



IRF25/1242

## Gateway determination report – PP-2025-945

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Bega Urban Release Area

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Title: Gateway determination report – PP-2025-945

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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.

## Contents

|          |   |           |
|----------|---|-----------|
| <b>1</b> | <b>Planning proposal.....</b>                       | <b>1</b>  |
| 1.1      | Overview .....                                      | 1         |
| 1.2      | Objectives of planning proposal.....                | 2         |
| 1.3      | Explanation of provisions.....                      | 2         |
| 1.4      | Site description.....                               | 6         |
| 1.5      | Mapping .....                                       | 7         |
| <b>2</b> | <b>Need for the planning proposal .....</b>         | <b>11</b> |
| <b>3</b> | <b>Strategic assessment .....</b>                   | <b>12</b> |
| 3.1      | Regional Plan .....                                 | 12        |
| 3.2      | Local.....  | 16        |
| 3.3      | Section 9.1 Ministerial Directions.....             | 18        |
| 3.4      | State environmental planning policies (SEPPs) ..... | 26        |
| <b>4</b> | <b>Site-specific assessment .....</b>               | <b>28</b> |
| 4.1      | Environmental .....                                 | 28        |
| 4.2      | Social and economic .....                           | 31        |
| 4.3      | Infrastructure .....                                | 32        |
| <b>5</b> | <b>Consultation.....</b>                            | <b>35</b> |
| 5.1      | Community .....                                     | 35        |
| 5.2      | Agencies .....                                      | 35        |
| <b>6</b> | <b>Timeframe .....</b>                              | <b>36</b> |
| <b>7</b> | <b>Local plan-making authority .....</b>            | <b>36</b> |
| <b>8</b> | <b>Assessment summary .....</b>                     | <b>36</b> |
| <b>9</b> | <b>Recommendation.....</b>                          | <b>37</b> |

**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans   |
|--|
| Appendix A - response to matters raised by public authorities as part of the scoping process                                       |
| Appendix B - Bega Valley Shire Affordable Housing Contributions Scheme (the Scheme)  |
| Appendix C - Draft LEP maps  |
| Appendix D - Land Use Conflict Risk Assessment (LUCRA)   |
| Appendix E - Assessment of future water supply/demands and impacts on additional groundwater extraction on agricultural uses/users |
| Appendix F - Traffic and Transport Assessment  |
| Appendix G - Supplementary assessment of the potential biodiversity impacts  |
| Appendix H - Economic Impact Assessment  |
| Appendix I - Preliminary Site Investigation Assessment (Land contamination)  |
| Appendix J - Flooding Assessment   |
| Appendix K - Strategic bushfire study  |
| Appendix L – Aboriginal Cultural Heritage Assessment report  |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | <b>Bega Valley</b>   |
| <b>PPA</b>                      | <b>Bega Valley Shire Council</b>   |
| <b>NAME</b>                     | <b>2,230 Dwellings</b>   |
| <b>NUMBER</b>                   | PP-2025-945  |
| <b>LEP TO BE AMENDED</b>        | <b>Bega Valley LEP 2013</b>  |
| <b>RECEIVED</b>                 | <b>13/06/2025</b>  |
| <b>FILE NO.</b>                 | IRF25/1242   |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>       |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b> |

**Table 3 Address and Property Description (Source: Planning Proposal)**

| Address                    | Lot / DP  |
|----------------------------|---|
| Eastern precinct           |   |
| Address                    | Lot / DP  |
| Tathra Road BEGA           | PTL Lots 1 & 2 DP 1101354 and PTL 1 DP 1164038    |
| 1360 Tathra Road BEGA      | Lot 2 DP 524618                                   |
| 361 Princes Highway BEGA   | Lot 2431 DP 79375                                 |
| Spanish Oaks Drive BEGA    | PTL Pt 9 DP 1260384                               |
| Western precinct           |   |
| Address                    | Lot / DP  |
| 49 Finucanes Lane BEGA     | Lot 582 DP 833035                                 |
| 51 Finucanes Lane BEGA     | Lot 581 DP 833035                                 |
| 55 Finucanes Lane BEGA     | Lot 72 DP 812308                                  |
| 61 Finucanes Lane BEGA     | Lot 71 DP 812308                                  |
| 67 Finucanes Lane BEGA     | Lot 73 DP 812308                                  |
| 69 Finucanes Lane BEGA     | Lot 74 DP 812308                                  |
| 74 Finucanes Lane BEGA     | Lot 1 DP 124058                                   |
| 83a Finucanes Lane BEGA    | Lot 70 DP 878662 and PLT 20 DP 1219302            |
| 83b Finucanes Lane BEGA    | Lots 6 & 7 DP 986507                              |
| 126 Finucanes Lane BEGA    | Lot 71 DP 878662                                  |
| 160 Finucanes Lane BEGA    | Lot 1 DP 78322                                    |
| 178 Finucanes Lane BEGA    | PTL 1 DP 195102                                   |
| 198 Ravenswood Street BEGA | Lot 52 DP 836485 and Part Lots 7, 8 & 9 DP 799413 |
| 200 Ravenswood Street BEGA | Lot 51 DP 836485                                  |
| 55 Applegum Close BEGA     | Lot 2 DP 613365                                   |
| Central precinct           |   |
| Address                    | Lot / DP  |
| 99 Boundary Road BEGA      | Lot 242 DP 750190                                 |
| 163 Boundary Road BEGA     | Lots 7005 & 7006 DP 1057325                       |
| Corkhill Place BEGA        | Lots 2 & 3 DP 1077434                             |
| 121 Boundary Road BEGA     | Lot 240 DP 750190                                 |
| 133 Boundary Rd BEGA       | PTL Lot 239 DP 750190                             |

## 1.2 Objectives of planning proposal

The objectives and intended outcomes of the planning proposal are to:

- Accelerate the development of urban release areas in Bega to meet current and future housing needs.
- Address house price increases associated with supply shortfalls in the area.
- Achieve a resilient shire by planning for growth in a way that protects our natural systems, prepares for natural hazards and creates liveable and connected places.
- Ensure future homes are diverse, affordable and appropriate.
- Provide a transparent statutory framework for the levying of affordable housing contributions in the Bega Urban Release area.
- Achieve the objectives of the Bega Valley Shire Residential Land and Affordable Housing Strategies.

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.

## 1.3 Explanation of provisions

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

**Table 4 Current and proposed controls (see Table 5 for more detail)**

| Control                        | Current  | Proposed  |
|--------------------------------|--|---|
| Zone                           | RU1 Primary Production Zone<br>RU2 Rural Landscape Zone<br>R5 Large Lot Residential Zone<br>E3 Productivity Support Zone.<br>Note: Approximately 75 ha of R5 zoned land to be rezoned to R2. | R2 Low Density Residential Zone<br>R5 Large Lot Residential Zone<br>RE1 Public Recreation Zone<br>E1 Local Centre Zone<br>E2 Commercial Centre Zone |
| Maximum height of the building | RU1 – 10m<br>RU2 – 10m<br>R5 - 10m<br>E3 – 14m   | R2 - 10m (no change) and 14m<br>R5 – 10m (no change)<br>RE1 - 10m (no change)<br>E2 and E1 – 14m (no change).                                       |
| Floor space ratio              | RU1 – Nil FSR<br>RU2 – Nil FSR<br>R5 – Nil FSR<br>E3 – Nil FSR   | R2 – 0.5:1 FSR<br>R5 - No FSR (no change)<br>RE1 - No FSR (no change)<br>E1 and E2 – No FSR (no change)   |

| Control   | Current   | Proposed   |
|---|---|--|
| Minimum lot size  | RU1 – 120ha<br>RU2 – 120 ha<br>R5 – 5,000 sqm<br>E3 – Nil MLS                       | R2 - 550sqm<br>R5 – 5,000 sqm<br>RE1 - Nil MLS<br>E1 and E2 - Nil MLS  |
| Urban Release Area  | N/A   | Identify on the Urban Release Area Map   |
| Land Reservation and Acquisition                          | N/A   | Identify RE1 Zone to be used for public open space   |
| Affordable Housing  | N/A   | Insert a new Affordable Housing contributions clause for the Bega URA and identify on an Affordable Housing Map  |
| Permit Residential accommodation in mixed use development | N/A   | Add proposed E1 and E2 Zoned land to the Local Clauses Map related to the existing clause 6.11 Residential accommodation in mixed use development.   |
| Number of dwellings                                       | 150 dwellings (based on approximately 75 ha of R5 zoned land with a 5,000 sqm MLS). | 2,230 dwellings  |
| Number of jobs  | unknown   | Construction phase – 437 full time jobs per annum.<br><br>Completion stage - The combined direct and indirect operational employment impacts are estimated as a total of 191 full time jobs per annum. |

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

#### *Affordable Housing provisions*

The planning proposal seeks to insert a provision on affordable housing that will enable Council to collect contributions towards affordable housing.

A draft affordable housing contribution scheme has been prepared to accompany the planning proposal that applies to land that is rezoned to increase the residential capacity. The clause will apply to land identified on the proposed new Affordable Housing Map that only applies to the urban release area, including the R5 Large Lot Residential Zone (Source: Council 22 May 2025).

Under the draft scheme, Council can accept affordable housing contributions in the form of monetary contributions, completed dwellings or land, depending on the individual circumstances.

Council has advised the Department that the affordable housing clause is based on similar clauses developed, or being developed, for the City of Newcastle LEP, the Waverley LEP and Byron LEP.

Council has also confirmed on 13 June 2025 that a draft Bega affordable housing contribution scheme (Scheme) has been prepared to accompany the planning proposal that applies to land that is rezoned to increase the residential capacity. The Scheme forms **Appendix B** of the Bega Urban Land Release planning proposal.

The intention is to exhibit the scheme with the planning proposal.

#### *Urban Release Area provisions*

It is proposed to amend Part 6 of Bega LEP 2013 to include new provisions as they relate to the urban release area. This will include identifying the urban release area in an Urban Release Area Map and the inclusion of the following provisions which will apply to land identified as an urban release area:

- Satisfactory arrangements for local public utility infrastructure i.e. supply of water, disposal and management of waste and sewage.
- Satisfactory arrangements for the provision of designated State public infrastructure i.e. State and regional roads, bus interchanges and bus lanes, rail infrastructure and land, regional parks and public space, social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

Although the draft urban release area map (See Figure 8) does not include the proposed R5 Large Lot Residential Zone Council confirmed on the 22 May 2025 that the clause will only apply to the Bega URA, including the R5 Zone.

#### *Clause 6.11 Residential accommodation in mixed use development*

Clause 6.11 of *Bega Valley Local Environmental Plan 2013* 'Residential accommodation as part of mixed-use development in Zones E1 and E2' enables appropriate residential development in certain commercial zones. However, the clause will also apply to land proposed to be Zoned E1 Local Centre and Zone E2 Commercial Centre.

The planning proposal will add the land proposed for E1 and E2 zoning to Local Clauses Map – clause 6.11 to enable development of dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings where they are part of a mixed use (commercial and residential) development.

#### Comment

The draft Urban Release Area Map (see Figure 8) does not include the area to be rezoned from rural to a proposed R5 Large Lot Residential Zone/5,000 sqm MLS. The change in zone will significantly increase the potential for housing and the potential demand for state and local infrastructure. Council has acknowledged that the map should include the proposed R5 zone. It is therefore recommended that the planning proposal be amended to include the proposed R5 Large Lot Residential Zone into the urban release area map.

The planning proposal should also identify land that will be affected by the proposed Affordable Housing provisions.

