

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

Panel Reference and Number	PPSSTH-343 - DA 2023.351 – PAN - 400459
LGA	Bega Valley Shire Council
Proposed Development	1) A Concept Plan for the staged delivery of approximately 391 variably sized residential allotments, one (1) allotment for commercial development and six (6) allotments for delivery of water sensitive urban design infrastructure and public open space. 2) Stage 1 subdivision of the development comprising 136 residential allotments, one (1) allotment for future commercial development, four (4) allotments for water sensitive urban design and/or public open space and one (1) residual allotment for potential future stages of development. 3) Civil construction works, including: • Construction of road works and footpaths • Installation of new sub-surface services/utilities • Bulk earthworks, land contouring and retaining structures • Installation of erosion and sediment controls • Formalisation of water quality and stormwater drainage infrastructure.
Street Address	The site is commonly known as 22 Mine Lane Wolumla and is legally described as Lot 2 DP 1287077.
Applicant	The Trustee for EAS Investment Trust, trading as PLANNED Town Planning Solutions
Owner	Junor Investments Pty Ltd
DA Lodgment Date	16 January 2024
Total submissions Number of unique objections	20 submissions. 20 unique objections
Regionally Significant Criteria	The proposed development is specified as “regionally significant development” pursuant to Section 4.5 Clause 2

	of Schedule 6 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> as the development is valued over \$30 million. For this reason, the Southern Regional Planning Panel (SRPP) is the consent authority under the <i>Environmental Planning and Assessment Act 1979</i> .
CIV	\$57,540,653.00 (excluding GST)
Clause 4.6 Requests	The proposal seeks a variation to the minimum lot size development standard of 650m ² for 88 residential allotments (or 64.7%) of the total 136 allotments in Stage 1 of the development.
List of all relevant s4.15(1)(a) matters	<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act 1979) <i>Environmental Planning and Assessment Regulation 2021</i> <i>Water Management Act 2000</i> <i>NSW Rural Fire Service under s100B of the Rural Fires Act 1997, and</i> <i>Heritage NSW under s90 of the National Parks and Wildlife Act 1974.</i> <i>NSW Planning and Environment – Water under s91 of the Water Management Act 2000</i> State Environmental Planning Policies (SEPPs): • <i>SEPP (Planning Systems) 2021</i> • <i>SEPP (Housing) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure) 2021</i> • <i>SEPP (Biodiversity and Conservation) 2021</i> Local Environmental Plan: • Bega Valley Local Environmental Plan 2013 Draft Environmental Planning Instruments: • Draft Remediation of Land Voluntary Planning Agreements (existing/draft): • Draft Voluntary Planning Agreement dated 22 June 2026 Relevant Council Policy: • Bega Valley Development Control Plan 2013 (BVDCP 2013)
Documents submitted with this report for the Panel's consideration	Attachment 1: Draft Conditions Attachment 2: Revised Statement of Environmental Effects Report Attachment 3: Revised Concept Master Plan Report Attachment 4: Revised Clause 4.6 Variation Request (17 April 2025)

	Attachment 5: Revised Engineering Concept Design for Concept Master Plan (21 August 2025) Attachment 6: Revised Residential Subdivision – Stage 1 Engineering Concept Design for Development Application (21 March 2025) Attachment 7: Amended Flood Impact Assessment Report (25 May 2026) Attachment 8: Revised Stormwater Catchment Plan (10 November 2025) Attachment 9: Revised Traffic Impact Assessment – TTM (14 April 2025) Attachment 10: Revised Biodiversity Development Assessment Report (April 2025) Attachment 11: Revised Sewer Master Plan (21 March 2025) Attachment 12: Revised Stormwater Landscape Plan (10 November 2025) Attachment 13: Revised Earthworks Plan (14 April 2025) Attachment 14: Transport for NSW comments (18 November 2025) Attachment 15: General Terms of Approval – NSW Rural Fire Service Attachment 16: General Terms of Approval – Heritage NSW Attachment 17: General Terms of Approval – Department of Planning and the Environment - Water
Summary of key submissions	Key issues: • Traffic and parking • Character/density • Public open space and community facilities • Stormwater management • Aboriginal and non-indigenous cultural heritage • Water and wastewater infrastructure capacity
Referrals	Internal Referrals: • Environmental Services • Development Engineering • Water and Sewer Services • Bushfire Assessment Officer • Property Services • Environmental Health Building External Referrals: • Bega Local Aboriginal Land Council

