



# Gateway determination report – PP-2024-2647 - 299-300 Mount Darragh Road – R5 Large Lot Residential Zone

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**Title:** Gateway determination report – PP-2024-2647

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Appendix A: Biodiversity Assessment Report
Appendix B: Flood Impact Risk Assessment
Appendix C Onsite Sewage Management
Appendix D: Strategic Bushfire Assessment

Appendix E: Aboriginal Cultural Heritage Assessment

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Appendix E1: Archaeological Report

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Appendix F: Traffic Impact Study

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Appendix G: Land Use Conflict Risk Assessment (LUCRA)

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Appendix H: Materials for Preliminary Site (Contamination) Investigation

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Appendix I: 2-Dimensional Strategic Design for road access from Mount Darragh Road

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Appendix J: Scoping proposal report and study requirements provided during pre-lodgement stage

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Appendix K: Emails from Bega Valley Shire Council (BVSC) with respect to initial version of Planning Proposal lodged on 22 November 2024

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# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

LGA	Bega Valley
PPA	Bega Valley Shire Council
NAME	Rezone part 299-300 Mount Darragh Road, Lochiel to R5 Large Lot Residential Zone
NUMBER	PP-2024-2647
LEP TO BE AMENDED	Bega Valley LEP 2013
ADDRESS	299-300 Mount Darragh Road, Lochiel NSW 2549
LOT AND DP	Part Lot 5 DP 750207 and Lot 1 DP130034
RECEIVED	20/03/2025
FILE NO.	IRF25/735
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