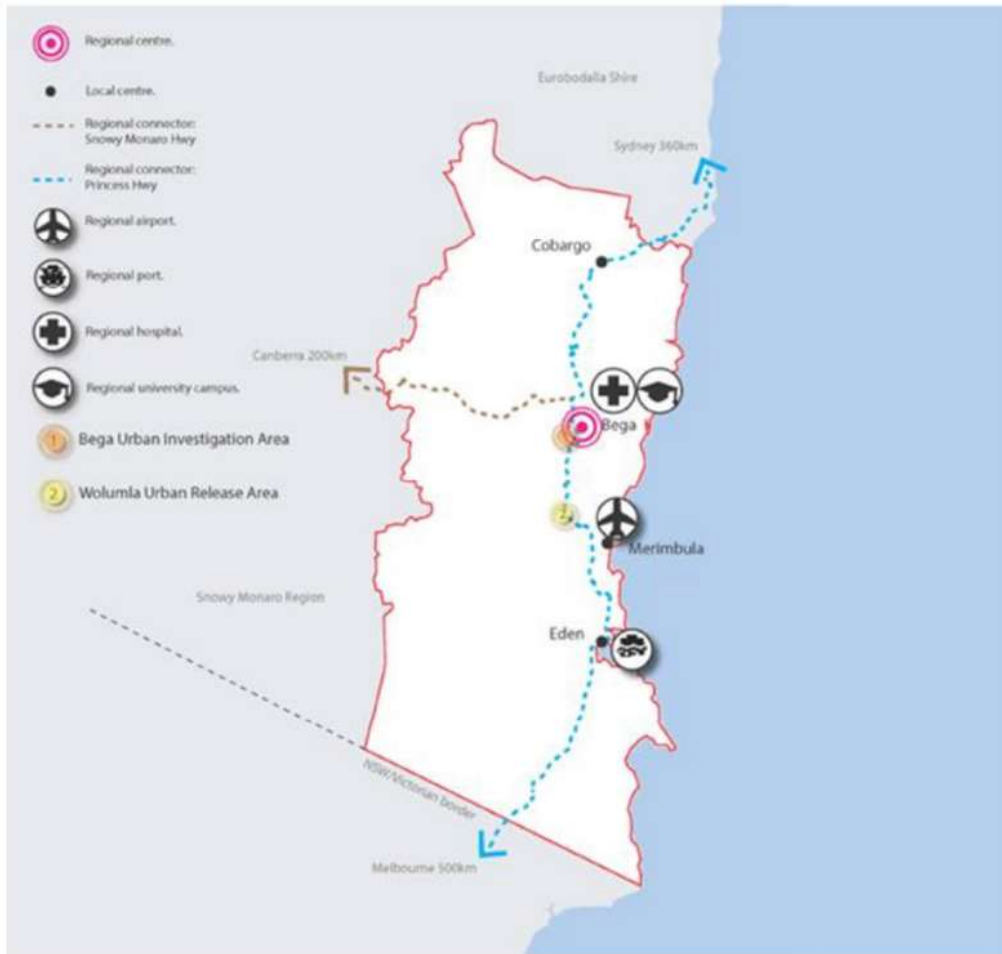


**Table 5 Details in proposed LEP Map Changes (Source: planning proposal)**

| Current zone and standards   | Proposed zone and standards   | Proposed additional clauses   |
|--|---|---|
| RU1 Primary Production<br>120ha minimum lot size<br>No floor space ratio<br>10m maximum building height            | R2 Low Density Residential<br>550sqm minimum lot size<br>0.5:1 floor space ratio<br>10m maximum building height | Affordable Housing Contributions<br>Urban Land Release Area clauses                               |
|  | E1 Local Centre<br>No minimum lot size<br>No floor space ratio<br>14m maximum building height                   | Urban Land Release Area clauses<br>Clause 6.11 Residential accommodation in mixed use development |
|  | RE1 Public Recreation<br>No minimum lot size<br>No floor space ratio<br>10m maximum building height             | Urban Land Release Area clauses   |
| RU2 Rural Landscape<br>120ha minimum lot size<br>No floor space ratio<br>10m maximum building height               | R2 Low Density Residential<br>550sqm minimum lot size<br>0.5:1 floor space ratio<br>10m maximum building height | Affordable Housing Contributions<br>Urban Land Release Area clauses                               |
|  | R5 Large Lot residential<br>5,000sqm minimum lot size<br>No floor space ratio<br>10m maximum building height    | Affordable Housing Contributions<br>Urban Land Release Area clauses                               |
|  | RE1 Public Recreation<br>No minimum lot size<br>No floor space ratio<br>10m maximum building height             | Urban Land Release Area clauses   |
| R5 Large Lot residential<br>5,000sqm / 1ha minimum lot size<br>No floor space ratio<br>10m maximum building height | R2 Low Density Residential<br>550sqm minimum lot size<br>0.5:1 floor space ratio<br>10m maximum building height | Affordable Housing Contributions<br>Urban Land Release Area clauses                               |
|  | RE1 Public Recreation<br>No minimum lot size<br>No floor space ratio<br>10m maximum building height             | Urban Land Release Area clauses   |
| E3 Productivity Support<br>No minimum lot size<br>No floor space ratio<br>14m maximum building height              | E2 Commercial Centre<br>No minimum lot size<br>No floor space ratio<br>14m maximum building height              | Urban Land Release Area clauses<br>Clause 6.11 Residential accommodation in mixed use development |
|  | E1 Local Centre<br>No minimum lot size<br>No floor space ratio<br>14m maximum building height                   | Urban Land Release Area clauses<br>Clause 6.11 Residential accommodation in mixed use development |

## 1.4 Site description

The site is located in southern Bega in Bega Valley Local Government Area (Figure 1).

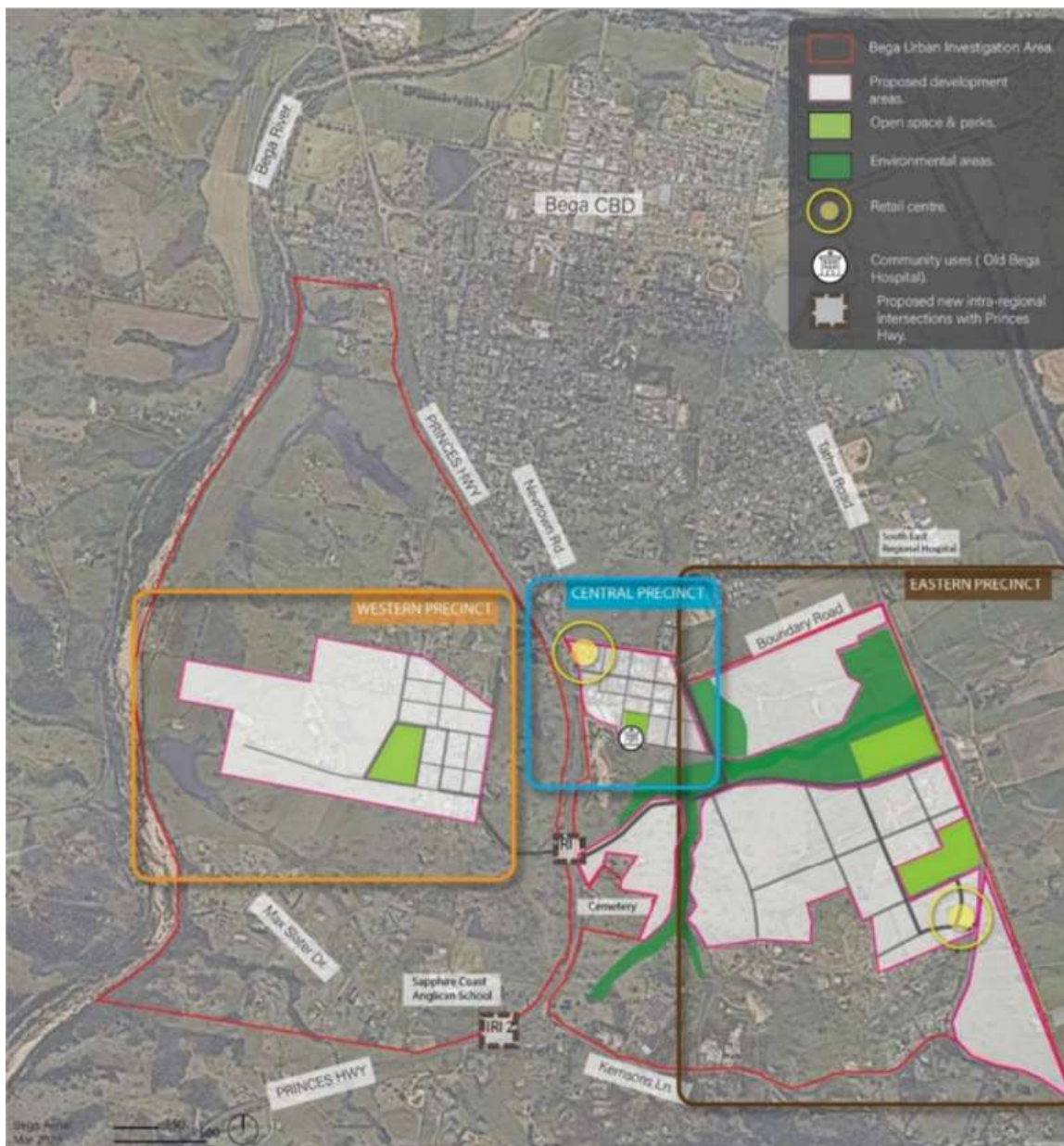


**Figure 1 Site context (source: Planning Proposal )**

The proposal is to rezone 279.4-hectare (ha) parcel of land south of the existing Bega Central Business District to accommodate future urban development including residential, commercial and retail uses and open space.

The land to which the planning proposal generally relates to three (3) precincts outlined in the Bega Structure Plan (Figure 2):

- **Eastern Precinct** – 159.4 ha area is generally bound by Boundary Road to the north, Tathra Road to the east and the Princes Highway to the west. The eastern precinct currently comprises a mix of large lot residential and rural land.
- **Central Precinct** – 11.5 ha area generally bound by Newton Road to the east, East Street to the west and Corkhill Place to the south. The central precinct is currently characterised by light industrial and retail uses.
- **Western Precinct** – 108.5 ha area situated to the west of the Bega River and east of the Princes Highway. This precinct is largely undeveloped with pockets of large-lot residential development.



**Figure 2 Three precincts from the Bega Structure Plan and surrounding land (source: Planning Proposal)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning, Lot Size, Heights of Building, Floor Space Ratio, Land Reservation and Acquisition and Urban Release Area maps, which are suitable for community consultation (See Figures 3-9). The proposal will also require an amendment to the Local Clauses Map – clause 6.11 by including the proposed E1 and E2 zones.



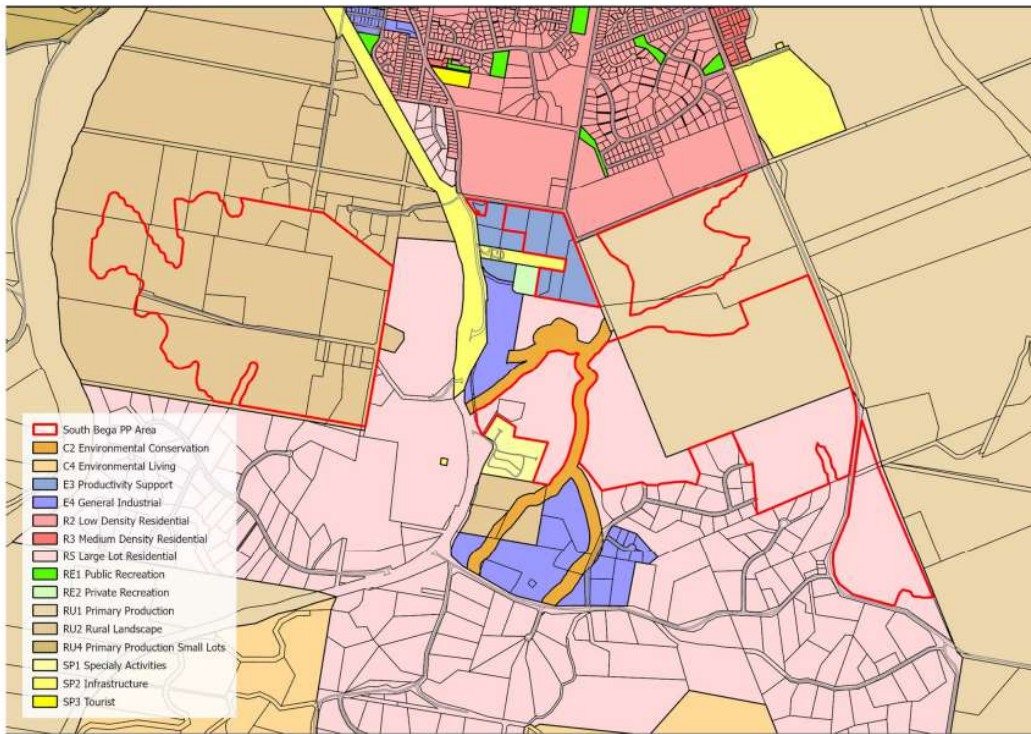


Figure 3 Current zoning map (source: Planning Proposal)

