellied Glider	V	-
Petauroides volans	Greater Glider	V	V
Phascogale tapoatafa	Brush-tailed Phascogale	V	-
Insectivorous Bats			
Micronomus norfolkensis	Eastern Coastal Free-tailed Bat	V	-
Falsistrellus tasmaniensis	Eastern False Pipistrelle	V	-
Scoteanax rueppellii	Greater Broad-nosed Bat	V	-
Miniopterus orianae oceanensis	Large Bent-winged Bat	V	-
Other Mammals			
Phascolarctos cinereus	Koala	E	E
Potorous tridactylus tridactylus	Long-nosed Potoroo (SE Mainland)	V	V
Isoodon obesulus obesulus	Southern Brown Bandicoot (Eastern)	E	E

The analysis of floristic data collected during the site surveys completed assigned two (2) PCTs to the Subject Land:

- PCTID: 3660 - South Coast Hinterland Yellow Stringybark Forest – **0.42 ha**
- PCTID: 3663 - Southeast Foothills Stringybark Shrub Forest – **7.32 ha**
- PCTID 0: Non-native vegetation/ existing hardstands– **0.28 ha**

As indicated above, PCTs present within the Subject Land did not conform to known TECs. PCTs present within the Subject Land were further split into Vegetation Zones to reflect the differing conditions of the vegetation that occurred on site, as defined in Section 5.2 [*of the PBAR*].

To reflect the future intended use of the site, the site was also categorised into potential future management zones in line with the proposed construction and ongoing use of the WTF. Management zone areas are defined herein as follows:

- **Management Zone A (1.26 ha)**: This zone encompasses areas where future infrastructure required for the construction of the WTF will be located. It includes future buildings, WTF infrastructure (i.e. sludge ponds, tanks, buildings etc.), road access and the proposed solar arrays. It has been assumed that complete removal of vegetation will occur in this area to facilitate construction of the required infrastructure.
- **Management Zone B (1.08 ha)**: This area encompasses the proposed Asset Protection Zones, and allows for the retention of the ground-cover stratum. At worst, the canopy and shrub layer stratum would be removed entirely, however pending the finalised design of the WTF, and findings of the Bushfire Assessment, up to 15% of the canopy stratum may be retained.
- **Management Zone C (2.34 ha)**: This MZ encompasses the remaining area on site not captured above, that will be retained as Woodland, with a managed / mown understorey; specifically, canopy species, including recorded hollow-bearing and habitat trees will be retained in this MZ.

4.9.3 Conclusion

The land does not contain any mapped Biodiversity Values (Appendix C *of the PBAR*) and is mapped as excluded from the LLS Act (Appendix B *of the PBAR*). And, as the Planning Proposal is not being assessed as a development under Part 4 of the EP&A Act, with the future development of the site for a WTF intended to be assessed later under Part 5 of the EP&A Act as critical regional water infrastructure, **participation in the Biodiversity Offset Scheme (BOS) is not required**, unless a significant impact to threatened biota is anticipated (refer Section 2.2.1 and Section 2.2.4 *of the PBAR*). This will be determined as part of the next stages of development assessment, if the Planning Proposal proceeds for rezoning, the proposed future development can proceed and the designs are finalised, incorporating the recommended avoidance and mitigation measures outlined in this report.

The current Planning Proposal has considered the existing biodiversity values of the Subject Land through the Scoping Study, and surveys and constraints identification completed in accordance with the BAM, demonstrating that efforts have thereby been made to ensure the boundaries of the rezoning are limited to previously disturbed and lower quality areas of native vegetation within existing Lot 882 DP 789858.

Placement of the proposed SP2 boundary over areas that contain existing buildings, access roads and electricity infrastructure and easements, thereby demonstrates that appropriate measures to avoid and minimise impacts to biodiversity have been implemented as part of the Planning Proposal in accordance with the principles of the *Biodiversity Conservation Act 2016* (BC Act).

While the site is currently zoned as C3, the portion of the Subject Land proposed for rezoning as part of the current Planning Proposal is heavily disturbed and degraded, and placement of the proposed future WTF in this location is not anticipated to result in significant impacts to biodiversity, based on the concept design (GHD, January 2023; Appendix A *of the PBAR*) and provided the recommended mitigation measures are implemented and maintained.

Please see *Section 7 – Recommendations, Avoidance & Mitigation* of the PBAR for more details.

4.10 Coastal Management

Due to the Site's distance from the coast, the Site does not appear to be affected by mapping of the following under the *State Environmental Planning Policy (Resilience & Hazards) 2021* including:

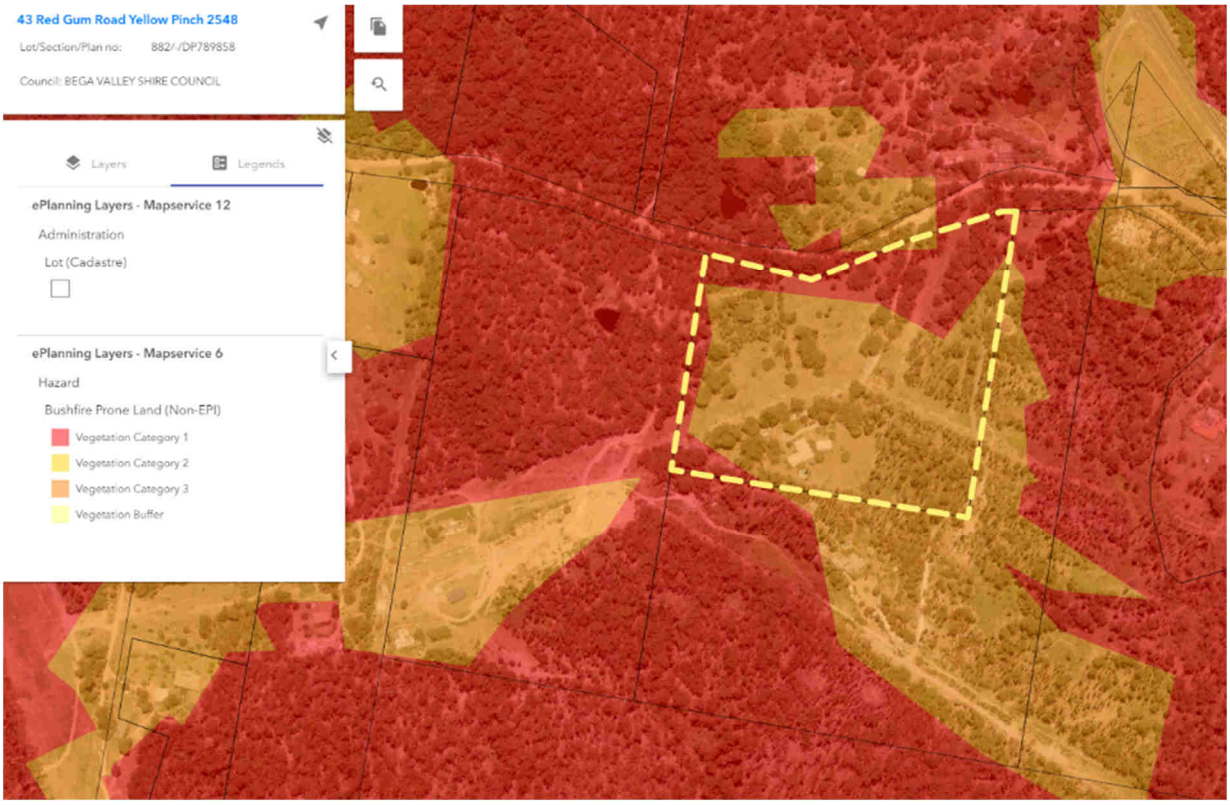
- Land Application Map
- Coastal Environment Area Map
- Coastal Use Area Map
- Coastal Vulnerability Area Map
- Coastal Wetlands & Littoral Rainforest Area Map

4.11 Hazards – Land & Soils

According to the eSPADE NSW Government viewer the land does not appear to be mapped as affected by acid sulphate soils.