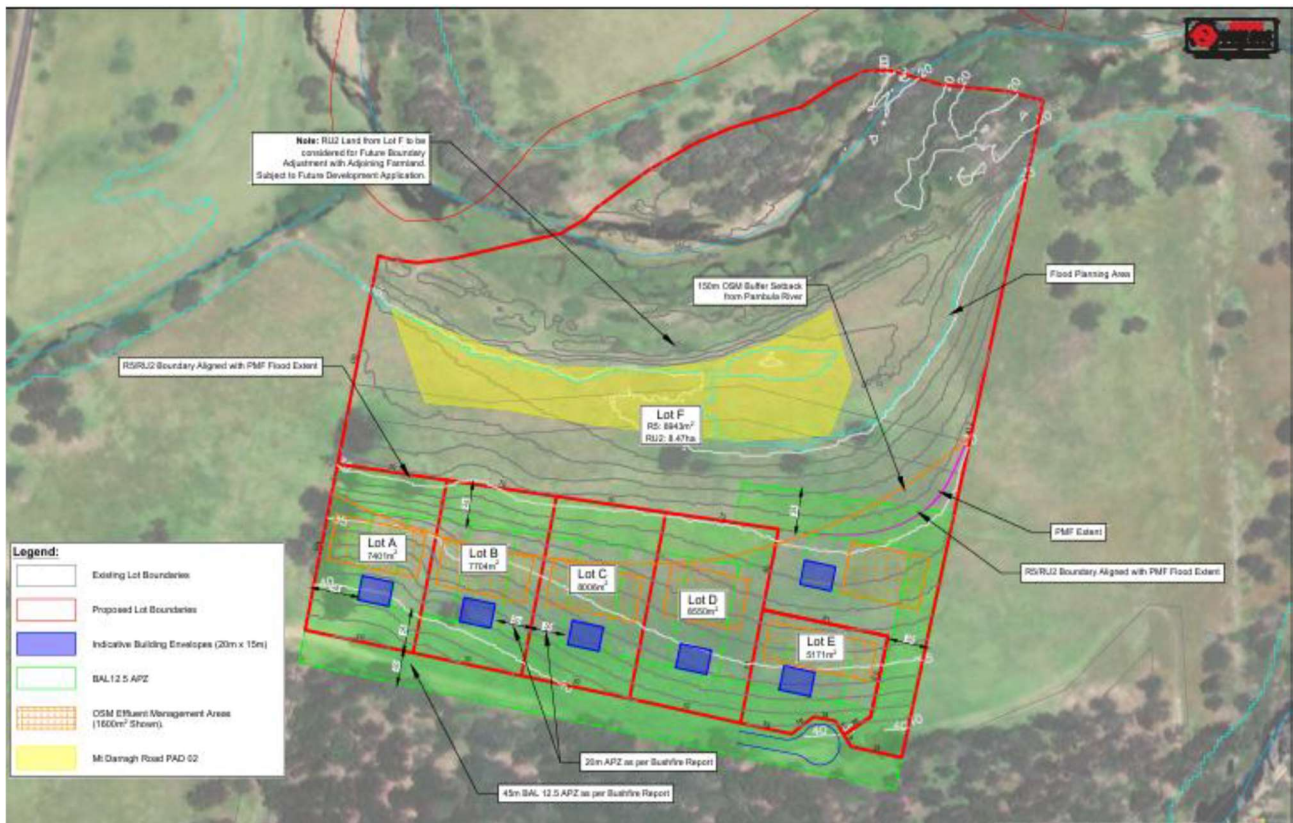
## 1.2 Objectives of planning proposal

The objective of this Planning Proposal is to amend Bega Valley LEP 2013 in respect of parts of Lot 5 DP 750207 and Lot 1 DP130034, Mount Darragh Road, Lochiel to enable the creation of six (6) rural residential lots.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of this planning proposal are clear and adequate.

A conceptual design of the proposed subdivision is shown in Figure 1 below (Source: Planning Proposal).



### 1.3 Explanation of provisions

The planning proposal seeks to amend the Bega Valley LEP 2013 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	RU2 Rural Landscape Zone.	R5 Large Lot Residential Zone
Minimum lot size	120 Hectares.	7,000 sqm
Number of dwellings	1 (DA approval)	6
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

**Comments**

The scoping proposal used for agency consultation and the original PP lodged on the Portal in 2024 was for a C4 Environmental Living zone and 1 ha MLS over the entire 12.9 ha site. The zone would have been generally consistent with the area but the 1 ha minimum lot size would not have been consistent with the 2-4 ha minimum lot size applied to nearby land zoned C4 Environmental Living that could have potentially generated 13 lots on the 12.9 ha site.

Council have sought changes to the PP to apply an R5 Large Lot Residential zone and 7,000 sqm but to only 4.9 ha of the total site in recognition of site constraints. The planning proposal provides a conceptual subdivision layout (based on the proposed zone and lot size split to apply to lot 1 and 5 of R5/7,000 sqm MLS and RU5/120ha MLS and using various subdivision clauses under Bega Valley LEP 2013

### 1.4 Site description and surrounding area

The site located 7.5 kilometres by road south-west of the town of Pambula, and approximately 210 metres east of Mount Darragh Road from the Robinson Road intersection (Figure 1 and 2). The site of proposed rezoning comprises an area of approximately 4.9 ha within a 12.9 ha parcel of land.





Figure 1 Site context (source: Planning Proposal )