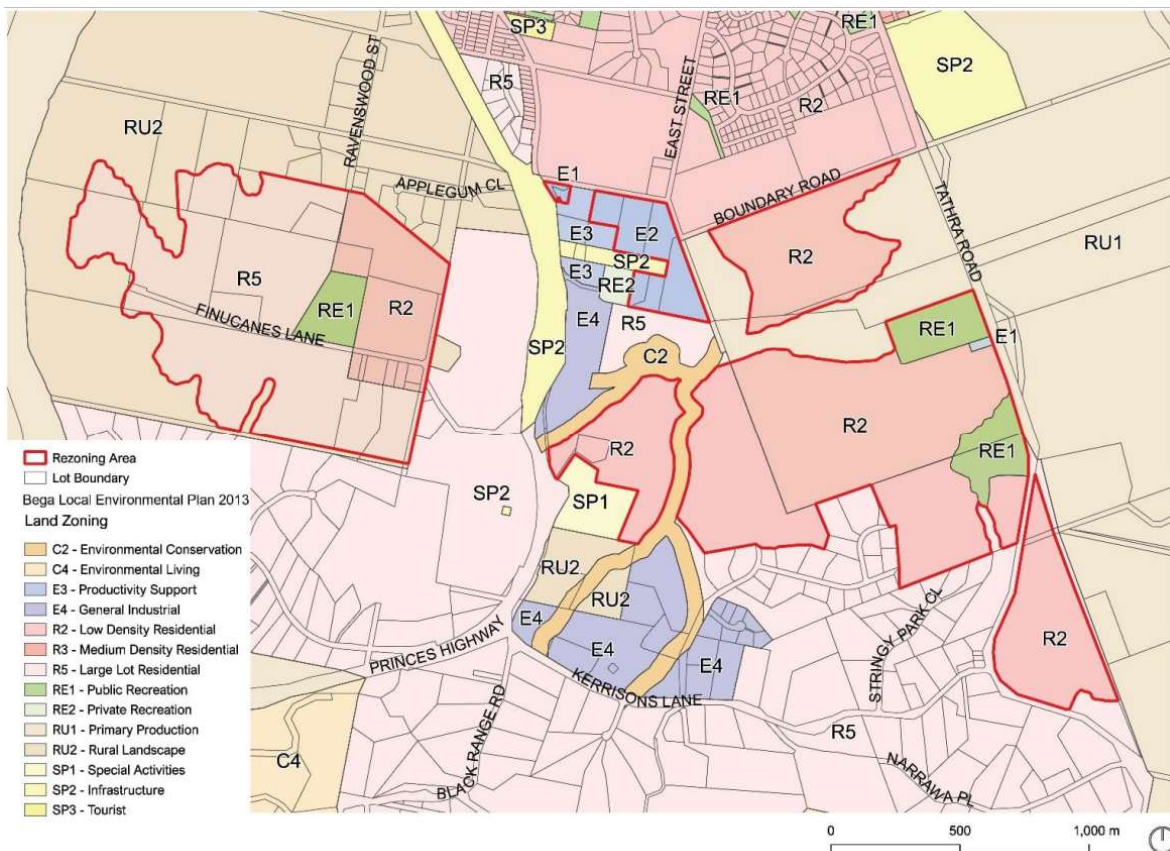
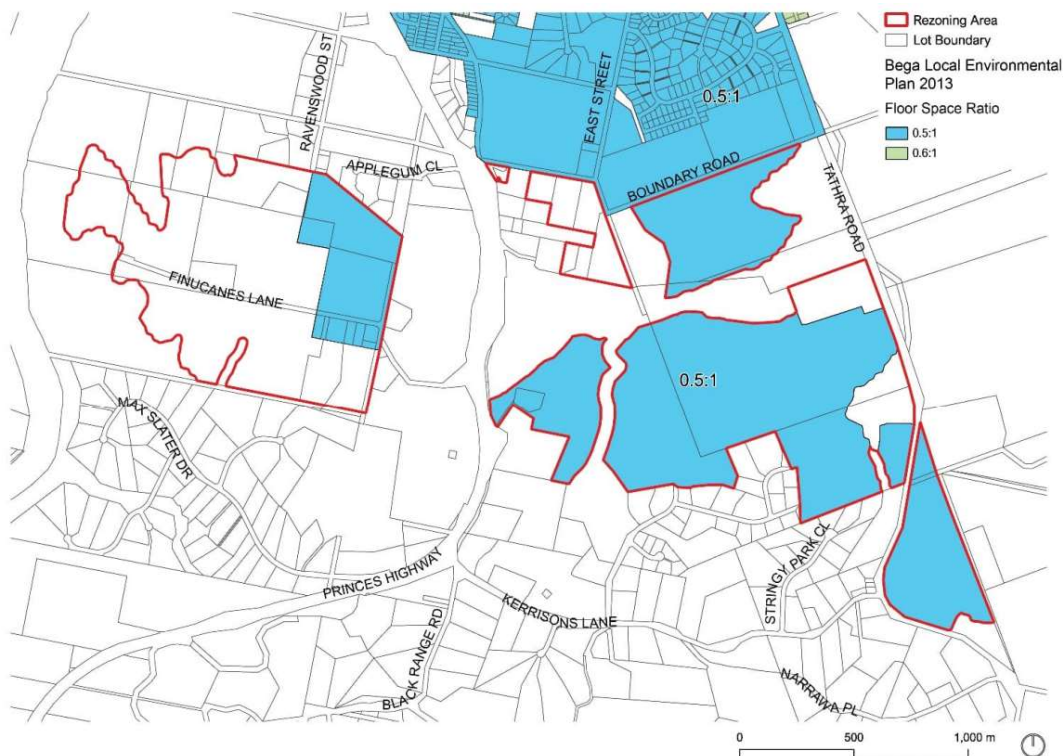
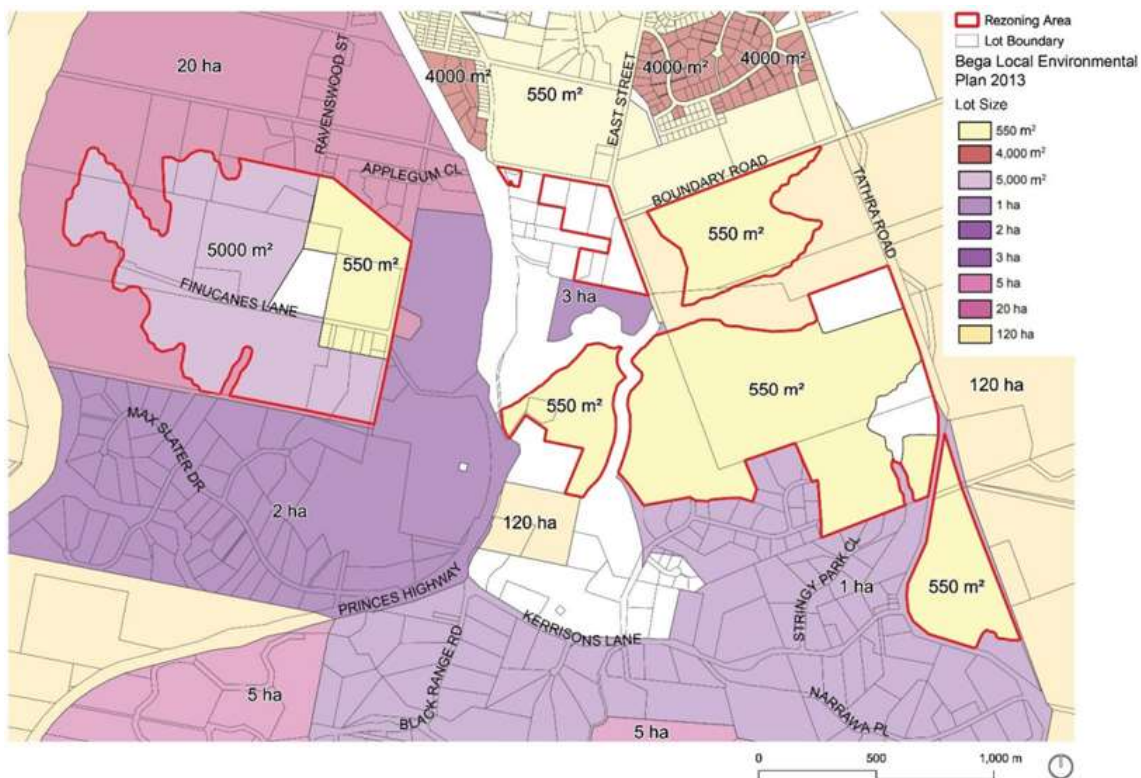


Figure 4 Proposed zoning map (source: Planning Proposal)





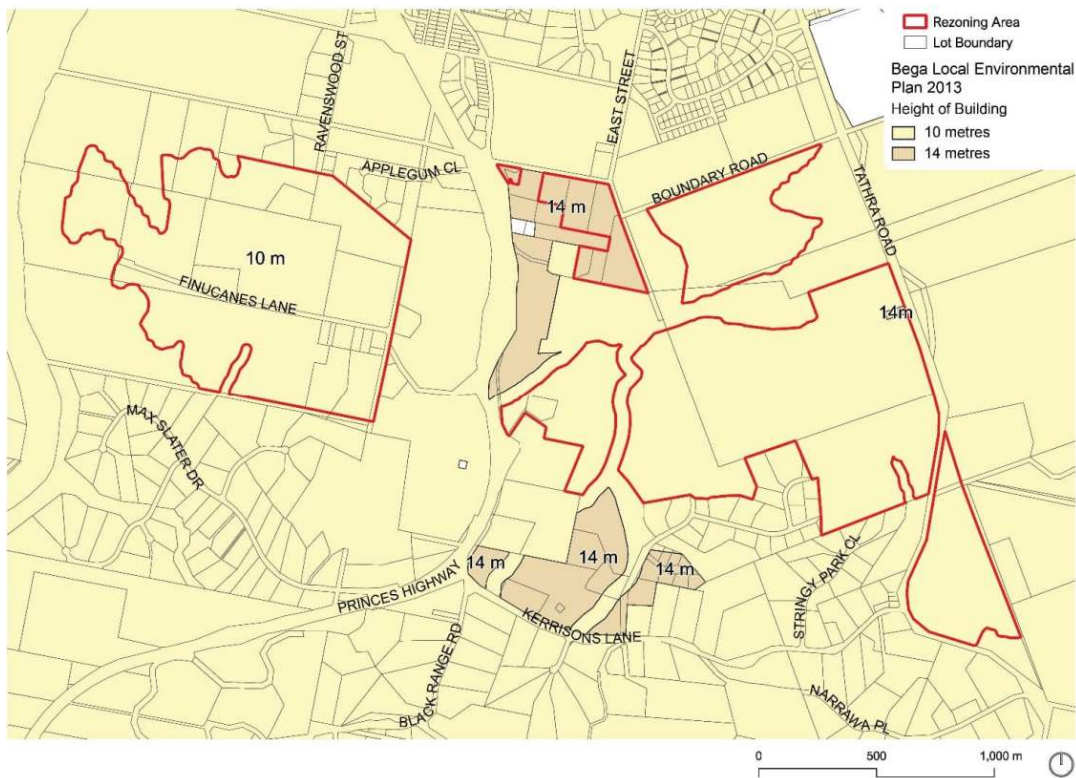


Figure 7 Proposed heights of buildings map (source: Planning Proposal)