4.12 Hazards - Bushfire

Figure 15: Bush fire prone land mapping (NSW Planning Portal) for Site (yellow boundary).



As the Figure above shows, the Site is mapped as bush fire prone land with the majority as Vegetation Category 3 (orange) and some of the perimeter as Vegetation Category 1 (red). This also affects the access along and from the Princes Highway and along Red Gum Road.

Council have commissioned a ***Bushfire Assessment Report*** (BAR) by Garry Cooper (Bushfire Planning & Assessment Officer) dated August 2022 prior to detailed design to determine key recommendations/guidelines for detailed design.

The development has been identified as Critical Infrastructure and protection from Bushfire risk measures determined in accordance with NSW RFS *Planning for Bushfire Protection 2019* and to satisfy requirements under *Security of Critical Infrastructure Act 2018* (**SOCI Act**).

The BAR found that the relevant Bushfire Attack Level (BAL) for the proposed buildings was BAL-29 and required a >45m Asset Protection Zone (APZ). Please note that the diagrams/figures in this report are based on an earlier WTP draft layout and have been superseded by the current draft reference design. The current reference design can meet or exceed the APZ requirements to achieve a suitable BAL and has incorporated the following additional recommendations. The detailed design will be guided by the following recommendations in Section.6 of the BAR.

The Following recommendations should be adopted:

- *All critical infrastructure should be constructed to BAL 40 as per AS 3959-2018 or NASH standards. If construction is not to comply with either of these standards, then it should be constructed of materials test to withstand a radiant heat level of BAL 40 and provide non- combustible ember protection for all openings.*
- *All ancillary structures on the site should be located a minimum of 6 metres from critical infrastructure and be constructed from non-combustible materials including provisions for suitable glazing or bushfire shutters and ember protection on all openings*
- *A minimum 10 metre defendable space be provided free from combustible materials around all critical infrastructure and provide unobstructed access for responding emergency services personnel.*
- *Asset protection zones are to be established to a distance of 45mts surrounding all aspects of critical infrastructure erected upon the site and managed in accordance with NSW Rural Fire Service Standards for Asset Protection Zones*
- *A minimum 4-metre-wide fire access trail be constructed around the perimeter of the Asset Protection Zone and provide unobstructed access for suppression of an approaching bushfire. Fire trail should be constructed in accordance with requirements of Planning for Bushfire Protection 2019.*
- *Property Access roads servicing the facility from Red Gum Road should be a minimum 5.5m in width and have a minimum vertical clearance of 4m clear of overhanging obstructions and provide all weather 2wd access. Passing bays are to be provided every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay.*
- *A static water supply (SWS) in a non-combustible tank constructed from either concrete or steel with a minimum capacity of 50,000 litres be provided with a 50mm gate valve and 65mm Storz fitting in a location with ease of access to arriving emergency appliances*
- *A 'Fire Management Plan' be prepared for the property and include a site plan indicating SWS location, access, defendable spaces, and location of hazardous materials storage.* A copy of the plan should be available on site and a copy provided to Bega Valley Shires Emergency management WH&S committee and a copy provided to the NSW Rural Fire Service District office in Bega.

It notes that non-residential building such as industrial facilities (potentially including this WTP) do not have any specific bush fire performance requirements in the National Construction Code (NCC) or deemed to satisfy provision in Australian Standard AS3959. However, the following objectives should be applied in meeting the aims and objectives of the Planning for Bushfire Protection (PBP) Guidelines (2019) including:

- *to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;*
- *to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;*
- *to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and*
- *provide for the storage of hazardous materials away from the hazard wherever possible.*

4.13 Hazards – Contamination

The Site is not identified on the NSW EPA Contaminated Land Record of Notice as being contaminated. This is not conclusive as there are only three (3) sites identified in the Shire (2 at Bega / 1 at Eden).

To the best of our knowledge the Site history includes bushland that has been adapted for residential use and some infrastructure purposes (electricity/water pipelines). The residential uses are unlikely to have created significant contamination except for the on-site effluent management areas that can be appropriately remediated. There are guidelines for contamination from infrastructure such as electricity lines.

The proposed future use is quasi-industrial in nature. Therefore, it does not require a high-level of remediation to be suitable for the future use. We suggest this is a sufficient Preliminary Contamination Investigation under *SEPP (Resilience & Hazards) 2021* and no further investigation is required at this time.

4.14 Hazards – Flooding

As detailed above, there are no significant watercourses or water storage on the Site and it sits at a higher elevation with water draining away from the Site. Therefore, the Site is unlikely to be impacted by mainstream flooding or overland flows. We have not been made aware of any scenario modelling for a dam break at Yellow Pinch Dam but this may not impact the Site (as it is more likely to flow down Yellow Pinch Creek to the north of the Site) or is a low risk.

4.15 Hazards – Aircraft

The Site is located at least 7.5km from the Merimbula Airport that is operated by Bega Valley Shire Council. The Site is unlikely to be located within any Obstacle Limitation Surface (OLS) mapping and is not a sensitive use that would be affected by aircraft noise. Whilst the Site is located on the higher areas, if the buildings are largely restricted to 10m or under in height then there is a low risk of any impact on aircraft movement.

4.16 Infrastructure & Servicing/Utilities

This is addressed in Section 2 – The Proposal above. There are no known likely impacts on existing utility infrastructure from the Proposal. The Proposal is sited to take advantage of proximity to the existing water pipelines/mains and electricity.

