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<p>NSW State Emergency Service</p>	<p>The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning</p> <p>Recommend obtaining a Flood Impact and Risk Assessment to understand the full extent of the flood risk to the proposed site including:</p> <ul style="list-style-type: none"> • overland and riverine flooding • impacts of development on adjacent areas • an understanding of cumulative impacts of development • the impacts of climate change <p>Seeking advice from the Department of Climate Change, Energy, the Environment and Water.</p>	<p>A Flooding Assessment was prepared by GHD in support of the proposal and is included in Appendix J. The main objective of the assessment is to undertake a preliminary technical flood study to support the rezoning of the three precincts identified for rezoning within the Bega Structure Plan, with the study exploring both flooding characteristics and stormwater management over the urban release area. Refer also to discussion in section 8.10.</p>
<p>Department of Climate Change, Energy, the Environment and Water (Heritage NSW)</p>	<p>State and local heritage considerations under the Heritage Act 1977</p> <p>Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register.</p> <p>In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the Heritage Act 1977 they should do so.</p>	<p>Noted.</p>
	<p>Aboriginal cultural heritage considerations under the National Parks and Wildlife Act 1974</p> <p>We advise Council that an assessment under the 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW is not considered an archaeological assessment or substitute for a comprehensive Aboriginal cultural heritage assessment report. The due diligence process does not adequately assess the impacts of this planning proposal on Aboriginal cultural heritage as required by</p>	<p>The Bega urban release area is located within a landscape that has the potential for the presence of Aboriginal cultural material to occur across its extent, and that a number of Aboriginal sites have also previously been recorded within the planning proposal area (refer to assessment included in Appendix L). Further investigation and</p>

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	Ministerial Direction 2.3.	
	<p>Heritage NSW recommends that a comprehensive Aboriginal cultural heritage assessment is needed and should inform this planning proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements.</p> <p>The requirement for a full assessment to be prepared at the planning proposal stage is consistent with the Regional Plan. It is important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.</p>	<p>assessment will be required at the detailed DA when the exact nature of future development applications and potential impact is known. Clause 5.10 of Bega LEP 2013 requires Council to consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and notify the local Aboriginal communities about the application and take into consideration any response received.</p> <p>Each DA will include the more detailed plans and information of the development that will be proposed on individual sites and lots within the urban release area.</p> <p>Applicants who wish to subdivide and develop land in the future will need to prepare an Aboriginal cultural heritage report (ACHAR) and apply for an Aboriginal heritage impact permit (AHIP) if the proposed development is likely to cause harm to Aboriginal objects or places that are known to be present or are likely to be present on the land to which the DA relates. The ACHARs that will be prepared for future individual developments will need to comply with the relevant guidelines.</p> <p>The planning proposal can and should be supported without compromising any Aboriginal objects or places of cultural value to Aboriginal people in the planning proposal area. Refer to</p>

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		section 8.13.
<p>Department of Climate Change, Energy, the Environment and Water (South East Biodiversity, Conservation and Science (now Conservation, Programs, Heritage and Regulation))</p>	<p>Direction 1.1 Implementation of Regional Plans – whilst there is little mapped HEV land present within the proposed precincts there are large areas mapped as the endangered ecological community (EEC) lowland grassy woodland. Any future planning proposal should address Strategies 5.1 and 6.1 of the draft South East and Tablelands Regional Plan 2041. An assessment consistent with Stage 1 of the Biodiversity Assessment Method (BAM) should be carried out to determine the conservation value of the land to be re zoned to ensure appropriate zoning is applied to these areas.</p>	<p>A desktop assessment of the ecological characteristics and values of a broader study area which included the urban release area (and land to which the planning proposal relates) was undertaken by NGH Pty Ltd to inform the Bega Structure Plan.</p> <p>The findings from desktop analysis found the following biodiversity values within the planning area, namely: TECs, protected riparian land, key fish habitat, aquatic habitat for a range of fauna and flora species (including the threatened Australian Grayling, <i>Prototroctes maraena</i>) and scattered trees and wooded vegetation, providing threatened species habitat and the possibility of hollow-bearing trees.</p> <p>Some parts of the urban release area will require a Biodiversity Development Assessment Report (BDAR) be prepared in accordance with the BAM pursuant to the BC Act – to demonstrate how impacts have been avoided, mitigated and offset. The constraints mapping provided in this preliminary assessment will need to be ground-truthed through detailed ecological surveys and further investigation.</p> <p>A supplementary assessment of the potential impacts of the planning proposal was undertaken by NGH in April 2025 (refer to Appendix G). Refer to detailed discussion in section 8.2</p>
	<p>Direction 3.1 Conservation Zones – areas of validated high environmental value (HEV) land should be zoned accordingly, and adequate protection mechanisms</p>	<p>The planning proposal does not apply to conservation zones or land otherwise identified for</p>