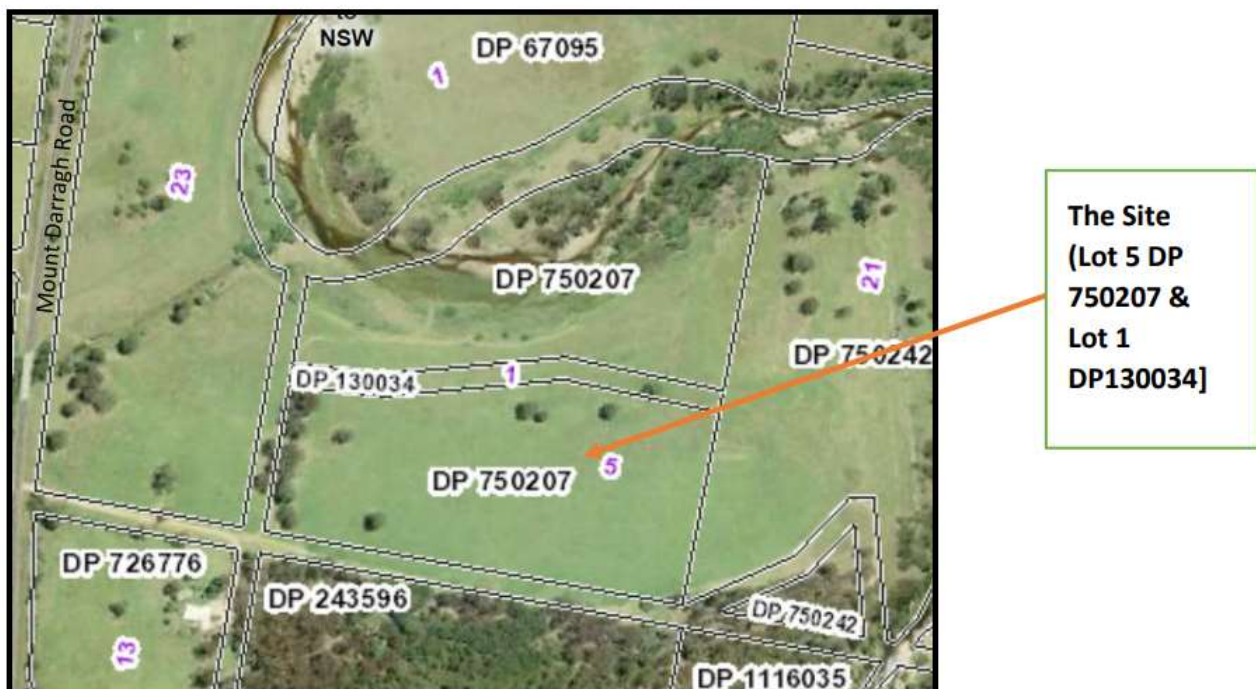


Figure 2 Subject site is part Lot 5 and part Lot 1 (source: Planning Proposal)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning and Lot Size maps, which are suitable for community consultation.



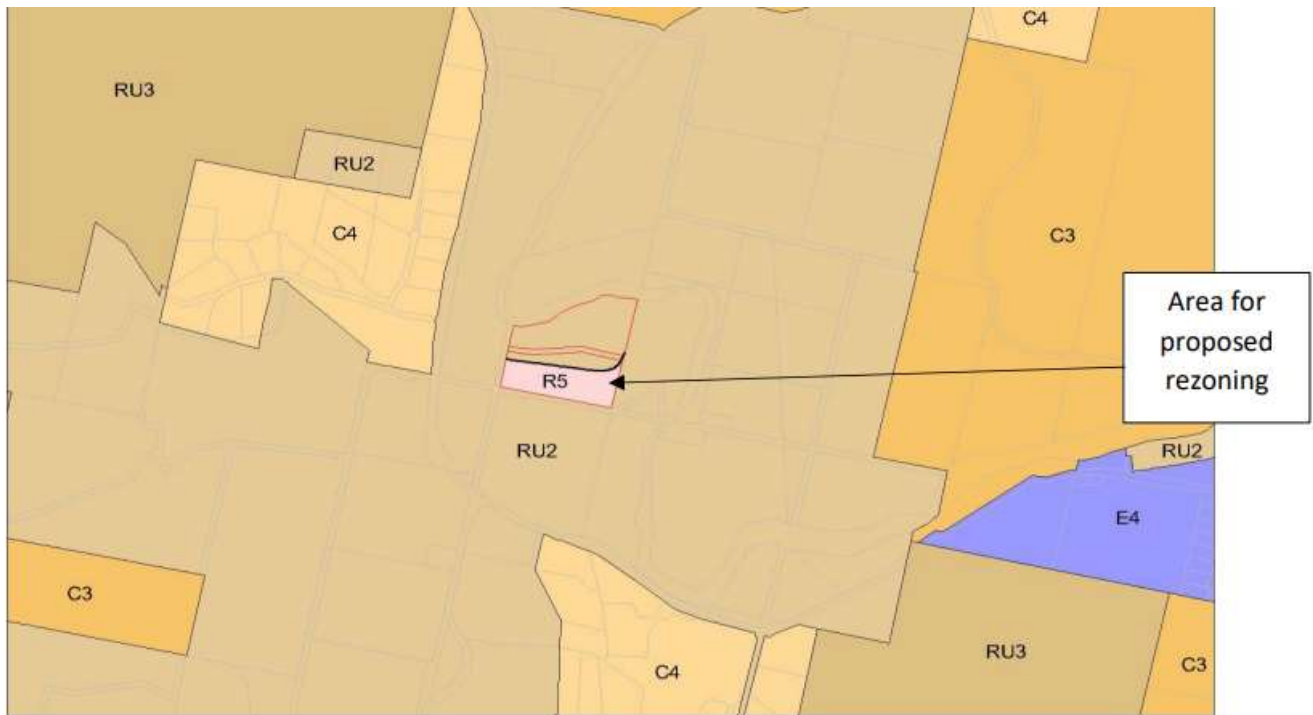


Figure 1 Proposed zoning map



Figure 4 Proposed minimum lot size map

## 2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The site is identified for rural residential development (Area 3) in the Bega Valley Shire Council's Rural Residential Strategy 2020 (See Figure 5). The then NSW Department of Planning, Industry and Environment (DPIE) endorsed strategy on the 22 June 2020.