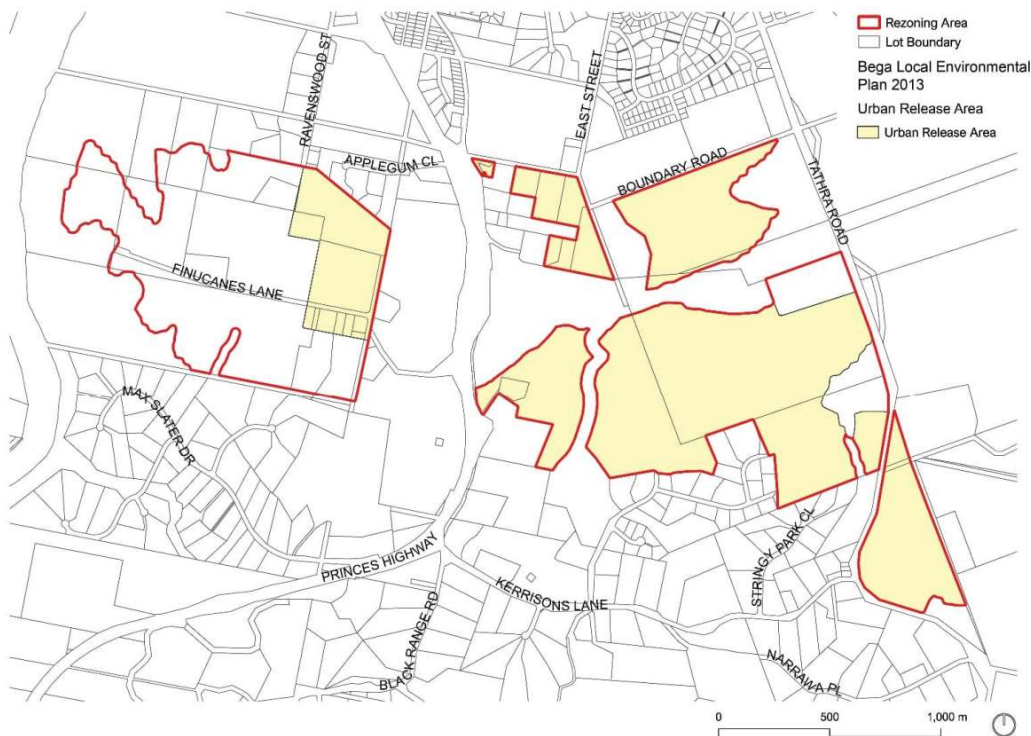
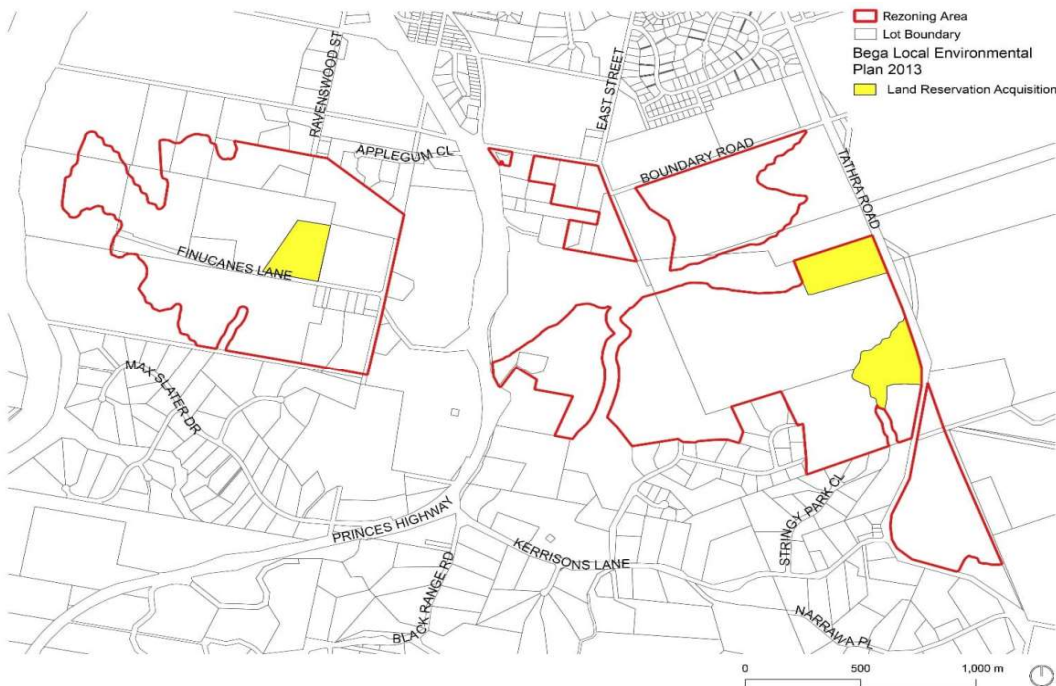


Figure 8 Proposed urban release area map (source: Planning Proposal)



**Figure 9 Proposed Land Reservation and Acquisition map (source: Planning Proposal)**

## 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 planning proposal implements the Bega Structure Plan endorsed by Council, the Bega Valley Residential Land Strategy and the Bega Local Strategic Planning Statement 2040 also endorsed by Council. Council has not requested that these strategic documents are endorsed by the Secretary.

While the Bega Valley Structure Plan has not been endorsed by the Secretary the preparation of the Plan was funded by DPHI under the Regional Housing Strategic Planning Fund. The Department has therefore acknowledged the strategic merit for preparing the structure plan and the associated planning proposal to rezone land in Bega to provide additional housing, public recreation and local commercial centres in Bega Valley.

The rezoning of land for residential development will accommodate 2,230 dwellings and 191 full time jobs (post construction stage) and will help meet the demand for housing in the Bega Valley LGA. Bega is identified as a strategic centre in the South East and Tablelands Regional Plan and the additional housing in Bega will have access to a range of high order services.

**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 means to rezone the land for urban development and implement the Bega Structure Plan and the Bega Valley Affordable Housing Contribution Scheme.

## 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 6 Regional Plan assessment**

| Regional Plan Goals                        | Justification  |
|--|--|
| Goal 1: A connected and prosperous economy | <p>The planning proposal indicates that it is consistent with the relevant Directions of Goal 1 as follows:</p> <p><b>Direction 8: Protect important agricultural land</b></p> <p>Impacts to agriculture are limited to the urban release area and are minor in the context of the significant dairy and livestock grazing industries operating within the broader Bega Valley Shire LGA – identified as a key growth sector. The planning proposal provides appropriate physical buffers, zones and minimum lot sizes to minimise potential conflicts with adjoining dairy farming enterprises and other agricultural land uses.</p> <p><b>Direction 11: Enhance strategic transport links to support economic growth</b></p> <p>The structure plan proposes to consolidate the number of access points to the state road network (Princes Highway) – which will assist in achieving an efficient transport network.</p> <p>The proposal will also provide more homes close to employment areas, key growth industries, health and aged care precincts including accommodation for key workers and seniors housing.</p> <p><b>Direction 12: Promote business activities in urban centres</b></p> <p>The planning proposal states that a new E2 Commercial Centre zone within the central precinct, and a smaller E1 Local Centre zone within the Eastern Precinct will service the local shopping needs of future residents. The proposal provides a suitable balance of retail/employment uses and housing. The planning proposal will not impact on the viability of Bega as an identified strategic centre.</p> <p><u>Comment</u></p> <p>The planning proposal provides adequate information to address consistency with Goal 1 of the regional plan.</p> <p>It is recommended that Council undertake consultation with Transport for NSW and DPI Agriculture. Feedback from these agencies will determine if there are any issues regarding land use conflict between agriculture and future urban development (Direction 8) and the provision of state road infrastructure (Direction 11).</p> |



| Regional Plan Goals   | Justification   |
|---|---|
| <p>Goal 2: A diverse environment interconnected by biodiversity corridors</p> | <p><b>Direction 14: Protect important environmental assets</b></p> <p><b>Direction 15: Enhance biodiversity connections</b></p> <p><b>Direction 16: Protect the coast and increase resilience to natural hazards</b></p> <p><b>Direction 17: Mitigate and adapt to climate change</b></p> <p><b>In summary the planning proposal provides the following response to Direction 14-17:</b></p> <p>The planning proposal states that existing provisions within Bega LEP 2013, Development Control Plan, Biodiversity Conservation Act (NSW) and Environmental Protection Biodiversity Conservation Act (Commonwealth) will be used to identify and manage biodiversity at the development application stage. If land has high biodiversity value, approval will be required from the DCCEEWS at the DA stage.</p> <p>This approach to addressing impacts on biodiversity and threatened species etc was taken after undertaking:</p> <ul style="list-style-type: none"> <li>- A desktop assessment of the ecological characteristics and values of a broader study for the Bega Valley Structure Plan.</li> <li>- Additional investigations were undertaken by Council officers and representatives from the Conservation, Programs, Heritage and Regulation division of NSW Department of Climate Change, Energy, the Environment and Water.</li> </ul> <p>The proposal acknowledges that detailed field assessment at the DA stage will be required to verify preliminary biodiversity mapping. The PP states that <i>“this approach is considered acceptable given the size of the urban release area and 30-year horizon for implementation of the structure plan.”</i></p> <p>The proposal also states that no proposed urban areas are within the area of probable maximum flood (PMF) and that the existing riparian areas within the PMF have been excluded from the land to which the planning proposal relates.</p> <p><b>Direction 18: Secure water resources</b></p> <p>The planning proposal states that it is consistent within direction 18 because water is available via bores within the urban release area and the additional water taken from the Bega borefield will not have any impact on water availability for agricultural use (<b>see Appendix E</b>).</p> <p><u>Comment</u></p> <p>Biodiversity Conservation and Science advised Council on 21 May 2024 in response to a Scoping Proposal that <i>“An assessment consistent with Stage 1 of the Biodiversity Assessment Method (BAM) should be carried out to determine the</i></p> |

| Regional Plan Goals                       | Justification   |
|---|---|
|   | <p><i>conservation value of the land to be re zoned to ensure appropriate zoning is applied to these areas.”</i></p> <p>The planning proposal acknowledges that detailed investigation has not been undertaken to identify significant areas of biodiversity or if there are likely to be any significant adverse impacts on biodiversity.</p> <p>Planning proposals usually include detailed investigations to identify land requiring protection and on-going management including areas suitable for zoning as an environmental zone or land to be developed that will require a biodiversity offset.</p> <p>Consultation with WaterNSW will identify any issues with accessing bore water to supply potable water supply to the urban release area.</p> <p>Feedback from state agencies, particularly DCCEEW, will confirm if the approach taken by the PP to rely on detailed biodiversity assessment at the DA stage is appropriate to satisfy the requirements of Direction 14 and 15.</p>   |
| Goal 3: Healthy and connected communities | <p><b>Direction 20: Enhance access to goods and services by improving transport connections</b></p> <p><b>Direction 21: Increase access to health and education services</b></p> <p><b>Direction 22: Build socially inclusive, safe and healthy communities</b></p> <p><b>Direction 23: Protect the region’s heritage</b></p> <p>The planning proposal states that it provides opportunities for healthy and connected communities through:</p> <ul style="list-style-type: none"> <li>• <i>The application of land use zones and development standards that provide housing diversity for a full range of household types and lifestyle preferences.</i></li> <li>• <i>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.</i></li> <li>• <i>Other public benefits including additional public open space, sporting grounds and a future school site.</i></li> <li>• <i>provides a series of interconnected neighbourhoods with better walking and cycling paths.</i></li> <li>• <i>Provides opportunities to contribute to housing affordability and build socially inclusive, safe and accessible.</i></li> <li>• <i>provides housing opportunities for key workers including health professionals within proximity to the existing services and facilities within Bega CBD.</i></li> <li>• <i>A structure plan that 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.</i></li> </ul> <p>Heritage</p> <p>The urban release area (and land to which the planning proposal relates) does not include any local or State items of environmental heritage. There are three (3) items within proximity to the urban release area. Existing provisions within Bega LEP</p> |

| Regional Plan Goals  | Justification   |
|--|---|
|  | <p>2013 (i.e. clause 5.10) require future DAs to consider impacts of proposals on heritage items.</p> <p><u>Comment</u></p> <p>It is recommended that Council undertake consultation with Transport for NSW, Department of Education, NSW Heritage and Bega LALC. Feedback from these TfNSW and Education will determine if there are any issues regarding state roads and the provision of schools.</p> <p>Feedback from NSW Heritage and the Bega Local Aboriginal Land Council will determine if the information/assessments are adequate to satisfy the requirements of this Goals and Directions.</p>  |
| <p>Goal 4:<br/>Environmentally sustainable housing choices</p> | <p><b>Direction 24: Deliver greater housing supply and choice</b></p> <p><b>Direction 25: Focus housing growth in locations that maximise infrastructure and services</b></p> <p><b>Direction 28: Manage rural lifestyle</b></p> <p><b>Direction 27: Deliver more opportunities for affordable housing</b></p> <ul style="list-style-type: none"> <li>• The planning proposal will provide housing (approximately 2,227 dwellings) in proximity to the existing Bega Town Centre (reinforces the strategic centre of the LGA).</li> <li>• The planning proposal will help implement the Bega Valley Affordable Housing Contribution Scheme seek to address the need for affordable housing</li> </ul> <p><u>Comment</u></p> <p>Consultation with agencies will provide Council and the Department feedback on consistency with Goal 4.</p>  |
| <p>Local Government Narrative</p>                              | <p>The planning proposal is consistent with the Local Government Narrative for it will facilitate:</p> <ul style="list-style-type: none"> <li>• Rationalising the number of connections onto the Princes Highway – thereby improving transport links throughout Bega Valley and the broader region.</li> <li>• The delivery additional housing in a range of densities, lot sizes and dwelling types to suit first home buyers, families, single person households, seniors and key workers.</li> <li>• The planning proposal generally relates to land that was identified as suitable for urban development in the Bega Structure Plan – consistent with the priority to protect Bega Valley’s environmental values.</li> <li>• Impacts to agriculture as a result of the rezoning proposal are generally limited to the Study Area and are considered minor in the context of the</li> </ul> |