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	<p>should be included to facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Council may wish to consider using the Biodiversity Certification process which can include in perpetuity protection mechanisms for areas of validated HEV. This process also provides certainty for future development as areas that are certified do not have to undergo future assessment for the biodiversity impacts.</p>	<p>environment conservation/protection purposes in a LEP and does not reduce any existing conservation standards that apply to land within the urban release area and land to which the planning proposal applies. Refer to assessment of proposal against local planning directions included in section 7.9.</p>
	<p>Direction 4.1 Flooding - As the proposal seeks to rezone land that is flood prone it will need to demonstrate consistency with Section 9.1(2) Direction 4.1 of the Local Planning Direction, the NSW Government's Flood Prone Land Policy and the Flood Risk Management Manual, 2023. The planning proposals should be supported by a fit for purpose Flood Impact and Risk Assessment (FIRA) to address the local planning direction requirements and associated guidance.</p>	<p>A Flooding Assessment was prepared by GHD in support of the proposal and is included in Appendix J. The main objective of the assessment is to undertake a preliminary technical flood study to support the rezoning of the three precincts identified for rezoning within the Bega Structure Plan, with the study exploring both flooding characteristics and stormwater management over the urban release area. Refer also to discussion in section 8.10.</p>
	<p>Additionally, as the proposal seeks to increase development that may have an impact on the Bega River estuary we recommend consideration of the Bega River Estuary Management Plan objectives and South East and Tablelands Regional Plan 2041 to ensure the appropriate zoning of tributary streams and to manage water quality impacts on receiving waters.</p>	<p>Refer to assessment of proposal against local planning directions included in section 7.9.</p>
	<p>Biodiversity</p> <p>The Scoping Report indicates there may be the Endangered Ecological Community (EEC) Lowland Grassy Woodland in the Eastern Precinct, and some of the Western Precinct, which if validated as that EEC, could be costly to offset. As discussed in the Scoping Report, specifically, section 4.3 Preliminary Biodiversity Constraints, areas that have high and moderate constraints should be considered as areas for protection and enhancement through structure planning.</p> <p>To ensure area of biodiversity are appropriately zoned field surveys should be undertaken. The level of assessment should be consistent with Stage 1 of the Biodiversity Assessment Method (BAM). Field surveys would need to be undertaken for all the precincts in order to determine the ecological values of each of the precincts. The results of the field survey will indicate the biodiversity constraints of</p>	<p>The planning proposal does not apply to conservation zones or land otherwise identified for environment conservation/protection purposes in a LEP and does not reduce any existing conservation standards that apply to land within the urban release area and land to which the planning proposal applies.</p> <p>A Desktop assessment of the ecological characteristics and values of a broader study area which included the urban release area was undertaken to support the Bega Valley Structure Plan. Additional investigations were undertaken</p>

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	<p>the land and inform the potential zoning.</p> <p>Until BCS is aware of the biodiversity values in the precincts it would be difficult to support the proposed rezoning. For example, in the Western Precinct, there is a heavily vegetated area that is proposed to be cleared for R2, this area should be avoided and rezoned as RE1. The cleared area adjacent to it that is proposed for RE1 Public Recreation could be rezoned as R2. The eastern precinct has an area proposed for R2, but once again this area has tree cover (and mapped as lowland grassy woodland EEC) and therefore likely to have higher biodiversity values and should be avoided.</p>	<p>by Council officers and representatives from the DCCEEW in September 2024.</p> <p>The desktop analysis was used to produce preliminary mapping which identified parts of the broader study area that (a) require further investigation to confirm whether vegetation present was of high biodiversity value and (b) to identify parts of the broader study area that were suitable for urban development.</p>
	<p>Biodiversity Certification</p> <p>Given the size of this project, and the potential to impact large areas of mapped Lowland Grassy Woodland, council may wish to consider Biodiversity Certification.</p> <p>This would mean that all subsequent development applications do not require further assessment in the Biodiversity Offsets Scheme (BOS) as certified land is exempt.</p> <p>The certification process can run at the same time as the planning proposal – more information can be found in this fact sheet.</p> <p>https://www2.environment.nsw.gov.au/sites/default/files/2024-02/biocertification-planning-proposals-200384.pdf</p> <p>The Biodiversity Assessment Method (BAM) must be applied to assess the impacts of the biodiversity certification. This will include assessment of direct and indirect impacts on biodiversity values. The nature of the development proposed within the certified area must be known to properly evaluate impacts on biodiversity values. A planning proposal would provide the necessary detail.</p> <p>Early and ongoing consultation with BCS is recommended when developing an application for biodiversity certification and is particularly important when it is proposed to intensify land uses, such as in this case. Early discussions will optimise biodiversity outcomes and streamline the biodiversity certification application process.</p>	<p>The planning proposal generally relates to land that was identified as suitable for urban development.</p> <p>Detailed field assessment is required to verify preliminary mapping. In some instances, areas currently classified as a high constraint in terms of vegetation may move to a lower category of constraint once validation and ground truthing confirms the condition and extent of any TECs and threatened species habitat. Likewise, areas currently mapped as having no value or not classified, require field validation and ground truthing to gain a more accurate understanding of the biodiversity constraints.</p> <p>On this basis, the planning proposal does not propose to rezone land for environment conservation prior to undertaking detailed investigations to confirm the biodiversity values of the urban release area. The approach is considered acceptable given the size of the urban release area, council's inability to gain access to all land within the urban release area and validate high environmental value land and the 30-year</p>

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	<p>Council will need to weigh up if the biodiversity certification pathway is suitable for this project, including financial and timing constraints.</p>	<p>horizon for implementation of structure plan – noting that biodiversity considerations are likely to change over time.</p> <p>Land use zoning is not the only way to protect or conserve native vegetation. Existing provisions within Bega LEP 2013 and DCP require future DAs to assess and manage biodiversity under the Biodiversity Conservation Act and/or EPBC Act (as relevant). Land with a high biodiversity approval will be required from the DCCEEW.</p> <p>Statutory provisions within Bega LEP 2013 and DCP require, when a proponent is undertaking a development application (DA), under Part 4 of the EP&A Act, to engage an Accredited Biodiversity Assessor to prepare a Biodiversity Development Assessment Report (BDAR) – which identifies how a future landowner/developer will propose to avoid, minimise and offset impacts from a proposal on native vegetation or biodiversity listed under the NSW Biodiversity Conservation Act 2016 and the Biodiversity Regulation 2017 and whether to apply the Biodiversity Assessment Method (BAM) to assess the impacts of a proposal.</p> <p>The following amendments to the adopted structure plan have been made (which are also reflected in the planning proposal):</p> <p>Eastern precinct (Area A) – riparian land to the south of Boundary Road (between the two patches of R2 zoned land) excluded as it was affected by PMF, vegetation and riparian. This area to retain its current RU1 zoning.</p>