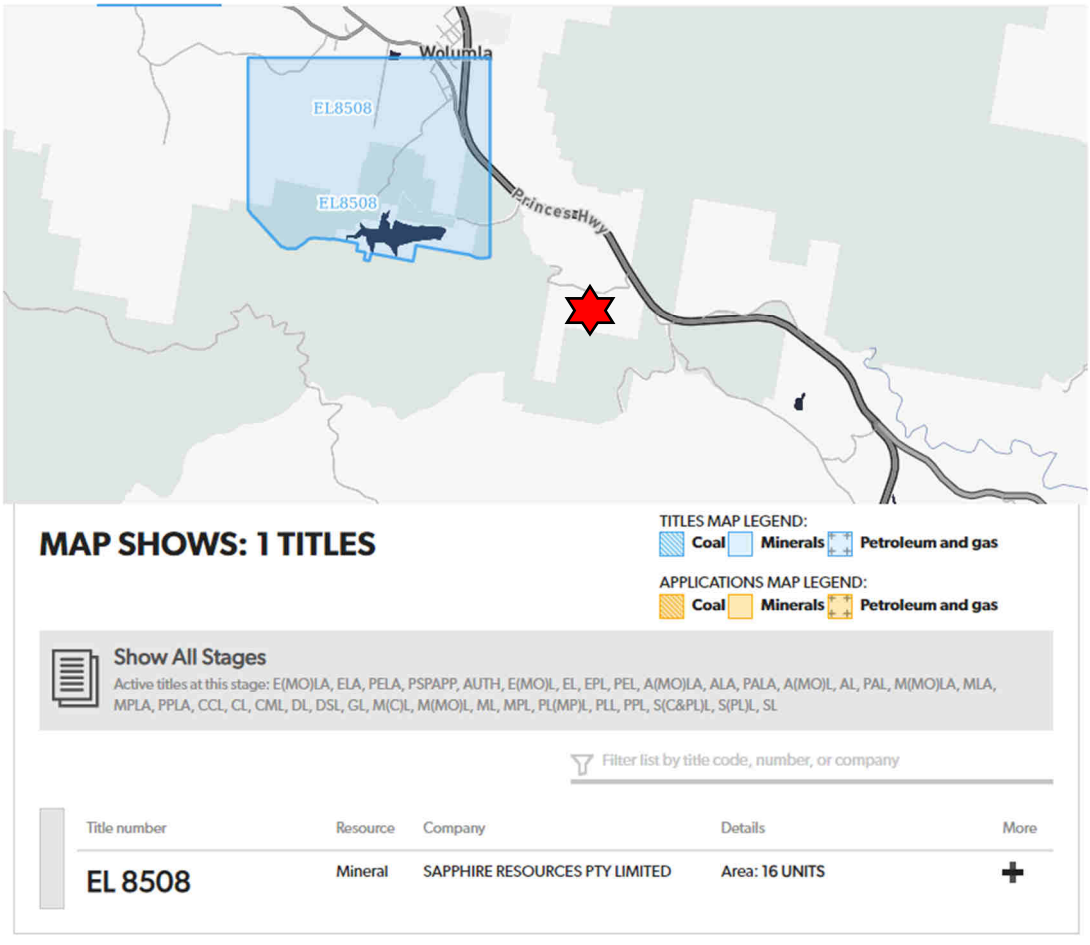
4.17 Visual Impact

As stated above, the proposed heights of buildings are not likely to exceed the Height of Building limit of 10m. Whilst the Site is located on higher land above Merimbula, it has a low risk of visibility from other key vantage points in the local area. It is largely shielded by vegetation and national parks/reserves on all sides. This will be reconfirmed at the detailed design stage and with further site visits.

4.18 Minerals & Extractive Industries

The Site is not known to be in or near an existing extractive industry or mineral resource area. As the Figure below shows, the nearest mineral title is EL8508 which is from Yellow Pinch Dam north to Wolumla

Figure 16: Mineral resource map showing Site (red star) outside known titles/applications (www.commonground.nsw.gov.au).



4.19 Agricultural Land Use Conflict & Strategic Agricultural Land

The Site is NOT identified on the Biophysical Strategic Agricultural Land maps that identify higher value soils and agricultural production lands. The nearest mapped areas are north of Tura Beach and south-west of Pambula. The terrain and vegetation limit agricultural production on the Site and surrounding areas so there is a low risk of impact on agricultural activity.

4.20 High-Level Opportunities & Constraints Analysis

The Site selection is primarily governed by the engineering requirements for proximity to the water pipelines (near Yellow Pinch Dam), slope for gravity drainage to minimise energy consumption for pumping, and its ability to provide treated water for the intended area.

The primary constraints for the Site are it topography/slope; the existing vegetation and potential flora/fauna biodiversity, bushfire risk and some minor asbestos potential. These have been addressed above and in the attached plans/reports and demonstrate that the Proposed Development should be able to be designed to avoid, minimise or mitigate any of the key impacts.

A more detailed Concept Design should be available for the full Planning Proposal which may allow some more detailed review of environmental opportunities and constraints. However, the detailed assessment will most likely occur during the preparing of the Review of Environmental Factors (REF) associated with the Part 5 approval after rezoning.

5 STRATEGIC MERIT

This Section review some of the most relevant Strategic Plans/Studies applicable to the Site to demonstrate that the Proposal is consistent with local, regional & state strategies and requirements.

5.1 Overview

The following Regional & Local Plans may be relevant to and support the proposed WTP at the Site and are addressed in more detail below:

- Bega Valley Shire - Water And Sewer Strategy 2022-2025
- Integrated Planning & Reporting including the Bega Valley Shire - Community Strategic Plan 2042 & Delivery Program 2022-25 + Operational Plan 2022-23
- Bega Local Strategic Planning Statement 2040
- Bega Valley Shire - Climate Resilience Strategy 2050
- South East & Tablelands Regional Plan 2036 & Draft Regional Plan 2041 (On Exhibition September 2022)

5.2 Infrastructure Studies

5.2.1 Bega Valley Shire - Water And Sewer Strategy 2022-2025 (Water & Sewer Strategy)

The Water & Sewer Strategy is perhaps the key strategic document adopted by Council that supports the WTP. It has reviewed Shire population & housing growth – particularly in relation to sewer & water demands for Council as the local water utility. It has also identified the need for additional water treatment for the Tantawangalo-Kiah system with the Yellow Pinch WTP a number one (1) priority. The operations are linked through Council's Integrated Planning & Reporting (IP&R) framework (see below).

In particular, a key target is to deliver higher-quality drinking water to all towns and villages with three (3) new water treatment plants. This Strategy sets out how it will achieve these projects including the Yellow Pinch Dam Water Treatment Plant (WTP) and cater for planned demand through to the year 2052.

Figure 17: Excerpt of Water & Sewer Strategy – major projects – capital works programs (Table.7).

Area	Description	Status
Treatment - water	Brogo WTP	1
	Yellow Pinch WTP	1
	Bega WTP	1
	Fluoridation	1
	Kiah / Candelo WTP options assessment	1

Figure 18: Excerpt of Water & Sewer Strategy – major projects – capital budget (Table.8).

Key water projects	Capital budget next five years ($M)
Yellow Pinch Water Treatment Plant	$30
Brogo Water Treatment Plant	$6.7
Bega Water Treatment Plant	$10.2
Total percent of capital budget	66%

It is important to note that whilst the Figure above suggests a capital budget of $30 million for the Yellow Pinch WTP, this is an outer limit and the actual value of the project is expected to be below this and not exceed the threshold(s) for State Significant Development / Infrastructure.

5.2.2 Draft Integrated Water Cycle Management (IWCM)

Council has engaged GHD to prepare an Integrated Water Cycle Management (IWCM) Study for the LGA. This is likely to provide more detail on the existing and future/proposed potable water system including how the proposed Yellow Pinch WTP will integrate with this system to meet projected demand for the serviced areas. This will be reviewed in more detail once it is publicly available and at the time of the detailed design for the WTP.

5.3 Integrated Planning & Reporting (IP&R) Framework

5.3.1 Bega Valley Shire - Community Strategic Plan 2042 (CSP)

The Community Strategic Plan (CSP) is a high-level document that relates to all of Council's functions.

Relevant Sustainable Development Goals include: No.6 Clean water & sanitation; No.9 Industry, innovation & infrastructure; No.11 Sustainable cities & communities.

The CSP is broken down into five (5) key themes of A. Our community; B. Our economy; C. Our environment; D. Our infrastructure; E. Our civic leadership with all of these relevant to this Proposal, but especially C & D as set out below.

C. Our Environment - We embrace sustainable living and value and conserve our natural environment.

Strategic objectives	Strategies	Council's role	Our partners
Our air and water are pristine, and our natural environment and rural landscapes are protected.	C.1. Deliver and support integrated water management. C.2. Ensure land use planning and resource use supports sustainable growth whilst protecting the quality of the natural environment and our rural landscapes.	Advocate Provide Collaborate	Local business and industry Community groups Local Land Services NSW Department of Planning, Industry and Environment NSW Department Primary Industries Department of Industry, Science, Energy and Resources Department of Agriculture, Water and the Environment
We are leaders in sustainable living and support innovative approaches to resource recovery and the production of renewable energy and food.	C.3. Collaborate with partners and our community to support innovative approaches to waste minimisation and increase reuse and recycling opportunities. C.4. Adopt sustainable design principles in the planning of our urban areas and infrastructure provision, and encourage sustainable buildings and lifestyles.	Advocate Provide Collaborate	Community members Community groups Local business and industry Housing and building industry
We act to adapt to and mitigate the effects of climate change.	C.5. Lead climate change mitigation and adaptation through implementation of our Climate Resilience Strategy focusing on natural systems, preparing for natural hazards, liveable and connected places, safe, healthy and inclusive community, diverse and thriving economy, energy security and food security.	Provide Collaborate Advocate	Community members Community groups Local business and industry NSW State Government Federal Government

This Proposal is consistent with the Strategy principles and recommendations as long as it can demonstrate it protects high environmental value areas, and has sufficient protection from bushfire for resilience. Strategy C1 aims to deliver and support integrated water management which requires additional water treatment of water from Yellow Pinch Dam.

