

14 May 2024

Bruce Cohen
Bruce.Cohen@bigpond.com

Dear Bruce

RE: Advice and planning proposal requirements – scoping proposal on part of 299/300 Mount Darragh Road, Lochiel (Lot 5 DP 750207 & Lot 1 DP130034)

Thank you for submitting the scoping proposal for land at part of 299/300 Mount Darragh Road, Lochiel (Lot 5 DP 750207 & Lot 1 DP130034) on 9 February 2024. The proposal is to seek an amendment to the *Bega Valley Local Environmental Plan 2013* to rezone the land from RU2 Rural Landscape to C4 Environmental Living, and to amend the applicable Minimum Lot Size from 120ha to 1 ha to enable a 6 lot rural-residential subdivision of the land. The following advice and planning proposal requirements are provided to the scoping proposal submitted to Council for review.

Strategic merit

The scoping proposal aligns with Council's Rural Residential Strategy (RRS). The planning proposal must detail the alignment with Council's RRS and other strategic documents such as Council's Local Strategic Planning Statement and the South East Tablelands Regional Plan. It is noted that the 2036 South East Tablelands Regional Plan will soon be superseded and a draft Regional Plan has been on public exhibition. Council's strategic documents can be found on Council's website at [Strategic reports and plans - Bega Valley Shire Council \(nsw.gov.au\)](https://www.begavalley.nsw.gov.au/strategic-reports-and-plans) and the Regional Plan can be found on the Department of Planning, Housing and Infrastructure website at [South East and Tablelands | Planning \(nsw.gov.au\)](https://www.planning.nsw.gov.au/south-east-tablelands).

Proposed lot sizes

The planning proposal needs to ensure the land can be serviced by sewer and water and have minimal environmental impact.

In addition to addressing all Council policies, 9.1 Local Planning Directions and any other applicable State Legislation or policy including *NSW Planning for Bushfire Guidelines* and *NSW Biodiversity Conservation Act 2016*, the planning proposal must consider:

- Access and traffic management
- Native flora and fauna
- Aboriginal cultural heritage
- Planning for Bushfire Protection and compliance with the NSW Rural Fire Service (RFS) Planning for Bushfire Guidelines 2019
- Infrastructure and servicing including the cumulative impacts of on-site sewer
- Potential for land use conflict with existing agricultural activities.

Additional Studies

Several studies have been identified by NSW government agencies as required to support and inform the planning proposal. The preparation of these studies prior to lodging the planning proposal is supported by Council so that the findings are integrated into the proposal. This will ensure that the planning proposal

meets both Council's and State Government Agencies' objectives and presents a realistic and clear direction for the future development of land.

The following studies are required to be completed prior to the preparation of the planning proposal and submitted with the planning proposal:

- An assessment of biodiversity values consistent with Stage 1 of the Biodiversity Assessment Method (BAM) or similar methodology, to inform a planning proposal and demonstrate consistency with the ministerial local planning directions identified in Biodiversity Conservation and Science (BCS) feedback. This needs to include groundcover, as previously grazed areas can contain significant proportions of native species. Groundcover as well as overstorey is covered by the *Biodiversity Conservation Act 2016 (BC Act)*. BCS also require a clear development footprint, or area of impact, from the proposed development.
- A Flood Impact and Risk Assessment (FIRA) to address the requirements of the local planning direction over the range of floods up to the Probable Maximum Flood (PMF) and issues relating to flood risk, impacts and public safety identified in BCS feedback.
- Traffic Impact Study (TIS) including the impacts that the proposal will have on both the regional classified road network (Mount Darragh Road managed by Council) and the state classified road network (Princes Highway managed by Transport for NSW) specifically the intersection of Mount Darragh Road and the Princes Highway. Consideration needs to be given to the cumulative impact of the development that is planned within Area 3 of the Pambula Catchment in Council's RRLS. Note, Council will consider the preparation of a single TIS for the land within Area 3 of the Pambula Catchment in Council's RRS to address these requirements.
- Aboriginal Cultural Heritage Assessment Report in accordance with Heritage NSW feedback to the scoping proposal
- Land Use Conflict Risk Assessment to identify any potential risks and mitigation measures that may be required during the transition of the area from agricultural land uses to rural residential use as per feedback from Department of Primary Industries (DPI) Agriculture.

Pre-lodgement meeting

Prior to lodging a planning proposal, a pre-lodgement meeting is recommended to be held between yourself, council officers, and any relevant authorities/agencies to discuss the proposal and the feedback provided during the scoping phase. The Department of Planning, Housing and Infrastructure can also provide support where required.

Planning Proposal Stage

The next stage in the plan making process is to prepare a planning proposal document and supporting documents using the advice provided during the scoping phase and as per the Department of Planning, Housing and Infrastructure *Local Environmental Plan Making Guidelines* (August 2023). The planning proposal and supporting documents are formally lodged on the planning portal at www.pp.planningportal.nsw.gov.au. Note, the planning portal also tracks the progress of a planning proposal through the plan making process.

Council assessment fees apply to the planning proposal stage. Based on the scoping proposal, the planning proposal is a standard planning proposal as per the *Local Environmental Plan Making Guidelines* and incurs a fee of \$17,010. Council's 2023-2024 adopted fees and charges can be found on Council's website at www.begavalley.nsw.gov.au/council.fees-and-charges.

Further information on Planning Proposal process

To find further information on the planning proposal process and a copy of the *Local Environmental Plan Making Guidelines* please visit:

- Department of Planning, Housing and Infrastructure website at www.planning.nsw.gov.au/plans-for-your-area/local-planning-and-zoning/making-and-amending-leps
- Or Council's website at www.begavalley.nsw.gov.au/services/local-environmental-plan-amendments or

Please contact Elizabeth Schindler for further information on the above or to arrange a pre-lodgement meeting with Council or agencies on eschindler@begavalley.nsw.gov.au or via phone on 0467 786 365.

Yours sincerely



Elizabeth Schindler
Strategic Planner

Attachments: State government agency feedback to scoping proposal for part of 299/300 Mount Darragh Road, Lochiel (Lot 5 DP 750207 & Lot 1 DP130034)