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		<p>Eastern precinct (Area B) – second order stream, 20 m buffer provided on either side and excluded, to retain its current R5 zoning</p> <p>Western precinct (Area C) – second order stream, 20 m buffer provided on each side and excluded.</p> <p>Refer to detailed discussion in section 8.2.</p>
	<p>Floodplain Risk Management Comments</p> <p>The proposal involves the rezoning of flood prone land and therefore will need to be considered in accordance with Section 9.1(2) Local Planning Direction 4.1-Flooding and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual (FRM), 2023. The policy aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible.</p> <p>Areas within the proposed rezoning boundaries particularly the Eastern and Western Precincts are impacted by riverine flooding from Bega River as identified in Council's Bega and Brogo Floodplain Risk Management Study and Plan (FMRSP), 2018. Several tributaries and overland flow paths draining to the main Bega River also traverse the proposed development areas however the scoping proposal documentation does not provide full consideration of the overland flow flooding that are not covered in the FRMSP.</p> <p>The planning proposals should be based on a thorough understanding of flood behaviour to avoid adverse flood impacts to people, property and the environment during times of flood. A site-specific Flood Impact Risk Assessment (FIRA) will need to be undertaken and demonstrate consistency of the planning proposal with the requirements of the local planning direction and Flood Risk Management Manual. Guidance on the requirements for a fit for purpose FIRA can be found at: Flood Impact and Risk Assessment NSW Environment and Heritage.</p>	<p>A Flooding Assessment was prepared by GHD in support of the proposal and is included in Appendix J. The main objective of the assessment is to undertake a preliminary technical flood study to support the rezoning of the three precincts identified for rezoning within the Bega Structure Plan, with the study exploring both flooding characteristics and stormwater management over the urban release area.</p> <p>The flood risk over the site can be attributed to regional waterway flooding (from the Bega River in the context of the project area), local flooding in tributaries drainage to regional waterways as a result of local stormwater run-off, and overland flow flooding within the undeveloped and areas identified for rezoning, also as a result of local stormwater run-off. These three instances of potential flood impacts will need to be managed as a component of future development. Regional waterway flooding can typically be managed through land use planning (e.g. locating future allotments outside of areas prone to flood risk), whilst local and flow flooding can be managed</p>

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	<p>Estuary and Water Management Comments</p> <p>We note the proposed Eastern Precinct site is located outside the Coastal Environment Area, Coastal Use Area, and Coastal Wetland and Littoral Rainforest Area mapped under the State Environmental Planning Policy (Resilience and Hazards) 2021. However, runoff from the site will impact the environmentally sensitive Bega River estuary and its coastal wetlands located downstream.</p> <p>The Bega River Estuary Management Plan, 2006 (EMP) identified threats to the estuary from an increased demand for urban development and population growth, including sedimentation of the waterway, loss of riparian vegetation and associated risk of increased pollutants entering the estuary, subsequent impacts of pollutants on water quality and flow on effects on the ecology and wetlands of the estuary. In the absence of a more recent management plan for the Bega River estuary, the existing Bega River EMP and its objectives can be considered when finalising the planning proposal, however Council should prioritise preparation of a CMP covering the coastal zone of this area to ensure consistency with the NSW coastal management framework including the Coastal Management Act, 2016.</p> <p>Consideration should be also given to the South East and Tablelands Regional Plan 2041 which lists in Objective 5 the protection of important environmental assets such as estuaries. Strategy 5.1 outlines that strategic planning and local plans are to minimise potential impacts arising from development and incorporation of the NSW Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions.</p>	<p>through stormwater management strategies, including Water Sensitive Urban Design Strategies (WSUD) such as riparian corridors and stormwater detention facilities, as well as appropriate collection, conveyance and management of stormwater.</p> <p>In relation to regional waterway flooding, portions of the project area are susceptible to flooding impacts from the Bega River and its associated tributaries, with several tributaries draining to the Bega River in the vicinity of the project area. The majority of the project area is free from flood impacts during the 1% Annual Exceedance Probability Event (AEP), with impacts primarily localised to the proposed RE1 zones, which are not typically associated with residential development. These areas, however, will need to be managed as part of the stormwater management system. The project area is located outside of the extent of impacts during the Probable Maximum Flood (PMF) and the lands are located higher than the PMF flood level. The existing tributaries located within proximity to the site will be maintained as riparian waterways with associated riparian corridors. Generally speaking, the project area does not impinge on the tributary waterways and achieves adequate setbacks to said waterways.</p>
<p>Department of Climate Change, Energy, the Environment and Water (Licensing and Approvals)</p>	<p>The Planning Proposal should require the preparation of a Waterfront land Assessment which undertakes the identification and assessment of all watercourses, wetlands and waterfront land on the subject site and the broader vicinity. This includes the identification of the "top of bank" from which waterfront land is measured.</p> <p>The proposal should give due consideration to the Departments Riparian Corridor Guidelines and for greenfield sites, should seek to apply the recommended corridors and buffers as much as possible and without excessive use of the</p>	<p>Once detailed design of the layout etc. is undertaken with relation to the project area, considerations to WSUD principles would need to be undertaken, and adherence to Council's DCP</p>

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	<p>guideline “averaging rule”.</p> <p>Under the guidelines, encroachments into the outer vegetated riparian zone can be considered but these should be offset. Offsets should be located where they contribute to riparian values/function.</p> <p>Flooding constraints typically correlate and/or exceed the departments recommended riparian guidelines but nevertheless, proposals should consider that riparian corridors/buffers are fully vegetated when considering constraints such as flooding or other constraints such as bushfire asset protection requirements.</p> <p>Asset Protection Zones, water quality treatments/structures etc should be located outside of the designated riparian corridors. The identification of Riparian Corridors and APZ’s footprints is important to avoid overlapping and conflicts between meeting their individual objectives.</p> <p>Passive recreational pursuits should occur outside of the inner vegetated riparian zone and/or via formalised access points.</p> <p>Where watercourses are degraded or works are required in watercourses then rehabilitation/designs should seek to provide for naturalised outcomes for the watercourses and their vegetated riparian zones.</p> <p>Typically, riparian areas are preferred to be zoned as Conservation Zones and ideally in public ownership if acceptable to Council. Where riparian areas are in private ownership then they should be ideally contained in a single/reduced number of lots to avoid fragmentation and for consistency in management.</p> <p>The departments guidelines can be found at https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals</p> <p>The proposal should demonstrate a secure and sustainable water supply to meet development demand. This should include identification of current capacity, extent of required upgrades and who will do the upgrades. It is assumed this is a town water supply which would require Council to acknowledge and accept any required changes.</p> <p>Water Supply Work Approvals have been identified within the site. Consultation with</p>	<p>requirements for flooding risk management would apply. General engineering design guidelines would also apply and would need to be considered. Overall, it is considered that land use changes from the rezoning have the potential to alter existing stormwater quantity and quality, and the flood risk environment. These impacts would need to be managed through future stormwater management strategies and adoption of the requirements and controls of the Bega Valley LEP and DCP, as well as the Flood Risk Management Manual. The report generally concludes that flood risk and stormwater impacts can be suitably managed through future detailed design.</p>