There is a balancing of the need for this infrastructure near the dam to provide energy-efficient gravity fed systems with the protection of the natural environment. Gravity-fed supply will significantly reduce energy consumption and, in addition, it is likely that the plant energy consumption will be largely offset by additional on-site photovoltaic panels.

The Scoping Study conducted an analysis of selected sites to determine that the Subject Site had the best potential whilst minimising environmental impact. The Draft Reference Design suggests the core plant area can occur largely in the disturbed area around the existing dwelling. Improved water treatment may also assist in climate change mitigation (C5) and cater for sustainable increased population growth (C4).

D. Our Infrastructure - Our infrastructure complements our natural surroundings and character while enhancing the lives of our community.

Strategic objectives	Strategies	Council's role	Our partners
Our public and private infrastructure and community services meet community needs.	D.1. Plan for community infrastructure and services that will meet current and future needs. D.2. Provide infrastructure and services to meet the needs of residents in our towns, villages and rural areas. D.3. Improve the presentation, maintenance and physical accessibility of existing towns and villages.	Provide Collaborate Advocate	Community members Community groups NSW State Government Federal Government

A core aspect of this new WTP is to plan for community infrastructure to meet current and future needs (D1) and allow for sustainable growth (D2). It has been clearly identified that the water from Yellow Pinch Dam should be treated to improve health and security for the southern water supply system.

B. Our Economy – A resilient and prosperous economy that supports employment and learning opportunities.

A sustainable water supply system that caters for population and growth of industry/employment uses is critical to a resilient and prosperous economy.

A. Our Community – A connected and vibrant community where people are happy, safe and well.

Upgrades to the water supply system and treatment are essential to the health and well-being of the community.

E. Our Civic Leadership– Local leadership is strong, consultative and responsive to our community's needs.

Council is seeking to plan for the future and has engaged with the Community through strategies like the Water & Sewer Strategy to identify services and facilities to meet community needs that the community are willing to pay for. The decision-making process has been transparent and Council has sought to balance environmental, social and economic outcomes for the community.

5.3.2 Delivery Program 2022-2025 & Operational Plan 2022-2023

The Delivery Program & Operation Plan seek to integrate with the CSP Themes & Actions listed above as follows:

CSP THEME: Our environment – We embrace sustainable living and value and conserve our natural environment

CSP STRATEGIC OBJECTIVE: Our air and water are pristine, and our natural environment and rural landscapes are protected

CSP STRATEGY	Delivery Program 2022-25 Action	Service Area	Measure/s
C.1 Deliver and support integrated water management	C1.1 - Operate a contemporary local water utility that enables sustainable development, supports social wellbeing, and protects the environment	Water and Sewer Services	Total water supplied Number of customer days with water quality incidents e.g. boil water notices. New water and sewer connections installed Approvals for businesses to discharge Liquid Trade Waste issued Service complaints Power generated and used on-site Volume of water extracted from the environment Dam reserves at end of period (level of Ben Boyd, Yellow Pinch, and Tilba dams) Compliance of sewage treatment to licence in terms of all tested parameters # EPA requested reports or actions related to non-conformances # significant dry-weather spills of sewage to the environment Recorded critical control point excursions at water filtration facilities Recycled water supplied for beneficial use Sewerage assets refresh rate (% of assets by value renewed this year) Water assets refresh rate (% of assets by value renewed this year) Maintenance spend Actioned maintenance requests raised in the period

Delivery Program: C1.1 - Operate a contemporary local water utility that enables sustainable development, supports social wellbeing and protects the environment		
Ref	Operational Plan Activity	Measure/Outcome
C1.1.1	Program delivery of a strategic scenario for water and sewer services	Strategic scenario completed
C1.1.2	Operate and maintain water supply and sewage network systems to meet health and environmental regulatory requirements and level of service objectives	Network systems compliant
C1.1.3	Operate and maintain water supply and sewage treatment plants to meet health and environmental regulatory requirements and level of service objectives	Treatment plants compliant
C1.1.9	Complete 'For Tender' design and specifications for Yellow Pinch Water Treatment Plant (WTP)	For Tender documentation completed Construction of Yellow Pinch WTP commenced

The Proposal is consistent with Action C1.1.9 and exceeds that requirement by moving towards rezoning, detailed design & approvals for the Yellow Pinch WTP. This will then improve compliance with Actions C1.1.1, 1.1.2 & 1.1.3. A key aim is to meet updated health requirements for water treatment from Yellow Pinch Dam that allow for existing and future demands.

CSP STRATEGIC OBJECTIVE: We act to adapt to and mitigate the effects of climate change

CSP STRATEGY	Delivery Program 2022-25 Action	Service Area	Measure/s
C.5 Lead climate change mitigation and adaptation through implementation of our Climate Resilience Strategy focusing on natural systems, preparing for natural hazards, liveable and connected places, safe, healthy and inclusive community, diverse and thriving economy, energy security and food security	C5.1 - Lead climate change mitigation and adaptation through implementation of our Climate Resilience Strategy	Environment and Sustainability Services	Improved measures from the Climate Resilience Strategy baseline markers

Water security is another key aspect of climate change mitigation and adaptation. Improved access to and treatment of water from Yellow Pinch Dam is critical to the southern water supply system.

CSP THEME: Our infrastructure – Our infrastructure complements our natural surroundings and character while enhancing the lives of our community

CSP STRATEGIC OBJECTIVE: Our public and private infrastructure and community services meet community needs

CSP STRATEGY	Delivery Program 2022-25 Action	Service Area	Measure/s
D.1 Plan for community infrastructure and services that will meet current and future needs	D1.1 - Plan for asset capital works	Civil Assets	10 year rolling asset capital programs updated annually to inform the Long Term Financial Plan Concept designs for high priority capital projects developed 15% of stormwater instrastructure (high risk - high priority) is inspected over the course of the Delivery Program 100% of Town centre carparks are inspected annually 100% of shared network, footpaths and cyclewaysare inspected over the course of the Delivery Program 100% of bridges, culverts and causeways have Level 1 Inspections completed over the course of the Delivery Program 100% of roads and associated infrastructure are inspected over the course of the Delivery Program # submitted high priority grant proposals for critical and high value assets Conduct transport asset revaluation
	D2.3 - Manage the delivery of major capital infrastructure projects across Council	Project Services	Annual capital works program (renewal, upgrade and new) > 85% completed

	D2.4 - Construct (upgrade or renewal) civil assets/ infrastructure	Works Operations	$ value of asset capital projects completed
			>85% of Capital Works program by $value completed
			$ value of asset capital projects underway
			Community satisfaction with provision of transport, drainage and buildings infrastructure

The Yellow Pinch Dam WTP is a key priority for capital works identified in the Water & Sewer Strategy. In order for this project to proceed, it is critical that this Planning Proposal is successful to permit the infrastructure and facilitate the assessment pathway.

5.4 Local Land Use / Growth Strategies

5.4.1 Bega Local Strategic Planning Statement 2040

Council have prepared a *Local Strategic Planning Statement 2040* (LSPS) to guide future land use decisions in the area for the next 20 years. However, the LSPS is a high-level document that focusses more on land-use planning associated with residential, commercial & industrial land uses rather than specific supporting infrastructure.

A key aspect of the LSPS is that there will be continued growth of population and economy across the Shire and this needs to be supported by sustainable infrastructure including water supply. However, the LSPS does not specifically refer to the Subject Site OR suggest the outcomes in this Proposal.