	• Transport for NSW • Essential Energy • Department of Planning and Environment – Water • Department of Planning and Environment - Heritage • Crown Lands • NSW Rural Fire Service
Recommendation	Approval subject to conditions
Scheduled meeting date	25 August 2026
Plan version	21 August 2025
Prepared by	Fay Steward, Town Planner, Bega Valley Shire Council Reviewed by Cecily Hancock, Manager Development Assessment
Date of report	4 August 2026
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

1. PURPOSE OF REPORT

The purpose of this report is to seek the Southern Regional Planning Panel (the Panel) determination of a Development Application (DA) for the Concept Plan for the Wolumla Valley Estate and first stage subdivision for expansion of the Wolumla residential area located in the Bega Valley Shire. The Stage 1 subdivision proposes creation of:

- 136 residential allotments comprising low and medium density housing,
- 1 allotment for the future commercial precinct,
- 4 allotments for water sensitive urban design and/or public open space, and
- 1 residual allotment for potential future development of Stages 2 to 10.

The Panel is the determining authority for this DA pursuant to Part 2.4 of State Environmental Planning Policy (Planning System) 2021 as the DA has an estimated

development cost of more than \$30m (Schedule 6, clause 2 of the Planning Systems SEPP (2021)).

2. SUMMARY OF RECOMMENDATION

That the Panel grants consent to DA 2023.341 to permit subdivision of 22 Mine Lane Wolumla (Lot 2 DP 1287077) pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to the conditions in Attachment 1.

3. EXECUTIVE SUMMARY

Council is in receipt of a Development Application that comprises a Concept Plan for the Wolumla Valley Estate Project Area and detailed proposal to permit the subdivision of Stage 1 of the Project Area at 22 Mine Lane Wolumla (Lot 2 DP 1287077). The site is substantially disturbed from historical primary production operations and is currently used for grazing purposes. The proposal has been lodged by Elizabeth Slapp, *PLANNED Town Planning Solutions* and is being reported under Part 2.4, Schedule 6 clause 2 of the Planning Systems SEPP (2021).

The Concept Plan and Stage 1 subdivision of land seek to permit subdivision of the subject property to create low to medium density residential development comprising 136 variably sized residential allotments in Stage 1. Stages 2 to 10 will be subject to future development applications delivering potentially 255 additional residential allotments.

The purpose of the Concept Plan is to provide a framework to guide subdivision design for Stages 1 to 10. It also aims to revitalise the village centre and provide community facilities to meet the needs of a growing population and enable existing and new residents to connect.

The original Concept Plan design comprised 12 subdivision stages over land zoned for residential and rural purposes resulting in a potential yield of 552 residential allotments of which Stage 1 was planned to deliver 170. The Concept Plan was subsequently amended to restrict development only over areas where residential development is currently permitted under *Bega Valley Local Environmental Plan 2013*, these being Zone R2 Low Density Residential, Zone RU5 Village Zone and Zone C3 Environmental Management.

The proposal is '*integrated development*' under Section 4.45 of the EP&A Act as the land is mapped as bushfire prone land and in addition found to contain Aboriginal objects of cultural heritage significance. In this regard General Terms of Approval have been issued by the NSW Rural Fire Service and the Department of Climate Change, Energy, the Environment and Water (Heritage NSW).

The proposed development also includes work to be undertaken within waterways in association with construction of the stormwater management system and open space area. This requires approval for a Controlled Activity under the Water Management Act 2000. General Terms of Approval have been issued by the Department of Planning and Environment (Water) in this regard.