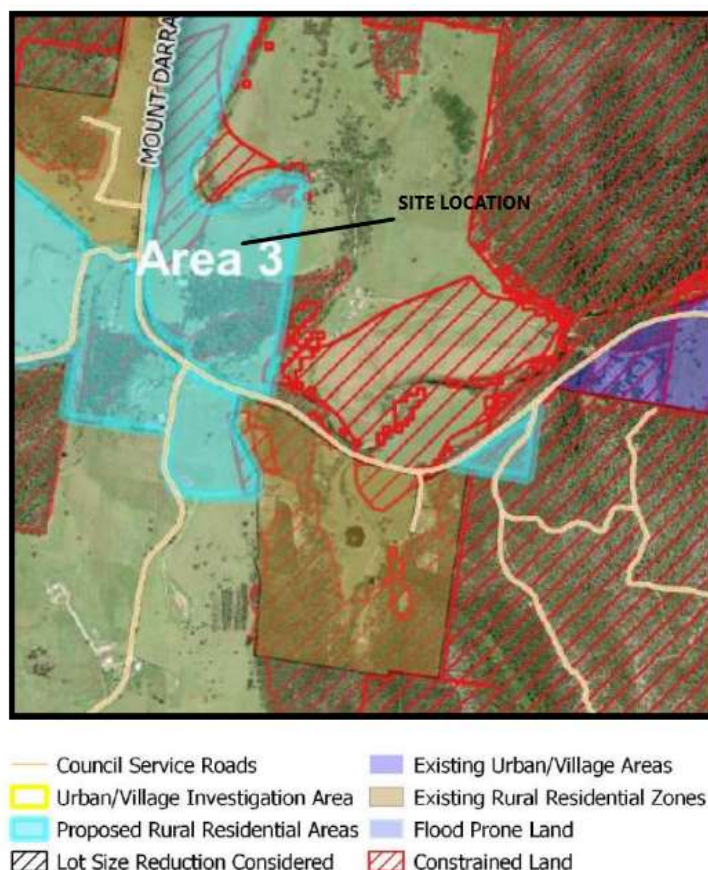
The Department acknowledged that the strategy provided a strategic context for the consideration of future planning proposals however, it does not remove the need for planning proposals to meet the requirements of Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979 and legislation such as the NSW Biodiversity Conservation Act 2016. The Department's endorsement also stated that future planning proposals will need to be supported by more detailed studies and site assessments to determine their suitability to accommodate rural residential development. It will also require further consultation with relevant agencies.

#### Comment

- The site has been identified for rural residential development in the Council rural residential strategy endorsed by the Department in 2020.
- Consistent with the department's endorsement of the strategy the planning proposal is accompanied by detailed technical studies and site assessments that address development constraints.
- Consultation with relevant state agencies will confirm consistency with s9.1 Directions.

#### Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only option to enable subdivision for rural residential housing on the site.



**Figure 5 Extract Bega Rural Residential Strategy 2020 – Area 3**

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
<p>South East and Tablelands Regional Plan</p> <p>Goal 3: A diverse environment interconnected by diversity corridors</p>	<p><u>Planning Proposal Justification</u></p> <p>The Planning Proposal is consistent with Goal 3 and the following Directions contained in that plan.</p> <p>Direction 14: Protecting important environmental assets.</p> <p>Direction 15: Enhance biodiversity connections.</p> <p>Consistent with the Directions because the Planning Proposal will result in:</p> <ul style="list-style-type: none"> <li>• the application of suitable buffers with respect to flood prone land adjacent to Pambula River; and</li> <li>• the delivery of rural-residential land in an area that has good access to existing services and infrastructure, in a catchment that has an identified shortage of this form of housing choice.</li> </ul> <p><u>Comment</u></p> <p>The planning proposal appears to be consistent with the regional plan and draft regional plan based on consistency with the Council's rural residential strategy (Figure 5) and the results of the technical studies/assessments submitted with the proposal. Consultation with agencies will provide Council and the Department confirmation if the proposal is or is not consistent with this Direction.</p>
<p>South East and Tablelands Regional Plan</p> <p>Goal 4: Environmentally sustainable housing choices</p>	<p><u>Planning Proposal Justification</u></p> <p>The Planning Proposal is consistent with Goal 4 and the following directions and actions contained in the plan:</p> <p>Direction 24: Deliver greater housing supply and choice:</p> <p>Action 24.3: Promote increased housing choice, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs.</p> <p>Direction 28: Manage rural lifestyles</p> <p>Action 28.1: Enable new rural-residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.</p> <p>Action 28.3: Manage land use conflict that can result from cumulative impacts of successive development decisions.</p> <p><u>Comment</u></p> <p>The planning proposal appears to be consistent with the regional plan and draft regional plan based on consistency with the Council's rural residential strategy and</p>