This Proposal is consistent with the key relevant Planning Priorities identified in that Statement (ONLY THE RELEVANT PRIORITIES, DIRECTIONS & ACTIONS ARE SHOWN), as follows:

PLANNING PRIORITY	RELEVANT ACTIONS	RESPONSE
NATURAL ENVIRONMENT The exceptional quality of our natural environment and sustainable development practices set us apart and underpin our way of life and economy	1.1 Continue Biodiversity Assessment of Council owned and managed lands 1.9 Identify and enhance biodiversity corridors important for species reintroduction (including koalas) and to mitigate the impacts of climate change	The supporting studies to this Proposal and later approval processes aim to demonstrate how the proposed WTP can avoid, minimise or mitigate impacts on the natural environment. Whilst site selection has been constrained by technical requirements – the Site has been identified as being the most suitable in the *Scoping Study*.
NATURAL HAZARDS People, land and infrastructure are well positioned to face natural hazards	2.3 Review the findings of the Royal Commission and NSW Independent Bushfire Inquiry and consider implications for land use planning and planning controls	A *Bushfire Assessment* has been provided that demonstrates the Site can support the proposed infrastructure with manageable Asset Protection Zones & access arrangements.
CARBON NEUTRAL Our community, environment and economy have actively responded to the threat of climate change and the Shire continues to work towards the goal of being carbon neutral by 2050		Updated Water Treatment Plants that minimise the need for pumping & maximise solar energy use on-site will reduce energy consumption & improve carbon outcomes for Council & the community.
ABORIGINAL PEOPLE AND CULTURE Aboriginal culture and heritage is respected and celebrated, and local Aboriginal people have achieved economic prosperity and better health, education and employment outcomes	4.5 Review the places of heritage significance identified in the Bega Valley Aboriginal Cultural Heritage Study to ensure they are sufficiently protected	An *Aboriginal Heritage Study* has been provided that demonstrates there is a low risk of impact on Aboriginal cultural sites or archaeology.
AGRICULTURE, FORESTRY & AQUACULTURE Innovation within the agriculture, forestry and aquaculture sectors continues as operators diversify to capitalise on new economic opportunities and are profitable and sustainable	5.2 Review the NSW DPIE – Agriculture important agricultural land mapping and consider its application for protecting key agricultural land	The Site is unlikely to be identified as strategic agricultural land due to its topography, vegetation, soil qualities & lack of historical use for agriculture.
INDUSTRIAL LAND New industrial developments capitalise on the Shire's comparative and competitive advantages, providing employment options that enable more young people to stay in the area		The proposed WTP will support future industrial growth in the Shire by improving sustainable water supply in the southern system.
TOURISM The natural and cultural assets of the Shire have been enhanced to create a flourishing year-round tourism industry supporting local employment in a wide range of associated businesses		The proposed WTP will support future tourism growth in the Shire through improved water quality and customer satisfaction in popular tourist hot spots to the south (e.g., Merimbula, Eden, Pambula Beach).

PLANNING PRIORITY	RELEVANT ACTIONS	RESPONSE
TRANSPORT The attractiveness, sustainability and success of our Shire is enhanced by the accessible and reliable transport network which enables the movement of people and goods and provides travel choices including walking, cycling and public transport	8.3 Work collaboratively with Transport for NSW to implement the NSW 'Movement and Place' Framework in towns and villages and to develop and implement a comprehensive Transport Strategy for Bega Valley including Active Transport, local commuter, tourism and freight linkages	The proposed WTP will have access near the Princes Highway but is unlikely to interfere in its safety or operations as there are existing dedicated left/right hand turn lanes and operational traffic is likely to be low.
OPEN SPACE AND RECREATION A network of green spaces has created healthier and more liveable towns and villages and public places attract people of all ages and abilities to socialise, engage in arts and culture and be active and healthy	9.8 Develop planning controls for public infrastructure to address climate change hazards	See comment above re bushfire protection above. This is private land identified for future infrastructure so there is no loss of open space & no impact on nearby national park or nature reserves.
CHARACTER The distinctive character of the landscapes, towns and villages that make our Shire unique are thriving and continue to provide a sense of place and wellbeing to residents and attract visitors	10.1 Support the protection and promotion of Aboriginal heritage within the Shire	The Site will not impact on the character of towns or villages and is expected to have low visual impact from key vantage points (subject to detailed design).
HOUSING Residential areas provide a range of housing styles, sizes and tenures that suit people of all ages, income levels and household sizes and enable communities to stay connected and healthy as people move through the various stages in life	11.10 Review Council's developer contributions policy following the conclusion of the State review of the infrastructure contributions system	The proposed WTP will support future residential growth in the Shire – this is its main function – and improve water quality.
TOWN CENTRES The vibrant and progressive town centres are attractive, green and clean and provide places for living, entertainment and socialising as well as access to a wide variety of shops and services		The proposed WTP will support future commercial growth & town centres with improved water quality.

5.4.2 Residential Land Strategy 2040

Council has a number of land use strategies relating to housing. However, the most relevant to this Proposal appears to be the Urbanista *Residential Land Strategy 2040* ('Residential Strategy' – Adopted May 2020) as urban residential growth and improvements in existing water quality & security are likely to be the key driver for demand for water treatment. However, this Strategy is primarily focussed on residential uses and growth areas and does not provide detail on supporting infrastructure required.

This is also a relatively recent housing study that integrates with the Bega Valley Shire *Community Strategic Plan 2040* and the *South East & Tablelands Regional Plan 2036*.

The Residential Strategy reviewed population growth scenarios to 2036 (see Figure/Table below). We understand that the Yellow Pinch WTP is designed to primarily service the southern coastal network including Merimbula – Millingandi & District, Pambula District & Eden Coast.

The Key Findings included:

a) There is low to moderate growth forecast across the Shire, but this could change more rapidly if there is a shift in tourism patterns.
b) There is an adequate supply of zoned land for housing (current capacity for over 6,000 dwellings compared to .id projection of 2,618 dwellings) to 2036 across Bega Valley Shire.
c) All centres have surplus capacity except for Tura Beach and Merimbula.
d) More housing diversity is needed in all centres including housing suitable for seniors living close to services and facilities.
e) It is clearly implied that additional infrastructure will be needed to support projected growth.

Figure 19: Growth scenarios for Bega Valley Shire profile areas 2019-2036 (page.13 of Residential Strategy).

Growth scenarios for Bega Valley Shire profile areas 2019 – 2036								
PROFILE AREA	LOW GROWTH SCENARIO		CURRENT PROJECTION (.id)				HIGH GROWTH SCENARIO	
In order of current dwellings projection by number	Population		Population		Dwellings		Population	
	%	No.	%	No.	%	No.	%	No.
Bermagui Coast – Wapengo and District	20%	+481	25.5%	+613	33%	+581	30%	+721
Bega District	13%	+723	18.2%	+1,012	20%	+486	23%	+1,279
Tura – Mirador and District*	17%	+674	26.9%	+1,066	17.2%	+350	27%	+1,071
Eden Coast	7%	+277	9.1%	+361	15%	+300	14%	+553
Merimbula – Millingandi and District	6%	+284	8.5%	+403	9%	+265	11%	+520
Pambula District	1%	+31	1.9%	+58	10%	+152	3%	+92
Tathra – Kalaru and District	0.5%	+17	1.3%	+45	7%	+133	2.5%	+85
Rural West	-2.5%	-70	-1.7%	-47	9%	+130	0.0%	-
Bega Rural	2%	+45	3.3%	+74	12%	+115	4.5%	+101
Rural North	-0.5%	-12	0.6%	+14	8%	+106	1.5%	+36
Bega Valley Shire	**n/a**	**+2,450**	**10.4%**	**+3,600**	**16%**	**+2,618**	**n/a**	**+4,458**

*Dwelling projections for Tura Beach adjusted down from .id estimate to reflect Council input

Note: high/low population growth rate % and numbers have been rounded up/down

Figure 20: Overview of growth scenarios to 2036 (page.15 of Residential Strategy).

Additional dwellings required under the South East & Tablelands Regional Plan (2016-2036)

Region: 28,500 dwellings
Bega Valley Shire: 2,350 dwellings
Revised Bega Valley Shire target: 1,780 dwellings*

* given 570 dwellings already provided between 2016-2019

Growth Scenarios 2019-2036		
Scenario	Population	Additional Dwellings
Low growth	2,450	1,782
Current projection*	3,600	2,618
High growth	4,458	3,242

*based on .id forecast population

Figure 21: (NEXT PAGE) Projected dwelling growth & development capacity for Bega Valley Shire profile areas 2019-2036 (page.18-19 of Residential Strategy).