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	<p>WaterNSW should occur if there are any proposed changes to these works. This approval can be found on the NSW Water Register https://waterregister.watarnsw.com.au/water-register-frame</p> <p>There is a section of the Eastern Precinct in the southern section which appears to be a Crown Reserve. Works within crown land will require consultation with Crown Lands.</p>	
<p>Department of Primary Industries, Department of Regional NSW (Fisheries)</p>	<p>In regards to aquaculture activity within the downstream catchment area, the proposal should be designed according to the measures within the Healthy Estuaries for Heathy Oysters Guidelines Aquaculture Department of Primary Industries.</p> <p>The urban land release area is within the catchment of the Bega River and has a stream identified as key fish habitat that crosses the development area. DPI Fisheries has an interest in maintaining the following aquatic sensitive receivers as a result of this development:</p> <ul style="list-style-type: none"> • Key fish habitat in the stream on-site and the Bega River downstream. • The endangered Australian Grayling (fish) listed under the <i>Fisheries Management Act</i>, and • Identified Priority Oyster Aquaculture Areas in the tidal reaches of the Bega River downstream. <p>Riparian buffer zone</p> <p>As currently proposed the Urban Land Release area seems to incorporate an appropriate riparian buffer zone width to the key fish habitat waterway that crosses the site. The width of this buffer zone should comply with DCCEE Water riparian buffer zone width requirements. Information should be provided at this stage to demonstrate these requirements have been met.</p> <p>We recommend that the development of this land includes actions to revegetate the creek bank and riparian buffer zone with native species. This will protect and improve key fish habitat values on-site and downstream, by providing improved habitat for fish and reducing erosion and sedimentation inputs to downstream</p>	

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	<p>environments.</p> <p>Water quality – sewage treatment</p> <p>As proposed, the urban land release area should be connected to the reticulated sewage system and there needs to be adequate capacity in this system for the additional load. This will mitigate against food safety impacts to the oyster aquaculture areas downstream.</p> <p>Water quality – stormwater treatment</p> <p>The conversion of greenfield areas to urban areas is a significant change to catchment hydrology that results in increased stormwater volumes. Left untreated, this can result in increased nutrient, gross pollutant and sediment inputs into waterways in perpetuity. DPI Fisheries acknowledges that stormwater treatment measures will be proposed at a later stage of the development. However, at this stage we would like to see a commitment to implementing Water Sensitive Urban Design treatment trains that treat stormwater discharges to the relevant water quality objective, noting the oyster farming areas downstream. The current conceptual planning for this area should include setting aside land for the WSUD treatment measures. These will need to be located outside of the riparian buffer zone to waterways.</p> <p>A report detailing the proposed WSUD stormwater treatment measures, including MUSIC modelling so that the effectiveness of the proposed measures can be assessed, should be prepared at some stage of this urban land release area. DPI Fisheries requests review of this report.</p> <p>Water quality – construction impacts</p> <p>The clearing of large areas of land for urban development, can result in large areas of exposed earth for extended periods of time. This forms a significant risk of increased sediment input into downstream waterways, reducing water quality and smothering of aquatic habitats. To reduce this risk, the development of these area is to be staged to reduce the exposure period of uncovered sediment, and appropriate best practice erosion and sediment control measures are to be used during construction.</p>	

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	<p>Fish passage</p> <p>Should any waterway crossing be required across mapped key fish habitat within the land release area, these crossing will need to be designed according to the following guidelines - Why do Fish Need to Cross the Road? Fish passage requirements for waterway crossings (Microsoft Word - Why do fish need to cross the road_booklet.doc)</p>	
<p>Department of Primary Industries, Department of Regional NSW (Agriculture)</p>	<p>The planning proposal should be informed by a land use conflict risk assessment (LUCRA) which includes consultation with nearby agricultural landowners and considers the potential agricultural land uses that could occur on the neighbouring land without development consent. An assessment of the impact of the future development from the proposed rezoning on dairy production in the area, given the removal of dairy lands, and encroachment towards the dairy lands to the east should form part of the LUCRA.</p> <p>The provision of buffer areas that achieve physical separation between residential and agricultural land uses is preferred to mitigate against potential land use conflict. Physical separation can be achieved using perimeter roads and locating open space or public infrastructure between residential and rural land uses. This should be given particularly careful consideration in the eastern precinct where potential for greater housing densities is identified in close proximity to the dairy farming practices to the east.</p> <p>Residential and large lot residential lots should have building envelopes nominated on approved subdivision plans and restrictions on the lot titles to ensure that dwelling houses are located at the maximum possible distance from the agricultural operations.</p> <p>Water supply for the subsequent housing development has been identified in the documents as being from bores. There will be a need to consider the impact of increased groundwater extraction on agricultural water supply as part of the assessment process.</p> <p>The scoping proposal proposes an area of R5 Large Lot Residential zoned land in the western precinct. Careful consideration should be given to whether rural residential development is the best use of this land given the housing demands</p>	<p>The Land Use Conflict Risk Assessment (LUCRA) has been prepared by Minesoils Pty Ltd to support the planning proposal (refer to Appendix D). Direct consultation to inform this assessment was undertaken with land managers regarding current and historical management of land and agricultural practices within the urban release area and surrounds, and the potential effects on current enterprises, neighbouring properties, local industries and support services as a result to changes to agricultural land use in the urban release area.</p> <p>There are several potential moderate and high-risk land use conflict risks which will require further management or design consideration or will remain as accepted conflict risk as a result of the planning proposal. These potential conflicts are determined to be consistent with existing land use conflict risks in the project locality.</p> <p>Key mitigation strategies include:</p> <ul style="list-style-type: none"> Conflicts with dairy farming enterprises to the east of Tathra Road can largely be mitigated by the proposed realignment of Tathra Road further westwards, with the road easement