	<p>the technical studies/assessments submitted with the proposal. Consultation with agencies will provide Council and the Department confirmation if the proposal is or is not consistent with this Direction.</p> <p>The site is also consistent with Action 28.1 of the regional plan because it is identified in a local strategy endorsed by the Department (Figure 5).</p>
Draft South East and Tablelands Regional Plan	<p>The Planning Proposal states that it is consistent with the following themes and objectives of the draft South East and Tablelands Regional Plan as follows.</p> <ul style="list-style-type: none"> <li>• Objective 5 (Theme 2): Protect important environmental assets, by enabling the development of needed housing stock in areas that have suitable protection buffers with respect to environmentally sensitive areas. Further, it facilitates the delivery of rural-residential land in an area that has good access to existing services and infrastructure, in a catchment that has an identified shortage of this form of housing choice, and at a Site which a biodiversity assessment concluded was of little value to the biodiversity of the Lochiel area.</li> <li>• Objective 7 (Theme 2) – Build resilient places and communities, as the Site for this Planning Proposal can be developed in a manner that is resilient to flood and fire risks (as has been confirmed by a Flood Impact Risk Assessment and a Strategic Bushfire Assessment.</li> <li>• Objective 17 (Theme 4): Plan for a supply of housing in appropriate locations, and Objective 20 (Theme 4): Manage rural living. The site for this Planning Proposal is located in an area identified by the Bega Valley Shire Council as suitable for rural-residential development in its Rural Residential Strategy 2020.</li> <li>• Objective 21 (Theme 4): Provide efficient access to infrastructure and services, as the Site is close to existing transport, electricity, and telecommunications infrastructure.</li> </ul> <p><u>Comment</u></p> <p>The planning proposal appears to be consistent with the regional plan and draft regional plan based on consistency with the Council's rural residential strategy (Figure 5) and the technical studies/assessments submitted with the proposal. Consultation with agencies will provide Council and the Department confirmation if the proposal is or is not consistent with this Direction.</p>

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The LSPS outlines the following principles for rural residential development.</p> <ol style="list-style-type: none"> <li>1. Locate close to existing urban settlements in high demand catchments.</li> <li>2. Avoid and minimise potential for land use conflicts with productive, zoned agricultural land and natural resources.</li> <li>3. Avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards (Action 28.2)</li> </ol>

	<p>4. Rezoning/lot sizing only were supported by Rural Residential Strategy.</p> <p>The Planning Proposal states that it is consistent with the LSPS as follows:</p> <ul style="list-style-type: none"> <li>- This planning statement identifies the need for greater housing diversity and affordability, enhancing the distinct local character of each place, and for well-planned and efficient urban settlement.</li> <li>- The planning proposal for rural residential development reflects the emerging rural-residential character of the area, supports improved housing choice within the Bega Valley Shire, and is in an area that is identified as being suitable for rural-residential development.</li> </ul> <p><u>Comment</u></p> <p>The planning proposal is inconsistent with part of principle 1 because the site is not close to an existing urban settlement i.e., located 7.5 kilometres by road south-west of the town of Pambula. However, the site has been strategically justified because it is identified in the Council's rural strategy and the rural residential strategy also states that the Pambula is a 'high demand' catchment for rural residential development.</p> <p>The planning proposal appears to be consistent with principles 2 and 3 based on the technical studies submitted with the planning proposal. Feedback from state agencies will confirm that the proposal avoids areas of high conservation value and natural hazards.</p> <p>The site is consistent with Council's rural residential strategy (Figure 5) and is therefore consistent with principle 4.</p>
Bega Valley Shire Council's Rural Residential Strategy 2020	<p>The Planning Proposal states that it is consistent with the local strategy as follows:</p> <p>The site is identified for rural residential development (Area 3) in the Bega Valley Shire Council's Rural Residential Strategy 2020 (See Figure 5). The then NSW Department of Planning, Industry and Environment (DPIE) endorsed the strategy on 22 June 2020 (See Section 2 for more detail and Figure 5).</p> <p><u>Comment</u></p> <p>The site is consistent with Council's rural residential strategy (Figure 5) and is therefore consistent with principle 4. The Department's endorsement of the strategy was subject to more detailed site assessment by undertaking detailed studies and site assessments to determine their suitability to accommodate rural residential development. Consultation with relevant agencies will confirm if the proposal is consistent with s9.1 Directions.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable identified in the planning proposal	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	See Table 4 on consistency with the South East and Tablelands Regional Plan and the draft South East and Tablelands Regional Plan. Consultation