	PROJECTED REQUIREMENTS 2019-2036		ESTIMATED DEVELOPMENT CAPACITY (POTENTIAL ADDITIONAL LOTS) – RESIDENTIAL LAND ONLY				
Profile Area	Dwellings Based on Population Forecast	Share of Dwellings Based on Regional Plan target*	Vacant Land Capacity	Occupied Land Underutilised Capacity	Occupied Land Anticipated Renewal**	Total Estimated Current Potential	Capacity compared to Projected Population Forecasts to 2036***
Bermagui Coast-Wapengo & District	581	33%	518	853	145	663	82
Bega District	486	27%	1,138	1,457	248	1,386	900
Tura Beach - Mirador & District	350****	20%	127	777	132	259	-91
Eden Coast	300	17%	1,010	657	112	1,122	822
Merimbula - Millingandi & District	265	15%	144	222	38	182	-83
Pambula District	152	9%	258	484	82	340	188
Tathra - Kalaru and District	133	7%	238	286	49	287	154
Rural West	130	7%	476	168	29	505	375
Bega Rural	115	6%	134	60	10	144	721
Rural North	106	6%	391	231	39	430	324
Bega Valley Shire	2,618	147%	5,125	5,201	884	6,009	3,391

* Calculated by deducting the projected dwelling supply from 2016-2019 (.id) of 570 dwellings from the 2016-2036 supply requirement under the South East and Tablelands Regional Plan 2036

** Estimated at 1% per year take-up of Occupied Land Underutilised Capacity over the 17-year period from 2019-2036

*** Calculated by deducting the Vacant Land Capacity and the Occupied Land Anticipated Renewal from the Dwellings Based on Population Forecast

**** Tura Beach projection adjusted down from .id estimate following Council input

The Residential Strategy sets out eight (8) Residential Land Development Principles. The most relevant to this Proposal are:

- **No.6 – Promote efficient use and provision of infrastructure** - As the costs of servicing land and construction in Bega Valley Shire are relatively high, promoting development that is well integrated with available infrastructure within existing urban areas can help reduce overall costs and support the efficient use of infrastructure.
- **No.7 – Preserve agricultural land and areas of high environmental value** - Bega Valley Shire's natural heritage and high-quality agricultural lands are recognised as important attributes of the Shire. It is important that future residential development does not impact on the preservation of these areas.
- **No.8. – Build in hazard protection and climate resilience** - There are a number of increased risks associated with climate change that relate to residential development and land use practices. Residential land use plans should include effective responses to manage these impacts and be aligned with climate resilience strategies.

This Proposal is consistent with the Strategy principles and recommendations as long as it can demonstrate it protects high environmental value areas and has sufficient protection from bushfire. Locating the WTP near Yellow Pinch dam can directly access existing water supply mains and maximise gravity-fed systems for reduced energy use. There is little impact on agricultural land and the site is partly disturbed by historic residential use. With appropriate asset protection zones, it can mitigate bushfire risk whilst minimising environmental impact.

5.5 Other Local Strategies

5.5.1 Bega Valley Shire – Climate Resilience Strategy 2050

The Bega Valley Shire – Climate Resilience Strategy 2050 ('Resilience Strategy') is only addressed briefly here to respond to the fact that the Site is located in bush fire prone land. This has been addressed through a *Bushfire Assessment*.

Suitable Asset Protection Zones (APZs) around critical infrastructure are proposed that balance the retention & protection of significant vegetation with protection of this important infrastructure. The plant infrastructure will be designed to meet the required Bushfire Attack Level (BAL) and incorporate features that minimise the risk of bushfire affecting water treatment & production.

5.5.2 Bega Valley Shire – Aboriginal Heritage Study (Stage 3A) (2010)

This has primarily been addressed through the *Aboriginal Heritage Assessment* provided as part of this Proposal and the engagement with the Local Aboriginal Land Council representative(s).

5.6 Regional Plan(s)

5.6.1 South East & Tablelands Regional Plan 2036

The *South East & Tablelands Regional Plan 2036* ('Regional Plan') provides the over-arching state-led strategy for land-use planning in the region in which Bega Valley Shire is located. We have addressed each of the relevant Goals & Directions in the table below but some of the detail is also provided above.

GOAL	DIRECTION	ACTION	COMMENT
Goal 1: **A connected & prosperous economy**	**Direction 8:** Protect important agricultural land	8.2 Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans.	The proposed WTP is located on or adjacent to large lot residential land in a bushland setting with surrounding nature reserves & National Parks. There is a low risk to agriculture & agricultural activities as it is not a core interface.
Goal 2: **A diverse environment interconnected by biodiversity corridors**	**Direction 14:** Protect important environmental assets **Direction 15:** Enhance biodiversity connections	14.2 Protect the validated high environmental value lands in local environmental plans. 14.3 Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy.	The necessity of locating the WTP on the existing water mains near Yellow Pinch Dam requires some compromises with environmental protection. The Site has been selected as there is a large cleared/ disturbed area (existing residential use) close to key utilities that will minimise environmental impacts. Only the required areas and buffers will be included in Zone SP2 Infrastructure with the remainder

GOAL	DIRECTION	ACTION	COMMENT
		15.1 Protect and enhance the function and resilience of biodiversity corridors in local strategies.	staying in Zone C3 Environmental Management. Not all of the Zone SP2 area is expected to be developed and the detailed design can consider ways to avoid or minimise impacts.
	Direction 16: Protect the coast and increase resilience to natural hazards **Direction 17:** Mitigate and adapt to climate change	16.1 Locate development, including new urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation; contaminated land; and designated waterways to reduce the community's exposure to natural hazards.	The Site is located on bush fire prone lands. This has been mitigated by site selection with a largely cleared central area and reduced clearing required to achieve an Asset Protection Zone (APZ) with suitable Bushfire Attack Level (BAL) rating for buildings.
	Direction 18: Secure water resources	18.3 Prepare or review integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate population growth.	The WTP is required to improve water quality in the southern section of the Shire and allow for some growth in population & demand.
Goal 3: **Healthy & connected communities**	**Direction 22:** Build socially inclusive, safe and healthy communities	22.4 Promote energy efficiency in new development proposals.	By locating the WTP at a high point near Yellow Pinch Dam on existing water mains it reduces the need for expensive & inefficient water pumping & drains naturally to the southern water supply area.
	Direction 23: Protect the region's heritage	23.2 Consult with Aboriginal people and the broader community to identify heritage values at the strategic planning stage. 23.3 Conserve heritage assets during local strategic planning and development.	The *Aboriginal Heritage Assessment* has consulted with the Local Aboriginal Land Council representatives and confirmed that the Site has a low risk of impact on archaeology or cultural heritage areas.
Goal 4: **Environmentally sustainable housing choices**	**Direction 24:** Deliver greater housing supply and choice **Direction 25:** Focus housing growth in locations that maximise infrastructure and services	25.1 Focus future settlement to locations that: • maximise existing infrastructure and services and minimise the need for new services; • prioritise increased densities within existing urban areas; and • prioritise new release areas that are an extension of existing strategic and local centres. 25.2 Plan for and prioritise services and infrastructure investment to maximise cost efficiencies, coordinate the delivery of different infrastructure assets, and achieve equitable sharing of responsibility, including funding, procurement and ongoing maintenance.	The new WTP will provide improved water quality to the southern water supply area. It is located in proximity to Yellow Pinch Dam and water mains to leverage topography & minimise pumping requirements. It does not affect the location of future serviced urban development but supports existing & proposed future growth. The *Water & Sewer Strategy* (& Draft Integrated Water Management) Plans have identified the need for this new WTP, funding, & cost efficiencies for delivery of this important infrastructure.