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	<p>being experienced across the state. This land also appears to be identified for future urban investigation in the Bega Valley Residential Land Strategy 2020 and the development of this land for rural residential development could restrict its future development for housing options that provide greater density and diversity of housing types.</p>	<p>forming a physical separation buffer zone with additional setbacks of residential properties away from Tathra Road recommended.</p>
<p>NSW Environment Protection Authority</p>	<p>Land use conflict</p> <p>The EPA recommends that strategic land use planning for Bega Valley Shire seeks to mitigate the risk of land use conflict between proposed residential (and other sensitive) uses and existing scheduled activities, other industrial uses, road corridors and agricultural zones.</p> <p>Any land use conflict risks will need to be fully understood and mitigated. Clustering incompatible land uses can result in adverse impacts on industry, increased regulatory burden on the EPA and Council, and adversely impact the environment and human health.</p> <p>Activities that may impact with the Bega Urban Release Area</p> <p>There are a range of scheduled and non-scheduled activities within the vicinity of the study area that have the potential to interact with future sensitive receivers. These interactions may cause land use conflict in the form of noise, odour, and air quality impacts.</p> <p>The EPA has issued environment protection licences (EPL) for premises in the vicinity of the study area. The following is a list of these premises and their potential impacts on sensitive receivers:</p> <p>Bega Sewage Treatment Plant (EPL 4120)</p> <p>The EPA regulates Bega Sewage Treatment Plant (STP) which is operated by the Bega Valley Shire Council (Council). The STP has the potential to emit odours which may negatively impact on current and future residential receivers within its vicinity. Currently this system is at capacity and requires upgrades to service growth in the catchment. The EPA understands that upgrades to the STP are proposed.</p> <p>The EPA recommends that:</p>	<ul style="list-style-type: none"> • Boundary Road and Kerrison's Lane form suitable physical separation buffers between the proposed development and lower intensity agricultural land uses in the Eastern Precinct, while the nature of existing agricultural and property types within the Western Precinct suggests a reduced requirement for physical separation buffers to mitigate conflicts (however, buffer zones here should be considered). • Implementation of a physical separation buffer zone along the boundary of the southern portion of the Eastern Precinct's eastern boundary. • Land to the immediate east of the southern portion of the Eastern Precinct contains dairy heifers which is not a dairy farm per se, but has the potential to increase intensity of this use without development consent. Therefore, an access road, or physical separation buffer or some sort is recommended to be implemented as a design control to avoid direct backing of residential properties to agricultural land and the increased risk of land use conflict that would result. • Establishment of a clear channel (i.e. point of contact) to resolve any land use conflicts which arise as a result of the Project, independent of any agency with a perceived

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	<p>a) Council should undertake any upgrade works to enable the STP to service expected population growth in the study area prior to the release of land for development. Any upgrades will need to be done in consultation with the EPA.</p> <p>b) There is adequate distance between future sensitive receivers and the STP to prevent odour impacts. This should be informed by relevant studies.</p> <p>c) Any potential impacts resulting from any increase in sewage overflows on the existing reticulated systems (for example, sewer pipes and pumping stations) and discharges from the existing STP are considered.</p> <p>Bega Cheese Limited (EPL 1511)</p> <p>Bega Cheese is licensed by the EPA for agricultural processing. The processing plants are located at Lagoon Street and Ridge Street, Bega, which are greater than 1 kilometre from the study area.</p> <p>However, irrigation of effluent created by the processing plants is undertaken approximately 200 metres west of the western study area and has the potential to create odour that may impact on future residential receivers.</p> <p>Air quality and odour</p> <p>The Proposal should deliver environmental outcomes that ensure future residential receivers are protected from any adverse cumulative air and odour impacts from the STP and any associated sewerage reticulation, as well as from major road corridors, and existing agricultural and industrial uses.</p> <p>When considering the suitability of the study area for more sensitive land uses, Councils decision should be informed by an Air Quality Impact Assessment that:</p> <p>a) assesses likely odour impacts from potentially odorous sources within the vicinity of the study area (e.g., EPA licensed premises, the STP, Bega Valley Saleyards and Cleanaway Bega Solid Waste Depot) in accordance with the Technical framework: Assessment and management of odour from stationary sources in NSW (EPA). This should set out mitigation measures including, but not necessarily limited to, a precinct design that provides the necessary distance of separation between odorous sources and future sensitive receivers, and</p>	<p>interest.</p> <p>An assessment of the impacts of the planning proposal on agricultural land has been undertaken by Minesoils Pty Ltd (refer to Appendix D). The impacts development activities can have on land resources and agricultural productivity range from short term temporary impacts to long term and permanent impacts. Temporary impacts can include the removal agriculture from service over a period of the 'life' of the urban release area, or short-term impacts to agricultural operators (i.e., during a construction period). Permanent impacts may include changes to land and soil capability and agricultural resources, or the cessation of agriculture being undertaken over an area of land. The key findings of this assessment are as follows:</p> <ul style="list-style-type: none"> • The land release area covers approximately 217 ha of which approximately 192 ha comprises agricultural land and/or is capable of agricultural land use. Redevelopment of the entire urban release area will remove approximately 192 ha of agricultural land which represents 0.3% of land used for agriculture within the Bega Valley Shire LGA. The planning proposal is not anticipated to adversely impact any current agricultural land uses immediate to the project area or the broader LGA. • In terms of impacts to productivity and enterprises associated with the agricultural land, the impact of the planning proposal on the gross value of agriculture within the Bega Valley Shire LGA is approximately 0.8% (or