		with agencies will provide Council and the Department feedback to verify consistency of the planning proposal with this Direction.
1.3 Approval and Referral Requirements	Yes	The planning proposal does not trigger an inconsistency with this Direction.
1.4 Site Specific Provisions	Yes	The planning proposal does not trigger an inconsistency with this Direction.
3.1 Conservation Zones	Not Applicable	The planning proposal appears to be consistent with this Direction based on the results of the biodiversity study ( <b>Appendix A: Biodiversity Assessment Report</b> ) submitted with the proposal i.e., there is no significant biodiversity, flora, or fauna within the site. Feedback from state agencies will confirm if the development of the site will avoid or mitigate any impacts on areas of high conservation value.
3.2 Heritage Conservation	Yes	The planning proposal appears to be consistent with this Direction based on the results of the aboriginal cultural and archaeological assessments ( <b>Appendix E: Aboriginal Cultural Heritage Assessment and Appendix E1: Archaeological Report</b> ) submitted with the proposal. Feedback from state agencies and the Eden Aboriginal Land Council will confirm if the development on the site will avoid or mitigate any impact on areas of significant heritage value.
3.10 Water Catchment Protection	Yes	Chapter 6 Water Catchments of SEPP (Biodiversity and Conservation) 2021 only applies to land within the Sydney Drinking Water Catchment, Sydney Harbour Catchment, Georges River Catchment, and the Hawkesbury-Nepean Catchment. The Direction therefore does not apply to the planning proposal.
4.1 Flooding	Yes	The planning proposal appears to be consistent with this Direction based on the results of the flood study ( <b>Appendix B: Flood Impact Risk Assessment</b> ) submitted with the proposal. Feedback from state agencies will confirm if development of the site will be consistent with NSW Government flood policies.
4.3 Planning for Bushfire Protection	Yes	The planning proposal appears to be consistent with this Direction based on the results of the bushfire risk assessment study ( <b>Appendix D: Strategic Bushfire Assessment</b> ) submitted with the proposal. Feedback from state agencies will confirm if proposal adequately addresses bushfire



		risk.
4.4 Remediation of Contaminated Land	Yes	The planning proposal appears to be consistent with this Direction based on the results of the land contamination study ( <b>Appendix H: Materials for Preliminary Site (Contamination) Investigation</b> submitted with the proposal.
5.1 Integrating Land Use and Transport	Not Applicable	Agree that this Direction is unlikely to be relevant for rural residential development.
6.1 Residential Zones	Yes	<p>The planning proposal states that it is consistent with this Direction because the proposal will make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.</p> <p>The proposal is consistent with this Direction because the site is strategically identified for rural residential development in the Council's rural residential strategy endorsed by the Department.</p>
9.1 Rural Zones	Yes	<p>The planning proposal is inconsistent with this Direction because it seeks to rezone rural zoned land for urban development.</p> <p>It is recommended that the Secretary agree that the inconsistency is justified under clause (a) (ii) of the Direction because the site is identified in the Council's rural residential strategy endorsed by the Secretary's delegate on the 22 June 2020.</p>
9.2 Rural Lands	Yes	The planning proposal appears to be consistent with this Direction based on consistency with the Council's rural residential strategy and the technical studies/assessments submitted with the proposal. Consultation with agencies will provide Council and the Department confirmation if the proposal is consistent with this Direction.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning	Chapter 3 – Koala Habitat outlines requirements for a Council proposing to zone	Yes	<p>Biodiversity Assessment Report (BAR) (see <b>Appendix A</b>) conclusions.</p> <p><i>Having regard to Chapter 3 of the SEPP</i></p>