| Regional Plan Goals                           | Justification  |
|---|--|
|   | <p>significant dairy and livestock grazing industries operating within the broader Bega Valley Shire LGA.</p> <ul style="list-style-type: none"> <li>The planning proposal maintains a supply of appropriately serviced employment land to create opportunities for new types of industries.</li> </ul> <p><u>Comment</u></p> <p>The planning proposal has adequately addressed the priorities of the Local Narrative for Bega Valley LGA outlined in the Regional Plan.</p>   |
| Draft South East and Tablelands Regional Plan | <p>The exhibited Draft South East and Tablelands Regional Plan 2041 is also applicable to the planning proposal.</p> <p>The Draft Regional Plan 2041 continues to identify Bega as a strategic centre and part of a strategic cluster that includes Merimbula and Eden, an area that is well serviced with opportunities for new housing and employment growth.</p> <p>The planning proposal is consistent with the priorities for the strategic cluster in that it provides a critical opportunity to deliver a pipeline of housing supply within the Bega Valley Shire over the next 25-30 years on land identified as 'urban capable'.</p> <p><u>Comment</u></p> <p>Feedback from relevant state agencies will determine if the planning proposal is consistent with the draft regional plan.</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 7 Local strategic planning assessment**

| Local Strategies                   | Justification   |
|------------------------------------|---|
| Local Strategic Planning Statement | <p>The Bega Valley Shire Local Strategic Planning Statement 2040 provides direction for land use in the Bega Valley Shire through to 2040 and includes twelve planning priorities:</p> <ul style="list-style-type: none"> <li>- Natural Environment</li> <li>- Natural Hazards</li> <li>- Carbon Neutral</li> <li>- Aboriginal People and Culture</li> <li>- Agriculture, Forestry &amp; Aquaculture</li> <li>- Industrial land</li> <li>- Industrial land</li> <li>- Transport</li> <li>- Open Space and Recreation</li> <li>- Character</li> <li>- Housing</li> <li>- Town Centres</li> </ul> |

| Local Strategies                                   | Justification   |
|--|---|
|  | <p>The planning proposal states that it is not inconsistent with the 12 planning priorities in the Bega Valley Local Strategic Planning Statement.</p> <p><u>Comment</u></p> <p>Consultation with relevant state agencies will provide feedback on whether the planning proposal is consistent with the priorities of the LSPS.</p>   |
| Bega Structure Plan 2024                           | <p>The planning proposal is generally consistent with the Bega Structure Plan endorsed by Council in 2024.</p> <p>The planning proposal states that there are minor differences between the planning proposal and structure plan as a result of additional work undertaken by Council to respond to feedback received from government agencies and authorities.</p> <p>The planning proposal includes the following key changes to the outcomes of the Bega Structure Plan:</p> <ul style="list-style-type: none"> <li>• Identification of Probable Maximum Flood (PMF) and amendment to structure plan to exclude R2 Low Residential zoned land within the PMF as requested by DCCEEW.</li> <li>• The inclusion of unconstrained land within western precinct.</li> <li>• Consideration of approved subdivisions within the eastern precinct (southern area of open space and proposed local centre affected).</li> <li>• Existing SP2 zoned land (water supply and pumping station) and Old Bega Hospital Regional Community Cultural Centre (RE2) to be retained within Central Precinct.</li> <li>• Riparian areas to retain the existing RU1 Primary Production zoning (and not included as land to which the planning proposal relates).</li> <li>• Relocation of Tathra Road to provide a buffer to agricultural land to the west – consistent with recommendations of agricultural land use assessment.</li> </ul> <p><u>Comment</u></p> <p>The Bega Structure Plan outlines the strategic merit for proposed urban release area. Consultation with relevant state agencies will provide feedback on the detailed site assessments that justify the footprint for urban development, including variations from the Bega Structure Plan.</p> |
| Bega Valley Affordable Housing Contribution Scheme | <p>The proposal also seeks to amend Bega LEP 2013 to give effect to the Bega Valley Affordable Housing Contribution Scheme by inserting provisions into the LEP to allow Council to impose conditions of consent on new development within the urban release area for require developer contributions for affordable housing. The Scheme will be placed on public exhibition at the same time as the planning proposal.</p>   |

### 3.3 Section 9.1 Ministerial Directions

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

**Table 8 9.1 Ministerial Direction assessment**

| Directions                           | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|--------------------------------------|----------------------------------|--|
| 1.1 Implementation of Regional Plans | Unknown                          | <p>See Table 6 on consistency with the South East and Tablelands Regional Plan and the draft South East and Tablelands Regional Plan.</p> <p>Consultation with agencies will provide Council and the Department feedback to verify consistency of the planning proposal with this Direction.</p>   |
| 1.4 Site Specific Provisions         | Yes                              | <p>The planning proposal includes no site-specific provisions. The planning proposal adopts land use zones. The planning proposal does not trigger an inconsistency with this Direction.</p>   |
| 3.1 Conservation Zones               | Unknown                          | <p>A desk top assessment and investigation was undertaken by NGH 2023 for the preparation of the Bega Structure Plan. The ecological characteristics and values of a broader study area were categorised into high, moderate and low constraint (<b>Figure 9 under Section 4.1</b>).</p> <p>A supplementary assessment of the potential impacts of the planning proposal was undertaken by NGH in April 2025 (<b>Appendix G of the Planning Proposal</b>). This assessment determined that 29.849 ha of land that is mapped as having some biodiversity value comprising:</p> <ul style="list-style-type: none"> <li>• River-flat Eucalypt Forest</li> <li>• Lowland Grassy Woodland</li> <li>• Freshwater Wetlands on Coastal Floodplains.</li> </ul> <p>The supplementary assessment indicates that the planning proposal has potential to result in the clearing impact on Lowland Grassy Woodland. The most intact areas of Lowland Grassy Woodland occur in the eastern precinct (see Figure 10 under section 4.1).</p> <p>The proposal does not recommend any environmental zones and that a more detailed assessment of the biodiversity values will need to be undertaken at the DA stage.</p> <p>The approach is considered acceptable by Council because of the size of the urban release area, council's inability to gain access to all land within the urban release area to validate high environmental value land and the biodiversity considerations are likely to change over the 30 year life time of the release area.</p> <p>The planning proposal further states that notwithstanding the above the proposal includes amendments to the structure plan to exclude riparian areas from the urban release area.</p> |

| Directions                | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|---------------------------|----------------------------------|---|
|                           |                                  | <p><u>Comment</u></p> <p>Biodiversity Conservation and Science advised Council on 21 May 2024 in response to a Scoping Proposal that an assessment consistent with Stage 1 of the Biodiversity Assessment Method (BAM) should be carried out. Feedback from state agencies, particularly DCCEEW, will confirm if the approach taken by the planning proposal to rely on detailed biodiversity assessment at the DA stage is appropriate to satisfy the requirements of Direction 3.1.</p>   |
| 3.2 Heritage Conservation | Unknown                          | <p>The PP states that the PP is consistent with the Direction because it does not affect existing LEP provisions relating to heritage conservation. However, this response does not address the requirements of the Direction i.e., identify significant items and use the LEP provision to protect them.</p> <p>The PP provides the following information on Aboriginal Cultural Heritage and European Heritage. The PP also refers to an Aboriginal Cultural Assessment attached as <b>Appendix L</b>.</p> <p><u>European Heritage</u></p> <p>The land to which the planning proposal relates does not include any local or State items of environmental heritage or conservation area under Bega LEP 2013. There are three (3) items within proximity to the urban release area:</p> <ul style="list-style-type: none"> <li>• Bega Cemetery (Listing No: I657)</li> <li>• The Old Bega Hospital (Main building and outbuildings) (Item: 009); and</li> <li>• Warragaburra Homestead (I002).</li> </ul> <p><u>Aboriginal Cultural Heritage and archaeology</u></p> <p>The PP states that Preliminary archaeological sensitivity mapping was undertaken by consultants NGH as part of the preparation of the Bega Structure Plan. The desktop analysis used available information to develop or refine a model of Aboriginal site prediction based on the type of activity proposed and the level of disturbance of the area.</p> <p>Consultation with local Aboriginal community groups was also undertaken.</p> <p><u>Comment</u></p> <p>Feedback from NSW Heritage and the Bega Local Aboriginal Land Council will determine if the information/assessments are adequate to satisfy the requirements of this Direction.</p> |
| 3.10 Water Catchments     | N/A                              | <p>The PP states that it is consistent with the Direction. Water and stormwater management will be dealt with at the DA stage in accordance with a number of requirements, including the requirements of Council's Development Control Plan.</p>  |

| Directions   | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|--------------|----------------------------------|--|
|              |                                  | <p><u>Comment</u></p> <p>The Direction applies to land within a regulated catchment. There is no evidence that the PP is on land within a regulated catchment and the Direction does not apply to the PP.</p>  |
| 4.1 Flooding | Unknown                          | <p>A Flooding Assessment prepared by GHD is attached with the PP as <b>Appendix J</b>.</p> <p>The PP's response to the Direction is as follows:</p> <p><u>Flood Depth and Levels</u></p> <ul style="list-style-type: none"> <li>Proposed residential rezoned areas are located outside the PMF flood envelope associated with regional flooding of the Bega River.</li> <li>The proposed rezoning areas provide riparian corridors.</li> <li>Some areas that appear inundated within the areas to be rezoned, and these areas would need to be managed as part of the stormwater management system.</li> <li>Flood depths within the tributary waterways between rezoning areas are generally shallow, and mostly less than 0.5m with some areas up to 1m depth.</li> </ul> <p><u>Flood impacts</u></p> <ul style="list-style-type: none"> <li>The proposed rezoned areas are located outside and higher than the PMF flood level (Brogo Rivers Floodplain Risk Management Study 2018).</li> <li>The proposed rezoning areas do not impinge on tributary waterway setbacks associated with 3rd and higher order creeks.</li> <li>Drainage of the local PMF flood associated with the higher order tributaries is generally accommodated within the recommend riparian corridor.</li> </ul> <p><u>Stormwater and flood risk can be managed.</u></p> <ul style="list-style-type: none"> <li>Regional waterway flooding – proposed residential zoned areas are outside and higher than the regional PMF flood level.</li> </ul> <p><u>Comment</u></p> <p>The PP appears consistent with the Direction because proposed residential development avoids flood prone land. Based on the interpretation of the flood prone map (Figure 10) there does not appear to be issues with isolation or evacuation during flooding. Feedback from state agencies such as DCCEEW and SES will confirm if the proposal and flood assessment is adequate and addresses the requirements of the Direction and NSW Government flood policies. On that basis the consistency with the Direction is unknown.</p> |



| Directions                             | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|--|----------------------------------|--|
|  |                                  | A Flood Impact Risk Assessment will potentially be required to justify consistency with the Direction.   |
| 4.3 Planning for Bushfire Protection   | Unknown                          | <p>Section 2.11 and Figure 12 of the PP indicate that land within the eastern and western precincts comprises bushfire prone land, Category 3 Vegetation (medium bush fire risk vegetation). Direction 4.3 therefore applies to the land.</p> <p>In response to Direction 4.3 the planning proposal states that it is <i>“accompanied by a strategic bushfire assessment which has regard to Planning for Bushfire Protection 2019. Consultation with NSW Rural Fire Service has occurred. Development of bushfire prone land requires a Bushfire Safety Authority under the Rural Fires Act 1997 at the development application stage.”</i></p> <p>Section 8.11 Bushfire of the PP states that a Strategic Bushfire Study accompanies the PP as <b>Appendix K</b>.</p> <p><u>Comment</u></p> <p>The planning proposal is on bush prone land and triggers a number of requirements, including the requirements to have regard to the Planning for Bushfire Protection 2019 and to consult with the NSW Rural Fire Service.</p> <p>Feedback from the NSW Rural Fire Service will confirm if proposal and the Strategic Bushfire Study adequately addresses the requirements of the Direction.</p> |
| 4.4 Remediation of Contaminated Land   | Consistent                       | <p>The PP states that a Preliminary Contaminated Land Assessment was undertaken by NGH in June 2023 to support the planning proposal (see Appendix I of the PP). Supplementary information based on site inspections has also been provided by Council officers to address the requirements of the NSW Environmental Protection Authority (EPA).</p> <p>The PP response to this Direction concluded:</p> <p><i>“Based on the above analysis, the land to which the planning proposal relates is considered suitable for the proposed uses (or can be made suitable for the proposed uses) subject to detailed site investigations of those lands.”</i></p> <p><u>Comment</u></p> <p>The planning proposal is consistent with the Direction because Council has obtained and had regard to a preliminary assessment, including site inspections, for land contamination.</p>  |
| 5.1 Integrating Land Use and Transport | Yes                              | The Direction promote access to jobs and services by walking, cycling and public transport to reduce travel demand and dependence on cars and efficient movement of freight.   |