Seventeen (17) submissions were received during the public notification period and a further 3 after the closing date. The submissions generally acknowledge the need for an increase in affordable housing in the district but are concerned at the potential impact of higher density residential development on the village character of Wolumla, and inadequacy of social infrastructure to support the existing community and future residents. These issues are addressed in Section 8 of this report.

The applicant has proposed entering into a Voluntary Planning Agreement (VPA). Council resolved at its meeting of 15 July 2026 to give in principle support for the development of a VPA based on the Letter of Offer dated 22 June 2026.

Having reviewed the application against the relevant and applicable statutory provisions and consideration of information submitted, Council considers there are no statutory reasons why the application cannot be approved by the Panel. Accordingly, it is recommended that the application be approved, subject to conditions (refer to Attachment 1).

4. INTRODUCTION

The development site is identified within the Wolumla Structure Plan, which was endorsed by Council in June 2024 following a comprehensive community engagement process. The plan provides potentially for the creation of 1,096 dwellings over an anticipated timeframe of 25 years.

A chronological summary of the application background to date is outlined below in **Table 1**.

Table 1. Application Timeline

Date(s)	Action(s)
16 January 2024	Lodgement of DA 2024.109
5 March 2024	Application notified to Southern Regional Planning Panel
26 March 2024	DA referred to external agencies Internal Referrals: • Environmental Management Officer • Development Engineer • Water and Sewer Assets Engineer • Property Services Officer • Environmental Health Officer • Building Surveyor External Referrals: • Bega Local Aboriginal Land Council • Essential Energy • Transport for NSW • Department of Crown Land (adjoining owner) • Department of Planning and Environment – Water • DCCEEW (Heritage NSW) • NSW Rural Fire Service
18 April to 20 May 2024 (28 days)	Exhibition Council notified the public of the DA and invited submissions. The Council received 17 submissions during the exhibition period and 3 after the closing date.
23 May 2024	The Council briefed the Southern Regional Planning Panel and inspected the proposed development site.
5 September 2024	Council issued a Request for Information on engineering matters relating to stormwater management and internal road design.

11 September 2024	A request by the applicant to Council seeking clarification on information requirements regarding the RFI submitted 5 September 2024.
14 October 2024	Letter from Council to the applicant clarifying specific information requirements including those raised by Council's Traffic Development Advisory Committee, NSW RFS, Department of Planning and Environment – Water and Transport for NSW.
17 April 2025	Response from the applicant on the above planning issues.
13 August 2025	Request for additional information by Council to the applicant on engineering matters including flood risk and planning, internal road layout, road and highway intersection treatments and specific items requested by Transport for NSW.
17 November 2025	Response from the applicant on the above planning issues.
23 March 2026	Request by Council to the applicant to update the Flood Impact Risk Assessment (FIRA) Report based on an independent peer review commissioned by Council.
25 May 2026	Updated FIRA Report provided by the applicant.
22 June 2026	Letter of Offer to enter into a Voluntary Planning Agreement received from the applicant.
24 June 2026	Request by Council to the applicant to provide further information that assesses potential Probable Maximum Flood (PMF) impact on floodways in the northern and southern overland paths.
8 July 2026	Information received from the applicant on PMF impacts.

5. SITE DESCRIPTION AND LOCAL CONTEXT

The land subject to this application is known as 22 Mine Lane, Wolumla and legally described as Lot 2 DP 1287077 (refer Figure 1). It comprises an area of approximately 75 hectares located on the western edge of the Wolumla village, approximately 18 km south of Bega (refer Figure 2).