Policy (Biodiversity and Conservation) 2021	or rezone land that is a potential koala habitat or a core koala habitat otherwise than as a conservation zone.		<p><i>(Biodiversity and Conservation) with respect to the protection of koala habitat, that the site is within agricultural land absent of woodland or forest vegetation, and that there is no suitable habitat present.</i></p> <p><u>Comment</u></p> <p>The planning proposal addresses and is consistent with Chapter 3 of the SEPP. It is highly unlikely that Koalas or Koala habitat are located on the site.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4	Chapter 4 of the SEPP outlines requirements for dealing with contaminated land in the assessment of development applications. Ministerial Direction 4.4 Remediation of Contaminated Lands outlines the requirements for identifying, assessing, and addressing contaminated land in planning proposals. This SEPP is therefore not relevant to planning proposals. See Table 6 on the response to Direction 4.4.	Yes	<p><u>Materials for Preliminary Site (Contamination) Investigation (Appendix H) conclusions.</u></p> <p><i>“Having regard to (SEPP (Resilience and Hazards)), and in particular chapter 4, that the Site is, and has been, cleared grazing land for many years and that no contaminants are anticipated to be present on the land.”</i></p> <p><u>Comment</u></p> <p>This SEPP is not relevant to planning proposals. See Table 6 on the response to Direction 4.4 Remediation of Contaminated Lands.</p>
SEPP (Primary Production) with respect to oyster aquaculture	There are no provisions in the SEPP that are relevant to the planning proposal. The provisions of the SEPP relate to assessment of development applications.	Yes	<p><u>Land Use Conflict Risk Assessment (Appendix G) conclusions.</u></p> <p><i>“Having regard to the aims specified in clause 2.1 of the SEPP (Primary Production), that: In essence, by conscientiously applying the recommended management measures outlined in this assessment, the risks associated with potential land use conflicts can be effectively mitigated, ensuring the harmonious coexistence of diverse land uses in the targeted area.</i></p> <p><i>As such, the planning amendments being sought can be anticipated to have no impact on oyster aquaculture in the region.”</i></p> <p><u>Onsite Sewage Management (OSM) assessment (Appendix C) conclusions.</u></p> <p><i>Having regard to Chapter 2, Part 2.5, Division 4 of the, that there is capacity for</i></p>

		<i>effective onsite effluent disposal and management in areas beyond the 150m buffer zone from the Pambula River. As such, the planning amendments being sought can be anticipated to have no impact on oyster aquaculture in the region.</i>
		<u>Comment</u>
		There are no provisions in the SEPP that are relevant to the planning proposal.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal includes a conceptual subdivision layout for rural residential subdivision (R5 Large Lot Residential Zone – 4.9 ha) and a residual area of rural land (RU2 Rural Landscape Zone – 8.9 ha). The concept plan illustrates that the site seeks to avoid natural hazards (e.g., flood prone land) and areas of environmental sensitivity (e.g., Pambula River, riparian area and a Potential Archaeological Deposit).

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	Based on the results of the biodiversity study ( <b>Appendix A: Biodiversity Assessment Report</b> ) submitted with the proposal there is no significant biodiversity, flora, or fauna within the site. Feedback from DCCEEW (Biodiversity Conservation and Science) will confirm if the development of the site will avoid or mitigate any impacts on areas of high conservation value.
Flooding	The planning proposal does not affect flood prone land based on the results of the flood study ( <b>Appendix B: Flood Impact Risk Assessment</b> ) submitted with the proposal. It is noted that evacuation is not possible from the site during some flood events, however periods of isolation remain under 12 hours duration. Feedback from DCCEEW will confirm if development of the site will be consistent with NSW Government flood policies.
Bush Fire Hazard	The planning proposal addresses bush fire risk based on the bushfire risk assessment study ( <b>Appendix D: Strategic Bushfire Assessment</b> ) submitted with the proposal. Feedback from the NSW Rural Fire Service will confirm if the site adequately addresses bushfire risk.
Land Contamination	The planning proposal addresses the requirements of the Direction on potential land contamination based on the results of the land contamination study ( <b>Appendix</b>

	H: Materials for Preliminary Site (Contamination) Investigation) submitted with the proposal.
Sewage	The planning proposal addresses the on-site effluent disposal based on the results of the Onsite Sewage Management (OSM) assessment ( <b>Appendix C</b> ). The proposal concludes that there is capacity for effective onsite effluent disposal and management on the site located more than 150m (buffer zone) from the Pambula River.

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

Social and Economic Impact	Assessment
Land Use Conflict	<p>The planning proposal addresses the potential for land use conflict based on the results of the Land Use Conflict Risk Assessment (<b>Appendix G_LUCRA</b>).</p> <p>The planning proposal states that by applying the recommended management measures outlined in LUCRA assessment, the risks associated with potential land use conflicts can be effectively mitigated, ensuring the harmonious coexistence of diverse land uses in the targeted area.</p> <p>Feedback from DPI Agriculture will confirm if the site adequately addresses land use conflict.</p>
Aboriginal Cultural Heritage and Archaeology	The planning proposal addresses aboriginal cultural and archaeological assessments based on the results of the Aboriginal Cultural Heritage Assessment ( <b>Appendix E</b> ) and Archaeological Report ( <b>Appendix E1</b> ) submitted with the proposal. Feedback from the Eden Aboriginal Land Council and NSW Heritage will confirm if the development adequately addresses the impacts on Aboriginal Cultural Heritage and Archaeology.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 10 Infrastructure assessment**