5.6.2 Draft Regional Plan 2041

Draft Regional Plan 2041 ('Draft Regional Plan') was on exhibition until September 2022 and is therefore a relevant matter to be considered. It largely replicates the key goals/directions in the existing Regional Plan but adopts a different arrangement & sometimes wording. This is briefly addressed as follows:

GOAL	DIRECTION	COMMENT
Theme 1: Recognising Country, people & place	**Objective 1:** Build capacity for shared knowledge about Aboriginal culture in land use Planning. **Objective 4:** Preserve the heritage and character of the region's towns and villages.	See response to Goal 3/ Direction 23 above.
Theme 2: Enhancing sustainable & resilient environments	**Objective 5:** Protect important environmental assets. **Objective 6:** Enhance biodiversity, habitats and the connections between them.	See response to Goal 2/ Directions 14 & 15 above.
	Objective 7: Build resilient places and communities. **Objective 10:** Secure water resources	See response to Goal 2 / Directions 16 & 17 above.
Theme 3: Leveraging diverse economic identities	**Objective 12:** Realise economic benefits from a connected regional economy	See response to Goal 1 / Direction 8 above.
Theme 4: Planning for fit for purpose housing & services	**Objective 17:** Plan for a supply of housing in appropriate locations. **Objective 20:** Provide efficient access to infrastructure and services.	See response to Goal 4 Direction 25 above.
Theme 5: Supporting a connected & active region	**Objective 24:** Adapt infrastructure to meet future needs	See response to Goals 1, 3, & 4 above.

5.7 State Environmental Planning Policies

It is noted that the proposal is broadly consistent with any applicable SEPP's as set out in the table below:

SEPP /Objective(s)	Response/Compliance
Biodiversity Conservation Act 2016, Biodiversity Regulation 2017 & SEPP (Biodiversity & Conservation) 2021	
The legislation and SEPP seek to protect significant vegetation & biodiversity across the State, including for koala habitat & urban bushland.	Under the LLS Act 2013 the Native Vegetation Regulatory Map doesn't apply to Zone C3 Environmental Management. SEPP Chapter 2 Vegetation in non-rural areas does apply to Zone C3 Environmental Management. There is no land identified as having *Biodiversity Values* on the Site though there are mapped areas south of the Site. See Section 4 above for more details on biodiversity constraints & thresholds as well as the attached *Preliminary Biodiversity Assessment Report (PBAR).* This Proposal seeks to minimise development in areas with significant existing vegetation or potential sensitive biodiversity. The Proposal demonstrates that with suitable buffers and appropriate site design, the existing significant vegetation on the Site can be largely protected and impacts on biodiversity avoided or minimised consistent with this SEPP. A section of the SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Bega Valley LGA is identified in the SEPP as containing koala habitat (Koala Management Area – South Coast). A more detailed biodiversity assessment will be prepared once the detailed design is completed. See *Section 3 - Ecology* above for more details on the preliminary findings.
Contamination - SEPP (Resilience & Hazards) 2021	
Part of this SEPP requires review of contamination & possibly remediation of land to ensure the land is suitable for the proposed land use.	This SEPP seeks to ensure that land is suitable for the intended use and promote remediation of contaminated land to reduce the risk of harm to human health. It must be considered when consenting to development on land (Clause 7) – but former Clause 6 requiring consideration at the rezoning stage has been repealed and is now addressed under the Ministerial Directions (see below). *Section 3 – Hazards- Contamination* (above) provides additional detail but we suggest the Site is suitable for the proposed use (a WTP is a quasi-industrial use) subject to identification & removal of any asbestos on the Site in accordance with SafeWork NSW requirements. As such, no further investigation is likely to be required.

SEPP /Objective(s)	Response/Compliance
SEPP (Resources & Energy) 2021	
This SEPP seeks to protect & enable resources & energy development.	There are no known mineral or extractive resources that would be affected by the Proposal. The land is outside any current Exploration Licence (EL8508). This is addressed in more detail in *Section 4 – Mineral & Exploration* above. We suggest that the Proposal is consistent with the SEPP requirements and a WTP would not be a sensitive use to future extractive industry.
SEPP (Transport & Infrastructure) 2021	
This SEPP seeks to protect & enable infrastructure development.	This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. This is addressed in Section 4 above. There is no significant impact on any existing infrastructure. The WTP Site location seeks to leverage existing water & electricity infrastructure as well as the topography to minimise pumping. The proposed WTP would be best protected by inclusion in Zone SP2 Infrastructure as part of this Proposal. This is unlikely to be a Traffic Generating Development or to impact significantly on the safe operations of the Princes Highway due to limited staffing. A Construction Management Plan may be prepared as part of the detailed design to manage construction traffic.
SEPP (Planning Systems) 2021	
This SEPP enables state & regional development.	To the best of our awareness, this project is unlikely to exceed the thresholds for State Significant Development/Infrastructure or Regional Development. Therefore, this SEPP will not apply.
SEPP (Industry & Employment) 2021	
This SEPP governs the Western Syd. Employment Area & Advertising & Signage	No advertising would be associated with this infrastructure. Council will need to install signage for the WTP for safety, operations & navigation but this is not detailed at this stage. It is not expected this signage would conflict with the SEPP.

The following SEPPs apply to the Site but are unlikely to have any significant relevance to the Proposal:

- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Exempt & Complying Development Codes) 2008;
- SEPP (Housing) 2021;
- SEPP (Primary Production) 2021;
- SEPP No.65 – Design Quality of Residential Apartment Development.

5.8 Ministerial Directions

The relevant Section 9.1 Directions are addressed below and we suggest the Proposal is consistent with the Ministerial Directions (dated March 2022) as follows:

Section 9.1 Directions		Application to Proposal/Response
Focus Area 1: Planning Systems		
1.1	Implementation of Regional Plans **Objective:** The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. **Direction:** Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	Applicable. The *South East & Tablelands Regional Plan 2036* (and Draft Regional Plan) are addressed in more detail in this Section above. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. DPE – Biodiversity & Conservation has raised a query regarding compliance with this Direction as the Proposal will result in a rezoning from Zone C3 to SP2 requesting further information to justify this inconsistency. It is important to note that under the Section on 'Consistency' it states: *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:* *(a) the extent of inconsistency with the Regional Plan is of minor significance, and* *(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.*

Section 9.1 Directions		Application to Proposal/Response
		We suggest the extent of inconsistency of the Proposal is of minor significance and/or the Planning Proposal achieves the overall intent of the Regional Plan and does not undermine is vision, strategies, goals, directions or actions. It is important to note that the Yellow Pinch Dam WTP is a project adopted by Council *Operational Plan* and *Water & Sewer Strategy* and aligns with the *Community Strategic Plan* objectives and growth requirements in the LSPS and residential (and other land use) strategies. The Site was chosen after as part of a comprehensive *Scoping Study* assessing sites near Yellow Pinch Dam and the level if impact. Therefore, there has been a strategic decision to balance the competing needs of appropriate infrastructure provision versus environmental impact. The location was carefully selected through a Scoping Study so it can connect to existing water mains and provide gravity-fed water supply for long-term sustainability. The Site's environmental qualities had already been impacted by historic electricity easements, water mains, and residential use. We suggest that whilst the change in zoning will permit some additional clearing and development of the Site – that this is supported by the *Preliminary Biodiversity Assessment Report (PBAR)*. Most of the high-value areas have been retained in Zone C3 or have a lower likelihood of impact in Zone SP2 as the Draft Reference Design for the WTP (& associated APZ & ancillary works) can be located in less sensitive areas. It is important to note that the Regional Plan has a number of competing goals, directions & actions that must often be balanced in determining appropriate development outcomes. The transparent and comprehensive approach taken by Council to identify a suitable site and avoid or minimise/mitigate impacts demonstrates broad consistency with the Regional Plan overall directions. See additional response to *Direction 3.1* below.
1.2	Development of Aboriginal Land Council Land	Not Applicable. Applies to Central Coast only.
1.3	Approval & Referral Requirements	Not Applicable. No change in concurrence, consultation or referral of applications proposed.
1.4	Site Specific Provisions	Applicable. No restrictive site-specific planning controls proposed. The Proposal includes change of land use zone to a zone that would permit the land use and the zone is already in the LEP. Whilst concept drawings are included in this Proposal – they do not form part of the Proposal and it is subject to future application(s).
Focus Area 1: Planning Systems - Place Based – The following are NOT APPLICABLE TO THIS SITE		
1.5	Parramatta Road Corridor Urban Trans. Strategy	
1.6	Implementation of NW Priority Growth Area LUIIP	
1.7	Implementation of Greater Parramatta Priority Growth Area LUIIP	
1.8	Implementation of Wilton Priority Growth Area ILUIIP	
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	
1.10	Implementation of the Western Sydney Aerotropolis Plan	
1.11	Implementation of Bayside West Precinct 2036 Plan	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	
1.13	Implementation of St Leonards & Crows Nest 2036 Plan	
1.14	Implementation of Greater Macarthur 2040	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	
1.16	North West Rail Link Corridor Strategy	
1.17	Implementation of the Bays West Place Strategy	
Focus Area 2: Design & Place – This is BLANK		
Focus Area 3: Biodiversity & Conservation		
3.1	Conservation Zones **Objective:** The objective of this direction is to protect and conserve	Applicable. It is important to note that under the Section on 'Consistency' it states: *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer*