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	<p>b) assesses air quality impacts from roads having regard to the State Environmental Planning Policy (Transport and Infrastructure) 2021 and supporting Development Near Rail Corridors and Busy Roads—Interim Guideline (Department of Planning, 2008).</p>	<p>equivalent value of \$480,318 per year). The planning proposal is not anticipated to impact the agricultural productivity of land outside the urban release area, nor will it have an impact on local, regional and state agricultural services, and it will not fragment or displace existing agricultural industries. The absence of impacts in this respect is largely owing to the small percentage of agricultural land to be removed as a component of the project, in the context of the available agricultural land within the LGA (being 0.3%).</p> <ul style="list-style-type: none"> • The findings of the agricultural assessment determined that the project will not be associated with adverse impacts in relation to agricultural resources. Soils within the area will be subject to permanent impacts by way of earthworks, however this is necessary for construction and not associated with direct or indirect impacts to neighbouring lots or the locality. Similarly, land with agricultural capability will be removed, but is inconsequential when considered in the amount of agricultural land within the LGA. The planning proposal does not result in any significant adverse impacts on agricultural uses/users in relation to groundwater usage. Any erosion and sediment control measures would be prepared at a later development stage. • Other potential impacts to agricultural land include the introduction of pest species, biosecurity risks, introduction of air quality and

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		<p>dust issues, introduction of traffic within the locality, and potential noise and vibration impacts. To manage these potential impacts, weeds within the urban release area would need to be managed in such a way that does not encourage pest species, which would concurrently reduce biosecurity risks. Construction works may be associated with air quality and dust issues and noise and vibration impacts, which would be managed through standard construction practices and adherence to standard noise criteria for construction works. On-going noise and vibration impacts to agricultural land can be managed.</p> <ul style="list-style-type: none"> • There will be no fragmentation or displacement of existing agricultural industries as a result of the planning proposal. • Groundwater impacts from extraction are expected to be generally negligible (refer to discussion in Section 8.5 above) as extraction volumes will be responsive to climatic pressures and within the specific rules and regulations governing the groundwater source. The planning proposal does not result in any significant adverse impacts on agricultural uses/users in relation to groundwater usage.
	<p>Contaminated Land</p> <p>The preliminary site investigation notes the presence of localised contamination across the study area. However, the EPA notes that the preliminary site investigation provided does not cover the whole study area as defined by the Bega</p>	<p>A preliminary site investigation assessment of the broader study area including the urban release area was undertaken by NGH to support the Bega Structure Plan (refer to Appendix I). The potential</p>

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	<p>Urban Release Scoping Proposal document and should be updated to reflect the most recent proposal.</p> <p>When carrying out planning functions under the Environmental Planning and Assessment Act 1979, a planning authority must consider the possibility that a previous land use has caused contamination of the site, as well as the potential risk to health or the environment from that contamination.</p> <p>Consideration of contamination at a strategic level provides an opportunity to consider contamination issues early, well in advance of statutory approvals for land use changes.</p> <p>The EPA recommends that:</p> <ul style="list-style-type: none"> a) Council confirm whether other contamination assessments have been undertaken in the study area, including for areas that may have already been rezoned and subdivided, prior to development; b) Council ensures that proposed development does not exacerbate pre-existing contamination; c) Council ensures that reports on contamination are prepared by certified consultants (see, the EPA's Contaminated Land Consultant Certification Policy (EPA, 2022)); d) Council assesses the suitability of land for proposed development and undertakes remediation accordingly as per the Resilience and Hazards SEPP 2021; and e) the EPA is notified of any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination (EPA, 2015) (see s60, CLM Act). <p>Waste management considerations</p> <p>The proposed increase in residential population within the Bega Valley Shire has the potential to burden existing solid waste management facilities. The EPA encourages Council to work with their waste management operators to plan for increased volumes of waste resulting from the expected growth in the number of residential properties.</p>	<p>for contamination constraints within the urban release area in respect of the development proposed is low. Any future development of the urban release area will be subject to further detailed environmental investigations and these matters addressed as part of a future development applications(s). The urban release area can be made suitable for the proposed uses. Refer to detailed discussion in section 8.9 of the planning proposal.</p> <p>Stormwater discharges from areas of increased residential density have the potential to impact on local surface water and groundwater quality. Water quality and stormwater management issues will be dealt with and addressed at the DA stage for individual subdivisions through the consideration of NSW Water Quality and River Flow Objectives and Local Planning for Healthy Waterways using NSW Water Quality Objectives and implementation of the following DCP requirements, namely: section 5.1.1 Sustainable Design Management Plan (SDMP) and section 6 Engineering requirements.</p> <p>Council's DCP also relies on and is underpinned by additional technical requirements in relation to stormwater drainage and erosion control and stormwater management including:</p> <ul style="list-style-type: none"> • BVSC Development Design Specification • BVSC Development Construction Specification. • Managing Urban Stormwater – Soils and Construction Vol 1 (New South Wales

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	<p>Consideration of the Department of Planning, Industry and Environment 2021, NSW Waste and Sustainable Materials Strategy 2041, Stage 1: 2021-2027 and Better Practice guide for resource recovery in residential developments (EPA, 2019) is recommended.</p> <p>Water quality</p> <p>Stormwater discharges from areas of increased residential density have the potential to impact on local surface water and groundwater quality.</p> <p>The EPA recommends the use of the NSW Water Quality and River Flow Objectives (NSW WQO and RFOs) when assessing potential surface water and groundwater quality impacts from a proposed development. NSW WQO and RFOs provide the agreed environmental values, community values and long terms goals for assessing and managing the likely impacts of an activity on water for each catchment in NSW.</p> <p>Additionally, the Local Planning for Heathy Waterways using NSW Water Quality Objectives (Department of Environment and Conservation, 2006) provides guidance on how to incorporate these objectives into strategic planning. The Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions (NSW OEH and EPA 2017), provides a practical case study on how cost-effective management strategies can be used to accommodate urban growth.</p> <p>Noise from major roads</p> <p>The Princes Highway is located between the east and west study area. An increase in residential density adjacent to major roads has the potential to create noise impacts for the proposed residential receivers.</p> <p>The EPA recommends that a noise and vibration impact assessment should be prepared that identifies appropriate mitigation approaches to address these impacts. When assessing the suitability of the proposal, the consent authority must ensure the proposed sensitive receivers are protected from adverse impacts associated with noise from the nearby roads.</p> <p>The EPA recommends that the consent authority review the noise limits for development in proximity to busy roads contained in the State Environmental</p>	<p>Department of Housing).</p> <ul style="list-style-type: none"> • DAs are assessed and conditioned accordingly to ensure that best practice water quality and stormwater management controls are implemented.