Infrastructure	Assessment
Traffic and Access	<p>The planning proposal traffic and road access based on the Traffic Impact Study (<b>Appendix F</b>) and the 2-Dimensional Strategic Design for road access from Mount Darragh Road (<i>Appendix I</i>)</p> <p>Feedback from NSW Transport for NSW will confirm if the site adequately addresses traffic and road access.</p>

## 5 Consultation

### 5.1 Community

The planning proposal states that “*Given this is a “basic” planning proposal that has minor/low impact, and is consistent with State and Council strategies, the Proponent considers the standard 28 day exhibition period is suitable.*” This equates to 20 working days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

The planning proposal assumes that agency consultation will include all the agencies that have previously provided input or feedback as part of the Scoping Proposal process. The planning proposal states that Council obtained feedback from the following state agencies on the Scoping Proposal:

- DCCEEW (Biodiversity and Conservation).
- DPI Agriculture.
- Heritage NSW.
- Transport for NSW.

It is noted that feedback was also received from the NSW Rural Fire Service.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- DCCEEW (Biodiversity and Conservation)
- DPI Agriculture
- Heritage NSW
- Transport for NSW
- NSW Rural Fire Service.

Consultation is also recommended with the Eden Local Aboriginal Land Council.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP from the issuing of the Gateway determination.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard and it is recommended that Council complete the plan within 9 months to provide enough time for public exhibition and finalisation of the plan, including preparation of an amending instrument and map amends.

The Department recommends an LEP timeframe of 9 months in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has not specifically requested delegation to be the Local Plan-Making authority.

As the rezoning of the site for rural residential development is a standard planning proposal because it is consistent with a local strategy endorsed by the Department it is recommended that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The R5 zone and 7,500 sqm minimum lot size rather than the C4 Environmental Living Zone and 1 ha minimum lot size as detailed in the scoping proposal are supported at this stage of the process (pre-consultation) because:

- The use of the site for rural residential development is consistent with the Council's rural residential strategy endorsed by the Department in 2020.
- The proposed R5 Large Lot Residential Zone only applies to land outside the probable maximum flood i.e., 4.9 ha of the 12.9 ha site or 38% of the area of lot 1 and 5. The C4 Environmental Living Zone and 1 ha minimum lot size under the scoping proposal was to be applied to all of the site.
- The proposed 7,000 sqm minimum lot size only applies to part of lot 1 and 5 (4.9 ha) and the remaining flood prone section of lot 1 and 5 will remain zoned RU2 Rural Landscape Zone with an area of 8.9 ha. This scenario for rural residential subdivision therefore seeks to avoid any potential for housing on flood prone land, creates a big buffer between rural residential development and the Pambula River and creates an average housing density of 1 dwelling per 2.15 ha over all of lot 1 and 5 ( 6 lots) compared to the scoping proposal (12 lots).
- The R5 Large Lot Residential Zone land use table is a more restrictive zone than the C4 Environmental Living Zone land use table.
- There are a number of detailed technical studies for the site which indicate that development for rural residential based on the conceptual subdivision layout for 6 proposed lots will not have significant environmental impact and avoids hazards.

The planning proposal is supported to proceed with conditions for the following reasons:

- The site has been identified for rural residential development in the rural residential strategy endorsed by the Department in 2020.
- Consistent with the department's endorsement of the strategy the planning proposal is accompanied by detailed technical studies and site assessments that address development constraints.
- Consultation with relevant state agencies will confirm consistency with s9.1 Directions.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 9.1 Rural Zones is justified, and
- Note that consultation with relevant state agencies will confirm the consistency of the planning proposal with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection, and 9.2 Rural Lands.

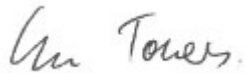


It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
  - DCCEEW (Biodiversity and Conservation)
  - DPI Agriculture
  - Heritage NSW
  - Transport for NSW
  - NSW Rural Fire Service
  - Eden Local Aboriginal Land Council
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP finalisation timeframe of nine months be included on the Gateway.



24/4/25

Graham Towers

Manager, Southern, Western and Macarthur Region

Assessment officer

Graham Judge

Senior Planner, Southern Region

6229 7906