| Directions                             | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|--|----------------------------------|--|
|  |                                  | <p>The PPs response that is relevant to the requirements of the Direction is as follows.</p> <ul style="list-style-type: none"> <li>- The urban release area and broader area incorporates a variety of employment generating land uses, education, accommodation and supporting residential uses it is expected to facilitate a self-contained area that aims to provide residents living alongside to where they work, shop and play.</li> <li>- The urban release area could encourage future residents to utilise walking and cycling modes of transport to access their workplaces and/or community or retail uses from their residences within the site, recreation facilities in the locality or to use public transport links.</li> <li>- Design of streets and cycleways will be subject of a future subdivision application which will be prepared in accordance with Council requirements."</li> </ul> <p><u>Comment</u></p> <p>Proposed LEP provisions for the urban release area will assist in ensuring consistency with the Direction by requiring preparation of a Development Control Plan that includes the following requirement:</p> <p><i>"an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,"</i></p> |
| 5.2 Reserving Land for Public Purposes | Justifiably inconsistent         | <p>The PP states that <i>"the LEP Amendment proposes to reserve land exclusively for a public purpose, consistent with this direction."</i></p> <p><u>Comment</u></p> <p>Figure 20, 21 and 22 and Table 7 of the PP identify three areas for future public open space to be zoned RE1 to be dedicated to Council meet the recreational needs of future urban development generally consistent with Council's adopted Bega Structure Plan.</p> <ul style="list-style-type: none"> <li>• Eastern Precinct - 13.5 ha (including 5ha for district sporting fields). Note: Section 8.2 Biodiversity acknowledges that a patch of likely Lowland Grassy Woodland intersects with the proposed RE1 Public Recreation zone</li> <li>• Central Precinct – 1.5 ha.</li> <li>• Western Precinct – 5.3 ha.</li> </ul> <p>The PP is inconsistent with Direction 5.2 because approval for the reservations has not been approved by the Planning Secretary or delegate.</p> <p>The inconsistency is justified because the planning proposal includes the additional open space (local parks and sporting fields)</p>   |

| Directions            | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|-----------------------|----------------------------------|---|
|                       |                                  | <p>within proximity to future residential and employment areas to serve the needs of the future residents.</p> <p>It is recommended that the Secretary agree that the inconsistency with Direction 5.2 is justified.</p>  |
| 6.1 Residential Zones | Justifiably inconsistent         | <p>The PP indicates that it is consistent with this Direction because the <i>“planning proposal will deliver a range of densities, lot sizes and dwelling types and create a diverse community that is demographically balanced. The variety of housing forms will provide opportunities to respond to changing life cycle, lifestyle and work requirements over time, enabling people to age in place. The proposal does not result in any significant adverse environmental impacts and can be adequately serviced.”</i></p> <p><u>Comment</u></p> <p>The Direction is inconsistent as it seeks to consume land on the urban fringe for additional housing development. Clause (2) of the Direction states that the planning proposal must contain a requirement that residential development is not permitted until land proposed for urban development is adequately serviced (or arrangements have been made to service the land).</p> <p>Table 10 of the proposal states that <i>“There is adequate infrastructure (or arrangements can be made to ensure adequate arrangements are in place at the relevant stage.”</i></p> <p>The proposal is justifiably inconsistent with this requirement as the site is strategically identified for additional housing and because in Section 6.5 it states provisions will be inserted into the plan on local and state infrastructure to ensure suitable infrastructure is or can be provided during relevant stages of the development of the urban release area.</p> <p>Feedback from other agencies/ essential service providers will determine what services are required accommodate the increase in population e.g. Department of Education, NSW Ambulance, NSW Fire Service, TransGrid and NSW Health.</p> <p>Water and sewerage supply:</p> <p>Section 2.14 on infrastructure states that <i>“It is assumed that the water source would be from bores within the urban release area as is currently the case. It is understood that licences are required for the increased extraction. The existing network would be updated as required and the sizing would be determined by Council as development occurred.”</i></p> <p>Upgrades to the sewage treatment infrastructure <i>“required due to capacity increase would be determined by Council as the urban release area develops.”</i></p> |

| Directions                        | Consistent/<br>Not<br>Applicable         | Reasons for Consistency or Inconsistency  |
|-----------------------------------|--|---|
|                                   |  | It is appropriate to obtain comments from Water NSW to determine if there are any issues with the provision of water supply from bores, including the issuing of licences or works approvals.   |
| 7.1 Business and Industrial Zones | No – inconsistency of minor significance | <p>The planning proposal states that it provides areas of employment land primarily in the central precinct and a new neighbourhood centre in the eastern precinct. It also states that proposal does not reduce the total potential floor space for employment uses including industrial uses in any existing employment zone.</p> <p><u>Comment</u></p> <p>The Direction is triggered because the PP affects land currently zoned for employment (E3 Productivity Support) and proposes employment zones. The PP is inconsistent with section (1) (d) of Direction because it potentially reduces the potential total floor space for industrial uses to commercial/retail uses by rezoning land from E3 Productivity Support to E1 Local Centre Zone.</p> <p>Justification for changing the E3 Zone to an E1 Zone is outlined in Section 1.1 of the PP (Purpose of the Planning Proposal) where it that the <i>“proposal includes the establishment of two smaller neighbourhood centres within proximity to future residential and employment areas to serve the needs of existing and future residents who live and work in the vicinity of these neighbourhoods without compromising the viability of the existing Bega CBD.”</i></p> <p>The area of E3 zone to be changed to E1 is also small and overall the amount of employment land is increased.</p> <p>It is recommended that the Secretary agree that the inconsistency with Direction 7.1 has been justified and is of minor significance.</p> |
| 9.1 Rural Zones                   | No – justifiably inconsistent            | <p>The planning proposal justifies the rezoning of rural land to urban zones on the basis that the proposal implements the Bega Valley Structure Plan which endorsed by Council and</p> <p><i>“provides an appropriate balance providing land for future homes, within an area that is in proximity to the existing Bega Town Centre and protecting the agricultural production of rural land.”</i></p> <p>The proposal is also accompanied by a report (<b>Appendix D</b>) on the impact of the planning proposal on agricultural land /rural zoned land. The conclusions of this assessment are:</p> <ul style="list-style-type: none"> <li>- <i>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 proposed development. These potential conflicts are determined to be consistent with existing land use conflict risks in the urban release area locality.</i></li> <li>- <i>Impacts to agriculture as a result of the planning proposal are generally limited to the urban release area and are considered minor in the context of the significant dairy and</i></li> </ul>  |

| Directions      | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|-----------------|----------------------------------|---|
|                 |                                  | <p><i>livestock grazing industries operating within the broader Bega Valley Shire LGA.</i></p> <p>The proposal further states that water taken from the Bega borefield, current and future, has no impact on water availability for agricultural use in the Brogo and Lower Bega River sections.</p> <p><u>Comment</u></p> <p>The planning proposal is inconsistent with this Direction because it seeks to rezone rural zoned land (RU1 and RU2) for urban development.</p> <p>The Bega Valley Structure Plan endorsed by Council in June 2023 has not been formally endorsed by the Secretary. However, the preparation of the Bega Structure Plan was partly funded by DPHI under the Regional Housing Strategic Planning Fund. The Department has therefore acknowledged the strategic merit for preparing the strategy to rezone rural land to accommodate additional housing in Bega.</p> <p>It is recommended that the Secretary agree that the inconsistency with Direction 9.1 has been justified because the site has been identified for urban use in the Bega Valley Structure Plan.</p>  |
| 9.2 Rural Lands | No – justifiably inconsistent    | <p>The planning proposal states that <i>“Impacts to agriculture as a result of the rezoning proposal are generally limited to the urban release area and are considered minor in the context of the significant dairy and livestock grazing industries operating within the broader Bega Valley Shire LGA.”</i></p> <p>It also states in Section 6.3 that the proposed R5 Large Lot residential zoning is adjacent to strategically important primary production land and it will provide a transition between the adjoining R2 zoned land and rural land.</p> <p>Although the proposal indicates that buffers will help mitigate land use conflict between future urban use and surrounding rural land it also states that <i>“High and medium risk potential conflicts will require further management or design consideration or will remain as accepted conflict risk as a result of future development.”</i></p> <p><u>Comment</u></p> <p>The proposal is inconsistent with the Direction because it will replace rural zoned land used for agriculture and may create land use conflict.</p> <p>Inconsistency with the Direction can be justified by an endorsed strategy by the Secretary. The Bega Structure Plan endorsed by Council in June 2023 has not been formally endorsed by the Secretary. However, the preparation of the Bega Structure Plan was partly funded by DPHI under the Regional Housing Strategic Planning Fund. The Department has therefore acknowledged the</p> |

| Directions | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|------------|----------------------------------|--|
|            |                                  | <p>strategic merit for preparing the strategy to rezone rural land to accommodate additional housing in Bega.</p> <p>It is recommended that the Secretary agree that the inconsistency with Direction 9.2 has been justified because the site has been identified for urban use in the Bega Valley Structure Plan.</p> |

### 3.4 State environmental planning policies (SEPPs)

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

**Table 8 Assessment of planning proposal against relevant SEPPs**

| SEPPs  | Requirement   | PP Advice -<br>Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency  |
|--|---|---|--|
| SEPP<br>(Biodiversity<br>Conservation)<br>2021 | Chapter 4 – Koala habitat<br>protection 2020 Chapter 13<br>– Strategic Conservation<br>Planning | Yes   | <p>Statutory provisions within Bega LEP 2013 and DCP require, when a proponent is undertaking a development application to engage an accredited biodiversity assessor to prepare a Biodiversity Development Assessment BDAR in accordance with the NSW Biodiversity Conservation Act 2016.</p> <p><u>Comment</u></p> <p>The planning proposal addresses and is consistent with Chapter 3 of the SEPP. It is unlikely that Koalas or Koala habitat are located on the site.</p> |
| SEPP<br>(Housing)<br>2021                      |   | Yes   | <p>The planning proposal is consistent with the principles of SEPP (Housing) 2021 in that it provides a diverse range of housing types, enables Council to collect contributions towards affordable housing, provides housing within a nominated urban release area which is well located and makes good use of existing infrastructure.</p> <p><u>Comment</u></p> <p>There are no provisions in the SEPP that are relevant to the planning proposal.</p>                      |

| SEPPs                              | Requirement   | PP Advice - Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|------------------------------------|---|--|--|
| SEPP (Primary Production) 2021     | <p>Chapter 2 – Primary Production and rural development.</p> <p>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.</p>  | Yes                                    | <p>Land use conflict risks will require further management or design consideration or will remain as accepted conflict risk as a result of the proposed development. These potential conflicts are consistent with existing land use conflict risks already experienced in the locality and are manageable. Impacts to agriculture are considered minor in the context of the significant dairy and livestock grazing industries operating within the broader Bega Valley Shire LGA.</p> <p><u>Comment</u></p> <p>There are no provisions in the SEPP that are relevant to the planning proposal.</p>  |
| SEPP (Resilience and Hazards) 2021 | <p>Chapter 4 – Remediation of Contaminated Land.</p> <p>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</p> |  | <p>The planning proposal is accompanied by a preliminary site investigation assessment. The potential 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.</p> <p><u>Comment</u></p> <p>The SEPP Chapter 4 provisions relate to development applications. The SEPP is not relevant to planning proposals. See Table 6 on the response to Direction 4.4 Remediation of Contaminated Lands that relates to planning proposals.</p> |
| SEPP (Sustainable Buildings) 2022  | Chapter 2 – Standards for residential development - BASIX   | Yes                                    | <p>BASIX certificates required at the detailed DA stage (where relevant).</p> <p><u>Comment</u></p> <p>There are no provisions in the SEPP that are relevant to the planning proposal.</p>   |

| SEPPs                                    | Requirement                | PP Advice - Consistent/ Not Applicable | Reasons for Consistency or Inconsistency  |
|--|----------------------------|--|---|
| SEPP (Transport and Infrastructure) 2021 | Chapter 2 - Infrastructure | Yes                                    | <p>The planning proposal is accompanied by a traffic and transport assessment which considered the anticipated traffic and transport implications of the planning proposal on existing traffic conditions surrounding the urban release area. It also identifies road and intersection upgrades required to support the planning proposal.</p> <p><u>Comment</u></p> <p>There are no provisions in the SEPP that are relevant to the planning proposal.</p> |