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	<p>Planning Policy (Transport and Infrastructure) 2021 (see cl 2.120), as well as the NSW Road Noise Policy (Department of Environment, Climate Change and Water NSW 2011) and Development Near Rail Corridors and Busy Roads – Interim Guideline (The NSW Department of Planning 2008) when determining the suitability of the subject site for increased residential density.</p>	
<p>NSW Rural Fire Service</p>	<p>In February 2024 the NSW Rural Fire Service (RFS) provided comment on the Bega and Wolumla Structure Plans recommending that "future planning proposals located on bush fire prone land will need to be supported with a Strategic Bush Fire Study (SBS) in accordance with Chapter 4 of Planning for Bush Fire Protection 2019. (PBP 2019)". This advice still stands and applies to this scoping proposal.</p> <p>The advice also identified a number of specific items that should be addressed as part of a Strategic Bush Fire Study including;</p> <ul style="list-style-type: none"> • Where staged development is to occur Council should give consideration to appropriate mechanisms to ensure that undeveloped areas do not constitute a hazard to areas being developed. • As development occurs Council may wish to consider updating the Bush Fire Prone Land Mapping to reflect the extent of managed land. • Where public open space may be reliably considered to be managed land a formal plan of management that addresses fuel management should be considered. • Where natural features, such as riparian areas, are to be enhanced/rehabilitated consideration should be given to any potential impacts on bush fire protection measures for existing and proposed development. • Future subdivision/development of the land complies with Planning for Bush Fire Protection 2019 (PBP 2019). 	<p>A strategic bushfire study has been prepared by AEP to support the planning proposal and respond to advice received by NSW Rural Fire Service (RFS) (refer to Appendix K). As discussed in section 8.11, the planning proposal complies with the requirements of PBP 2019.</p>
<p>Southern NSW Local Health District</p>	<p>The Scoping Proposal for the Bega Urban Release Area, as outlined in the document, has several points that would require consideration from NSW Health, particularly in relation to transport, health service demand, and healthy built environments, but as the planned impact on population growth is not projected for</p>	<p>The planning proposal will facilitate the delivery of around 2,230 dwellings within the Bega urban release Area including opportunities for affordable housing to meet identified demand for existing</p>

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	<p>up to 5 years these considerations would not prevent us supporting the proposal.</p> <p>The proposed expansion of the Bega urban area and projected population increase over the project timeline will impact the delivery of health services in the region. We are confident, given the proposed timeframes, that our services will be well equipped to cope with the increased demand that this project poses. Areas we perceive that will require increased service provision into the future are:</p> <ul style="list-style-type: none"> • Aged care and disability services, including transitional aged care (TACP), aged care assessment services, in home care and aged care facilities for respite and residential care. • Chronic disease management, rehabilitation, cardiac care and stroke services. 	<p>and emerging residential accommodation types in the Bega Valley Shire over the next 25-30 years. This includes opportunities for downsizing and for existing residents to age in place and key worker accommodation.</p> <p>The planning proposal provides opportunities for healthy and connected communities through:</p> <ul style="list-style-type: none"> • The application of land use zones and development standards that provide housing diversity for a full range of household types and lifestyle preferences including affordable and key worker housing.
	<p>The SNSWLHD Public Health team are supportive of this proposal but believe the water quality and access remain an issue that needs close consideration given the points below:</p> <ul style="list-style-type: none"> • The new Bega/Tathra water treatment plant (WTP) (under construction) has been designed to meet the projected population needs until at least 2046 and can supply up to 9.5ML/d of filtered/UV treated water. How does the Urban Planning proposal marry up with WTP design calculations in terms of servicing the water needs of the projected population? • P25 refers to licenses for increased water extraction. NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) should be consulted for changes to licences and approvals to extract groundwater. 	<ul style="list-style-type: none"> • Creating an environment that provides good access to existing and new open space and neighbourhood centres, promoting healthy lifestyles, facilitating a vibrant, robust, sustainable community. • Other public benefits including additional public open space, sporting grounds and a future school site. • provides a series of interconnected neighbourhoods with better walking and cycling paths.
	<p>As mentioned, it is unknown what population groups this new development will attract, and the needs of young families are quite distinct from those of an ageing population. Healthy communities with adequate outdoor spaces for intergenerational use would be welcomed in the planning of this new and expanded community and we would be pleased to consult on a healthy built environment framework as the project progresses. Safe and accessible active transport options are crucial to this development supporting positive health behaviours. Public transport routes will be required to offer transport to and from essential services that are situated in the Bega Valley region, with particular consideration to access for</p>	<ul style="list-style-type: none"> • Provides opportunities to contribute to housing affordability and build socially inclusive, safe and accessible. • provides housing opportunities for key workers including health professionals within proximity to the existing services and facilities within Bega CBD including the newly