Section 9.1 Directions		Application to Proposal/Response
	environmentally sensitive areas. **Direction(s):** (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of *"Rural Lands".*	*of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:* *(a) justified by a strategy approved by the Planning Secretary which:* *i. gives consideration to the objectives of this direction, and* *ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or* *(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or* *(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or* *(d) is of minor significance.* It is important to note that the Yellow Pinch Dam WTP is a project adopted by Council in their *Operational Plan* and *Water & Sewer Strategy* and aligns with the *Community Strategic Plan* objectives and growth requirements in the LSPS and residential (and other land use) strategies. The Site was chosen after as part of a comprehensive *Scoping Study* assessing sites near Yellow Pinch Dam and the level if impact. Therefore, it is justified by several studies prepared in support of the planning proposal and this Proposal gives consideration to the objectives of this direction. The Scoping Study was supported by a preliminary biodiversity assessment to identify this as the preferred site. This Proposal is supported by a *Preliminary Biodiversity Assessment Report (PBAR)* to determine the impacts of the Draft Reference Design. This has guided the preparation of the proposed ZONING changes to the Site to (where possible) avoid, or minimise or mitigate the impacts of the proposed likely future development of the Site for a WTP. Whilst the rezoning will increase the development potential of the Site and, thereby, affects the conservation status of the land – we suggest that the strategic studies have suggested an appropriate balance between sustainable infrastructure development to support growth versus environmental conservation. Compliance with the relevant Regional Plan is addressed under Direction 1.1 above and under the Regional Plan section above.
3.2	Heritage Conservation	May be Applicable but no known indigenous or non-indigenous heritage on the Site. Aboriginal Heritage Assessment provided supporting Proposal.
3.3	Sydney Drinking Water Catchments	Not Applicable.
3.4	Application of C2 & C3 Zones & Env.	Overlays in Far North Coast LEPS. Not Applicable.
3.5	Recreation Vehicle Areas	Not Applicable.
3.6	Strategic Conservation Planning	To the best of our awareness, the Site is NOT identified as 'avoided land' or a 'strategic conservation area' under *SEPP (Biodiversity & Conservation) 2021*.
Focus Area 4: Resilience & Hazards		
4.1	Flooding	Not Applicable. The Site is NOT mapped as being flood prone land and is not in sufficient proximity or level to a watercourse to be affected by mainstream flooding. As stated in *Section 4.7 – Hydrology* above: The topographical maps on the Planning Portal (confirmed by the NSW Government Hydroline maps) show there are NO mapped watercourses on the Site (see also Figure.19 below). However, there are 1st order watercourses mapped on the land to the south and west of the Site. The Site is on a ridgeline that falls to the south and west. These watercourses are located at the top of their catchments (and at a lower contour than the Site). As such they are likely to be intermittent drainage lines and are unlikely to result in any flooding. Yellow Pinch Dam to the north-west of the Site drains into Yellow Pinch Creek which runs to the north of the Site at ~RL100. The Site sits at a higher contour 40-50m above this creek. Therefore, flooding from dam overflow is unlikely to affect the Site. Dam break scenarios have not been reviewed as part of this Proposal. On-site drainage can be addressed during detailed design.

Section 9.1 Directions		Application to Proposal/Response
4.2	Coastal Management	Not Applicable. The Site is NOT mapped in *SEPP (Resilience & Hazards) 2021* as a coastal vulnerability area, or other coastal mapping or in the LEP or DCP as a coastal hazard area. It sits well above and back from the coastal plain.
4.3	Planning for Bushfire Protection	Applicable. Please see *Sections 3 & 4* of this Report above and the attached *Bushfire Assessment* for details of how bushfire can be managed on this land to protect critical infrastructure.
4.4	Remediation of Contaminated Land	May be Applicable but this has been addressed in *Sections 4 & 5* of this Report & in relation to *SEPP (Resilience & Hazards) 2021* suggesting that the Site is suitable for its intended purposes.
4.5	Acid Sulfate Soils	Not Applicable. Land NOT mapped as acid sulfate prone land.
4.6	Mine Subsidence and Unstable Land	Not Applicable. Land NOT within a mine subsidence district or unstable land.
Focus Area 5: Transport & Infrastructure		
5.1	Integrating Land Use and Transport	Not Applicable. The existing/proposed land use zone/development is NOT urban land including land zoned for residential, business, village or tourist purposes.
5.2	Reserving Land for Public Purposes	May be Applicable. The land has been privately acquired by Council without the need for compulsory acquisition. The Proposal is for a WTP that is infrastructure for a public purpose. Council is the relevant water authority & this application has support of the NSW Government. This Proposal seeks to include the land in a zone appropriate for its intended use.
5.3	Development Near Regulated Airports & Defence Airfields	May be Applicable. The land is NOT near the Merimbula Airport (Council) and whilst it is at a higher elevation it is unlikely to be of a height that would affect aircraft operations. Council is the Proponent & operator of the Airport and has not yet raised any issues.
5.4	Shooting Ranges	Not Applicable. There are NO known rifle ranges in or near any the Site.
Focus Area 6: Housing		
6.1	Residential Zones	Not Applicable as the Site is NOT in an existing/proposed residential zone and not in a zone where significant residential development is permitted. However, the new WTP would make more efficient use of existing water infrastructure & improve water quality.
6.2	Caravan Parks & MHEs	Not Applicable. The existing/proposed zone does not need to cater for caravan parks or MHEs. No change.
Focus Area 7: Industry & Employment		
7.1	Business and Industrial Zones	Not Applicable. The existing/proposed land use zones are NOT a business or industrial zone.
7.2	Reduction in Non-Hosted Short-Term Rental Accom. Period	Not Applicable. Only applies to Byron Shire Council at this time.
7.3	Commercial & Retail Dev. along the Pacific Hwy, North Coast	Not Applicable.
Focus Area 8: Resources & Energy		
8.1	Mining, Petroleum Production & Extractive Industries	May be Applicable but Section 3 of this Report did not identify any existing extractive industries or licences that would affect the Site. Potential impact on extractive industries is a low risk for this Site.
Focus Area 9: Primary Production		
9.1	Rural Zones	Not Applicable. Only applies to land in a rural zone (not a Conservation/ Environmental Zone).
9.2	Rural Lands	Applicable to rural and conservation zones. The Proposal does not change the existing minimum lot size. Impacts on agriculture & environmental values are addressed in more detail in *Section 3* above. The Proposal is consistent with local strategies and supported by environmental studies.
9.3	Oyster Aquaculture	Not Applicable.
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not Applicable.