## 4 Site-specific assessment

### 4.1 Environmental

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

**Table 9 Environmental impact assessment**

| Environmental Impact | Assessment  |
|----------------------|---|
| Biodiversity         | <p>Figure 9 was derived from a desktop assessment undertaken by NGH 2023 as part of preparing the Bega Structure Plan. The ecological characteristics and values of a broader study area were categorised into high, moderate and low constraint (Figure 9).</p> <p>Additional supplementary ecological assessment by NGH 2025 (<b>Appendix G</b> to the planning proposal) indicates that the most intact areas of Lowland Grassy Woodland (Endangered Ecological Community) affected by the planning proposal occur in the eastern precinct proposed to be zoned R5 Large Lot Residential Zone (Figure 10).</p> <p><u>Comment</u></p> <p>See comments in Section 3.3 and Table 9 on Direction 3.1 Conservation Zones. Feedback from state agencies, particularly DCCEW, will confirm if the approach taken by the planning proposal to rely on a more detailed biodiversity assessment at the development application stage is adequate to address biodiversity conservation.</p> |



| Environmental Impact | Assessment |
|----------------------|------------|
|----------------------|------------|

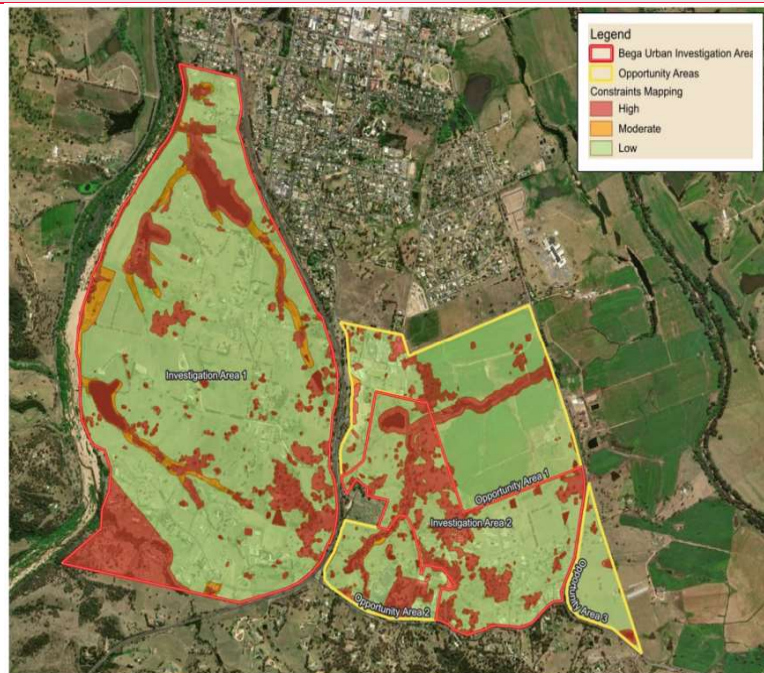


Figure 9 Map showing preliminary broad biodiversity constraints mapped as high, moderate or low (source: Planning Proposal).

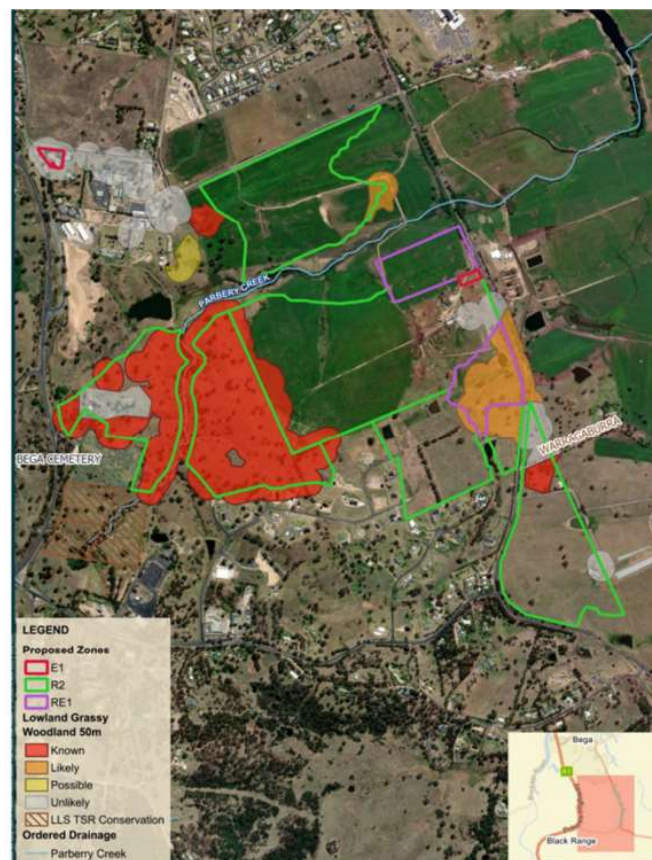
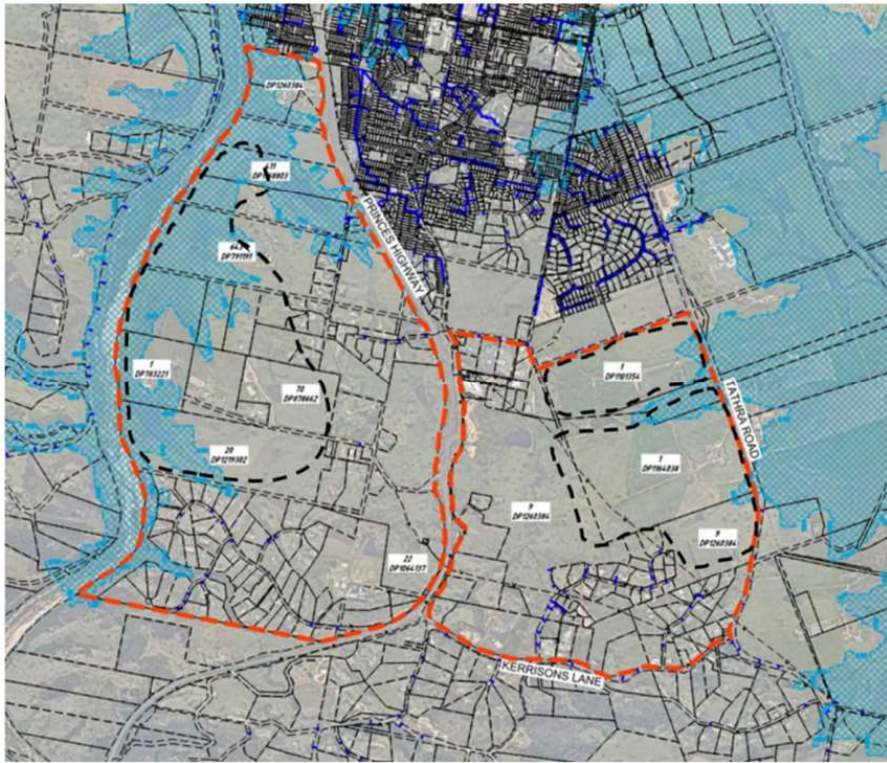
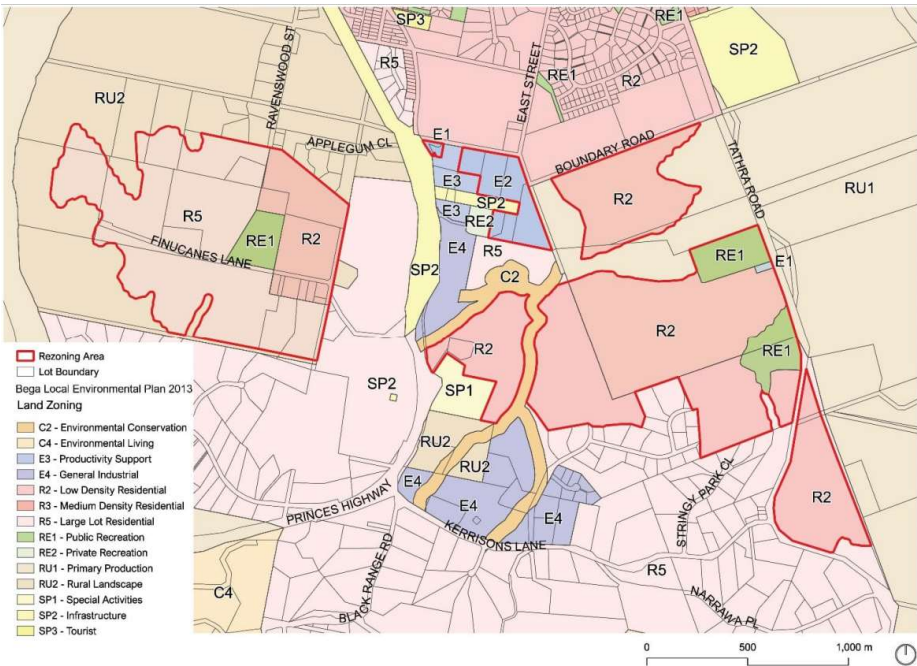
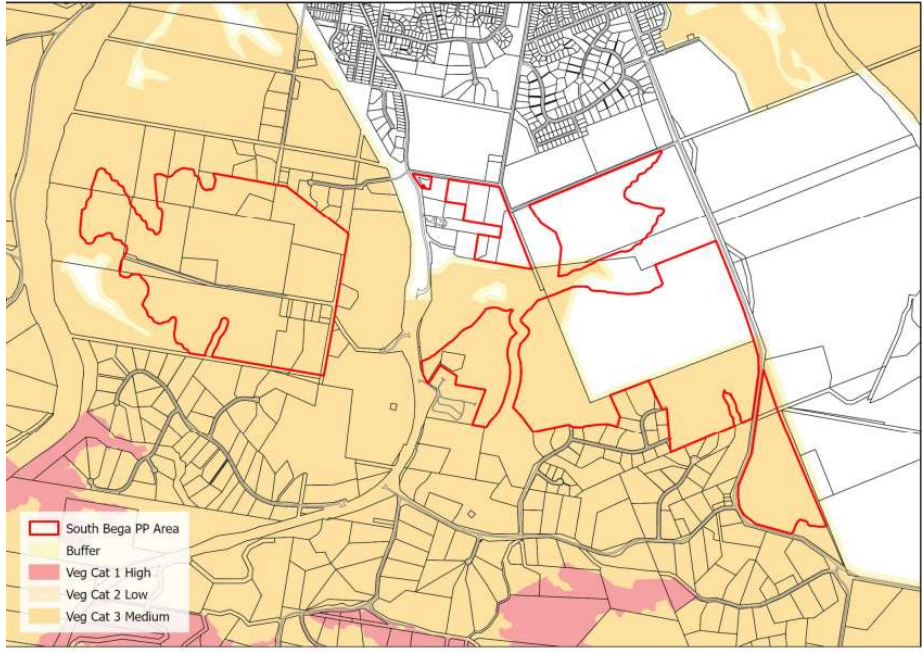


Figure 10 Map showing extent of grassy woodland in eastern precinct (source: Planning Proposal).

| Environmental Impact | Assessment  |
|----------------------|---|
| Flooding             | <p>The flood prone land map (Figure 11) and proposed zone map (Figure 12) confirm that proposed residential areas are outside land identified as flood prone land (PMF).</p>  <p>Figure 11 Location of watercourses on the site and extent of PMF flooding by NGH 2023 (source: planning proposal).</p>  <p>Figure 12 Proposed Residential Zones- avoid flood prone land</p> |



| Environmental Impact | Assessment   |
|----------------------|--|
|                      | <p><u>Comment</u></p> <p>The planning proposal is accompanied by an assessment on flooding (<b>Appendix J</b>) and the proposed residential zones avoid flood prone land. See the response to Direction 4.3 Flooding in Table 8 under section 3.3. Feedback from state agencies such as DCCEE and SES will confirm if the proposal and flood assessment address the requirements of the Direction and NSW Government flood policies.</p>   |
| Bushfire Hazard      | <p>The planning proposal is accompanied by a bushfire study (<b>Appendix K</b>). Figure 13 shows that all the western precinct and almost 50 percent of the eastern precinct is identified as bush fire prone land.</p>  <p>Figure 13 Map showing Vegetation categories of Bush Fire Prone Land by NGH 2023 (Source: Planning Proposal)</p> <p><u>Comment</u></p> <p>See the response to Direction 4.4 Planning for Bushfire Protection in Table 8 under section 3.3. Consultation is required with the NSW Rural Fire Service.</p> |
| Land Contamination   | <p><u>Comment</u></p> <p>The planning proposal is accompanied by a preliminary assessment of land contamination (<b>Appendix I</b>). See response to Direction 4.4 Remediation of Contaminated Land in Table 8 under section 3.3.</p>  |