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	<p>our vulnerable populations who need adequate, safe, and timely services.</p> <p>This development and associated population growth would increase demand for both public and private health and community services, we recommend targeted engagement with health and community services in the ongoing planning process to support due consideration of demand. We also suggest adding SNSWLHD specifically, along with the Primary Health Network, into the consultation list. Further population modelling in collaboration with NSW Government is recommended to determine population projections for the region.</p> <p>We are pleased that an increase in housing supply could result in more health care professionals moving into the area to support services that will be impacted such as NSW Health, aged care and disability services. It presents an opportunity to address current significant shortfalls in access to and affordability of accommodation for key workers and we would be interested in further advice regarding any allocation of lots in the proposed development for key workers including health workers.</p>	<p>completed South East Regional Hospital.</p> <p>The structure plan (as amended) provides a local and regional road hierarchy that includes a network of footpaths which will integrate with the existing active transport routes within Bega centre. There will be opportunities to expand the current bus services into southern Bega as land within the urban release area is redeveloped. Bus stop locations on the proposed collector road network will support the 400-metre walking standard (residents within 400 m walking distance of a bus stop).</p>
Transgrid	<p>We have reviewed the proposed planning zone and cannot identify either a Transgrid Easement or Asset. Therefore, we have no comments to raise on the proposal.</p>	<p>Noted.</p>
Transport for NSW	<p>1. Consolidation of access points along Princes Highway</p> <p>a. TfNSW does not have sufficient information to provide comment on the changes and potential consolidation of existing intersections proposed in the Draft Structure Plan. TfNSW believes the Structure Plan needs to include the vision for the intersections with the Highway and the vision must be supported with a strategic design, to clarify the scope of works and demonstrate that the works can be constructed within the road reserve. TfNSW's strategic design requirements are included in the following link:</p> <p>https://www.transport.nsw.gov.au/system/files/media/documents/2022/strategic-design-fact-sheet-02-2022.pdf</p> <p>b. TfNSW generally supports the reduction of access points to the state road network, to minimise conflict points. However, this must be supported with the</p>	<p>A traffic and transport assessment of the planning proposal and structure plan has been prepared by GHD, a copy of which is included at Appendix F. The assessment considered the anticipated traffic and transport implications of the planning proposal on existing traffic conditions surrounding the urban release area.</p> <p>An assessment of the anticipated transport implications of the proposal has considered capacity of the existing transport network to accommodate development yields as envisaged within the urban release area and capacity of the future transport network to accommodate the</p>

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	provision of adequate local road linkages to ensure congestion issues and funnelling does not occur.	
	<p>c. The extension of Ravenswood Street is seen as an essential sub-arterial road linkage, for accessibility from the western precinct into Bega township, meaning vehicles would not have to use the Highway.</p> <p>d. TfNSW would require further consideration before supporting the removal of intersections such as Kerrisons Lane; as indicated by the Structure Plan there is opportunity to provide a emergency service precinct or other high value land use at the saleyards site. Accessibility to the Highway must be considered particularly for emergency services due to the critical nature of this land use.</p> <p>e. TfNSW notes that there may be an opportunity to combine Kerrisons Lane to the east of the Highway with Max Slater Drive to the west; the intersections are currently spaced 250m apart on the Highway. This may be considered to provide an inter-precinct connection from east to west and provide access to the School, bus interchange and church.</p> <p>2. Reduction of private vehicle usage</p> <p>a. The Structure Plan is an opportunity for Council to plan for and influence a reduction in private vehicle usage through public and active transport improvements.</p> <p>b. It is highlighted that whilst there are strategic active transport links identified in the Draft Structure Plan for Bega, the active transport routes should connect to existing routes or form part of Council's changes to an updated Walking and Cycling Plan.</p> <p>c. There are limited details on future public transport connections. Council should consider the TfNSW Guidelines for Bus Capable Infrastructure in Greenfield Sites, July 2018 Version 1 (refer to the following link – https://www.transport.nsw.gov.au/system/files/media/documents/2018/Guidelines-for-Bus-Capable-Infrastructure-in-Greenfield-Sites.pdf)</p> <p>d. TfNSW supports mixed land uses which provide commercial and employment</p>	<p>ultimate development proposal of the urban release area. The infrastructure improvements to accommodate the planning proposal both internally and external to the urban release area have been identified. In summary, the package of transport improvement works identified in this assessment when combined with the identified transport improvement works envisaged will satisfactorily accommodate the future transport demands of the urban release area and planning proposal development.</p> <p>Refer to detailed discussion in section 8.1 of the planning proposal.</p>

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	opportunities within the precinct minimising trips required to the broader transport network and improving the liveability of the neighbourhood.	
	3. Speed Zone Changes	
	a. The figure on Page 4 of the Draft Structure Plan indicates a speed zone reduction near Finucane Lane, on the Princes Highway.	
	<p>b. TfNSW is responsible for setting speed limits on all roads (state, regional and local) under the Road Transport Act 2013. Speed zone reviews are undertaken in accordance with the NSW Speed Zoning Standards, considering the road environment, road function, safety, minimum speed zone length, etc. Speed zone changes should correspond with changes to the roadside environment and be self-explanatory. Speed zones must balance the function and safety of the road, therefore TfNSW cannot guarantee that a speed zone reduction will occur before a formal review is undertaken.</p> <p>4. Princes Highway Controlled Access</p> <p>Minimum requirements for TIA</p> <p>A detailed traffic impact assessment (TIA) is required to consider and address the implications of the Proposal. TfNSW requires the TIA to include the following information general current data collection of existing conditions, assumptions for traffic generated by the Proposal, should be in accordance with the RTA Guide to Traffic Generating Developments and associated surveys, justify the proposed distributions of traffic for the proposal and assess impacts to the nearest State Road intersections i.e. Ravenswood Street, Kerrisons Lane etc.</p> <p>The traffic analysis needs to be undertaken to identify the impact on the network and appropriate treatments utilising the following:</p> <ul style="list-style-type: none"> • In the first instance, it is recommended that the developers consultant considers the analysis and submits a proposed methodology to TfNSW for acceptance. • SIDRA intersection analysis to determine the level of intervention required at the identified intersections. 	

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	<ul style="list-style-type: none"> • Austroads Turn Warrant assessment to support the analysis. • The methodology for determining the appropriate treatments will be dependent on the existing and predicted traffic volumes, also considering background traffic growth. TNSW requires the following points to be addressed as part of the TIA in relation to the proposed consolidation of access points on the Princes Highway: <ul style="list-style-type: none"> ○ identify all the impacted Highway accesses, ○ understand the performance of all existing accesses, ○ understand the performance of all proposed consolidated access points, ○ identify how the land release will impact on these accesses, and ○ identify what solutions/interventions will need to be provided. 	