## 4.2 Social and economic

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

**Table 10 Social and economic impact assessment**

| Social and Economic Impact                   | Assessment  |
|--|---|
| Land Use Conflict                            | See response to Direction 9.1 Rural Zones and 9.2 Rural Lands in Table 8 under section 3.3. The proposal is also accompanied by a report ( <b>Appendix D</b> ) on the impact of the planning proposal on agricultural land /rural zoned land. Consultation is required with DPI Agriculture.  |
| Aboriginal Cultural Heritage and Archaeology | See response to Direction 3.2 Heritage Conservation in Table 8 under section 3.3. Consultation is required with NSW Heritage and Bega LALC. The proposal is also accompanied by a report ( <b>Appendix L</b> ) on Aboriginal Cultural Heritage Assessment.  |
| Affordable Housing                           | The planning proposal seeks to insert a provision on affordable housing into the LEP that will enable Council to collect contributions towards increasing the supply of affordable housing. A draft affordable housing contribution scheme has been prepared to accompany the planning proposal that applies to land that is rezoned to increase the residential capacity. Under the draft scheme, Council can accept affordable housing contributions in the form of monetary contributions, completed dwellings or land, depending on the individual circumstances.   |
| Economy and Employment                       | <p>Section 8.3 of the planning proposal outlines the economic benefits of the planning proposal and the proposal is accompanied by an Economic Impact Assessment (refer to <b>Appendix H</b>).</p> <p>Whilst the timing of economic benefits will be largely dependent on the market and appetite of landowners to redevelop land within the urban release area, the scale of the development envisaged within the urban release area (i.e., 2,230 dwellings) “<i>will result in significant economic benefits to Bega Valley and surrounding areas.</i>”</p> <p>The construction phase is expected to support an average of 437 fulltime equivalent jobs per annum during the estimated 25-year project timeframe. Once complete, the urban release area will support a range of ongoing investment and employment activities related to the new commercial centres and other uses anticipated to be delivered throughout the urban release area. This includes the combined direct and indirect operational employment impacts estimated to be 191 full time employment jobs per annum.</p> |

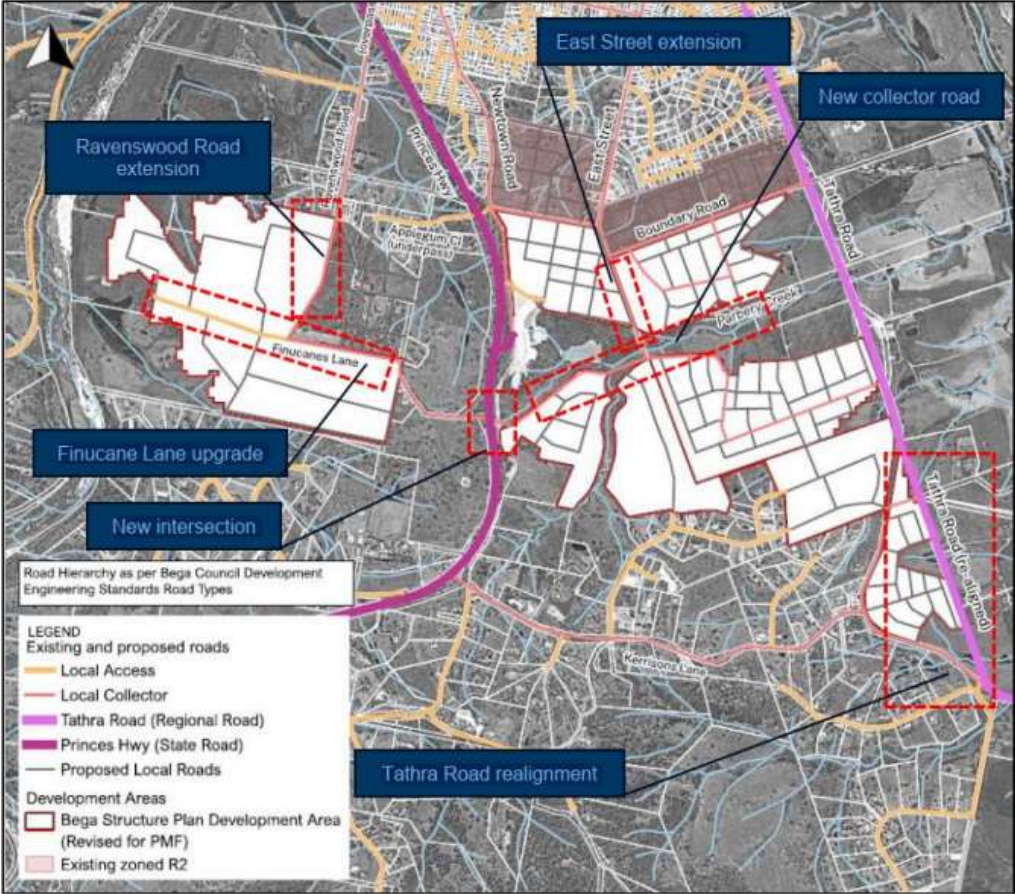
## 4.3 Infrastructure

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 11 Infrastructure assessment**

| Infrastructure                       | Assessment  |
|--------------------------------------|---|
| Police, NSW Health and NSW Ambulance | Consultation is recommended with NSW Police, NSW Health and NSW Ambulance. Feedback from NSW Police, NSW Health and NSW Ambulance will be required to determine if there are any state infrastructure requirements in response to the proposed clause on state designated infrastructure. |

|                    |   |
|--------------------|---|
| Traffic and Access | <p>The planning proposal outlines the proposed key road upgrades (Figure 14) as follows:</p> <ul style="list-style-type: none"> <li>• The extension of Ravenswood Street to Finucane Lane, which will enable vehicles in the Western Precinct to access/egress Bega via the existing overpass.</li> <li>• The realignment of Tathra Road in the southern portion of the urban release area to the west.</li> <li>• The upgrade of Finucane Lane to a standard of a local access road and a local collector road.</li> <li>• The provision of a new east-west local collector road which will form a new four-legged intersection with Princess Highway and Finucane Lane (consistent with IRI 1).</li> <li>• The extension of East Street (to the south) to the proposed east-west collector road.</li> <li>• The provision of new T-junctions on Tathra Road to support access/egress to and from the east.</li> <li>• Upgrade of Boundary Road from a local road to a collector road.</li> </ul> <p><u>Princes Highway</u></p> <p>A proposed four-legged intersection on the Princes Highway at Finucane Lane is envisaged to comprise a roundabout similar to the size of the roundabout at the Princes Highway/Carp Street Intersection.</p> <p>It is assumed that the intersection of Princes Highway/Newtown Road intersection will be changed to left in/left out only, with the current right turn functionality transferred to the adjoining proposed roundabout.</p> <p>The current speed limit change on the Princes Highway from 100 km/h to 80 km/h is located approximately 200m south of Carp Street.</p> <p>The provision of a new roundabout at the intersection of Princes Highway and Finucane Lane will require the relocation of the 80 km/h zone to the south, on the Princes Highway, in proximity to Kerrisons Lane.</p> <p>The 80 km/h speed limit supports approaching vehicles slowing down to give way to other vehicles already in the roundabout.</p> <p>Figure 13 shows the proposed road network (GHD 2025). The GHD Traffic and Transport Assessment accompanies the planning proposal as Appendix F.</p> <p><u>Comment</u></p> <p>Feedback from Transport for NSW will confirm if the proposal and Traffic and Transport Assessment by GHD adequately addresses potential traffic impacts associated with the urban release area. Feedback from TfNSW will also be necessary to determine the need for additional state infrastructure in response to the proposed clause on state designated infrastructure.</p> |
|--------------------|---|

| Infrastructure    | Assessment  |
|-------------------|---|
|                   |  <p>Figure 14 Map showing proposed changes to road network (Source: Planning Proposal)</p>   |
| School Facilities | <p>The planning proposal does not include an analysis of the need for additional schools to service the urban release area and Appendix A, the Council response to matters raised by public authorities on the scoping proposal, does not include the submission from NSW Education provided to Council on the 2024 Scoping proposal.</p> <p>The Department of Education stated in June 2024 in response to the Scoping Proposal that an analysis on dwelling yield indicates that a school site will be required within the eastern precinct. The Department stated that “<i>Additional consultation will be required between the DoE, Bega Valley Council and any relevant proponent to determine the most suitable location for a future educational establishment site within the Precinct.</i>”</p> <p><u>Comment</u></p> <p>Consultation is recommended with the Department of Education.</p> |



| Infrastructure   | Assessment   |
|------------------|--|
| Water Supply     | <p>Section 2.14 on infrastructure states that <i>“It is assumed that the water source would be from bores within the urban release area as is currently the case. It is understood that licences are required for the increased extraction. The existing network would be updated as required and the sizing would be determined by Council as development occurred.”</i></p> <p><u>Comment</u></p> <p>Consultation is recommended with Water NSW to determine if there are any issues with the provision of water supply from bores, including the issuing of licences or works approvals.</p>                                      |
| Sewage Treatment | <p>In its preliminary response to Council the EPA indicated that the Bega Sewage Treatment Plant is at capacity and requires upgrades to service growth in the catchment (<b>see Appendix A</b>).</p> <p>The planning proposal states that required upgrades to the sewage treatment infrastructure <i>“would be determined by Council as the urban release area develops.”</i></p> <p><u>Comment</u></p> <p>It is recommended that Council consult with the EPA for any additional feedback on the planning proposal, including any comments on impacts associated with any future upgrades to the Bega Sewage Treatment Plant.</p> |

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 working days.

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

### 5.2 Agencies

The Council report 21 May 2025 states that engagement was undertaken in the development of the planning proposal with the following agencies:

- Transport for NSW
- NSW Rural Fire Service
- NSW State Emergency Service
- Southern NSW Local Health District
- NSW Environment Protection Authority
- NSW Department of Primary Industries
- NSW Department of Planning, Housing and Infrastructure
- NSW Department of Education
- Heritage NSW
- Biodiversity and Conservation Science and Licencing and Approvals divisions of NSW Department of Climate Change, Energy, the Environment and Water.

Engagement was also undertaken with TransGrid, the Bega Local Aboriginal Land Council and Djirringana Elders Federation and other registered Aboriginal Parties.

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

- Biodiversity and Conservation Science of NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).
- Department Primary Industries - Agriculture
- Department Primary Industries - Fisheries
- DCCEEW – Licensing and Approvals
- Heritage NSW
- Transport for NSW
- NSW Rural Fire Service
- State Emergency Services
- NSW Ambulance
- NSW Police
- NSW Environment Protection Authority
- NSW Department of Education
- Southern NSW Local Health District

Consultation is also recommended with the following:

- Bega Local Aboriginal Land Council and
- TransGrid.

## 6 Timeframe

The planning proposal proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex

The Department recommends an LEP completion date of 28 July 2026 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.

## 7 Local plan-making authority

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

As the site/planning proposal is an urban release area identified in the Bega Structure Plan and as Council will be providing vital services including water, waste water servicing and local roads and will be preparing a DCP and contributions plan it is recommended that Council be authorised to be the local plan-making authority for this proposal.

Note that a condition of the Gateway determination indicates that Council cannot use its delegation for plan making if there is an unresolved objection from a state agency.

## 8 Assessment summary

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



- The urban release area will provide additional housing supply to accommodate population growth in Bega Valley.
- The site is identified for urban development in the Bega Structure Plan and the preparation of the plan was funded by the Department of Planning Housing and Industry.
- Consultation with relevant agencies will provide feedback on the adequacy of detailed site assessments and studies.

Based on the assessment outlined in this report, the proposal must be updated before consultation to amend the draft urban release area map to include land proposed to be zoned R5 Large Lot Residential. The R5 zone which covers a large area will increase housing potential and therefore potentially increase demand for state infrastructure.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 5.2 Reserving Land for Public Purposes, 6.1 Residential Zone, 7.1 Business and Industrial Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified.
- Note that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding and 4.3 Planning for Bushfire Protection are unknown until consultation with relevant agencies confirms that any potential inconsistency has been adequately identified and/or justified.

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. The planning proposal is to be updated prior to community consultation to:
  - Amend the draft Urban Release Area Map to include land proposed to be zoned R5 Large Lot Residential Zone.
  - Identify land to be affected by the proposed Affordable housing Contribution Scheme provision.
2. Prior to community consultation, consultation is required with the following public authorities:
  - NSW Rural Fire Service (Direction 4.3 Planning for Bushfire Protection)
3. Consultation is required with the following public authorities:
  - Biodiversity and Conservation Science of NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).
  - Department Primary Industries - Agriculture
  - Department Primary Industries - Fisheries
  - DCCEEW – Licensing and Approvals
  - Heritage NSW
  - Transport for NSW
  - State Emergency Services
  - NSW Ambulance
  - NSW Police
  - NSW Environment Protection Authority
  - NSW Department of Education

- Southern NSW Local Health District
4. Consultation is required with the following:
- Bega Local Aboriginal Land Council
  - TransGrid
5. 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 completion date of 28 July 2026 be included on the Gateway.

 2/7/25

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 28/7/2025

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