Figure 1 Wolumla Valley Estate Lot 2 DP 1287077

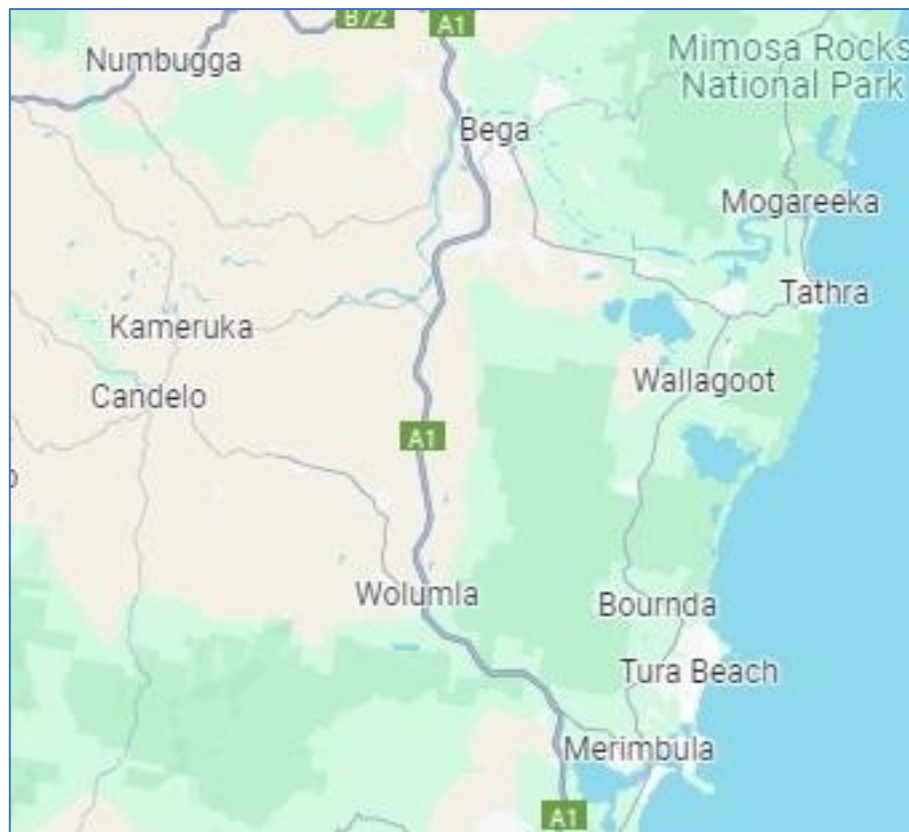


Figure 2 Regional Context Plan

The subject land was created as part of the staged subdivision of Lot 663 DP 1259105 to create two (2) development lots being Lots 1 and 2 DP 1287077. Lot 1 DP 1287077 has received approval for the creation of forty five (45) residential allotments which are under construction.

The site has a long history of agricultural use which has substantially altered the woodland/forest vegetation through successive years of livestock grazing and land management activities. This includes removal of native trees, shrub layer and ground covers. There remains a small pocket of intact, remnant native forest on the southeastern corner of the site as well as scattered mature trees throughout the property.

To the west of Scott Street, the land is gently undulating comprising spur crests, simple slopes, drainage depressions and a number of dams. The slope profiles are varied ranging from level spur crests to steeply sloping (i.e. equal to or greater than 20%).

Wolumla has a population of approximately 700 people and features predominantly low-density residential housing with a small commercial centre located at the junction of Scott and Bega Streets. The commercial centre comprises a hotel/pub and general store which also serves as a post office and newsagent.

The main street, Scott Street, also features a volunteer-run Rural Fire Station (RFS), historic community hall and a number of historic cottages. Scott Street has local heritage significance and is central to the Wolumla Heritage Conservation Area (C672) under BVLEP 2013.

The village and surrounding area comprise a mix of zones including R2 Low Density Residential (approx. 45.2 ha), RU5 Village Zone (approx. 1.2 ha), C3 Environmental Management (approx. 15.8 ha.), and C4 Environmental Living (approx. 7.1 ha.)

Figure 3 identifies key features of the surrounding locality:

- Wolumla Public School (location 3)
- Yurammie State Reserve (location 4)
- Yellow Pinch Dam (location 5)
- Wolumla Recreation Ground (location 6)
- Wolumla Cemetery (location 7)
- Frogs Hollow Creek (location 8)
- Newlands Creek (location 9)
- Yellow Pinch Creek (location 10)

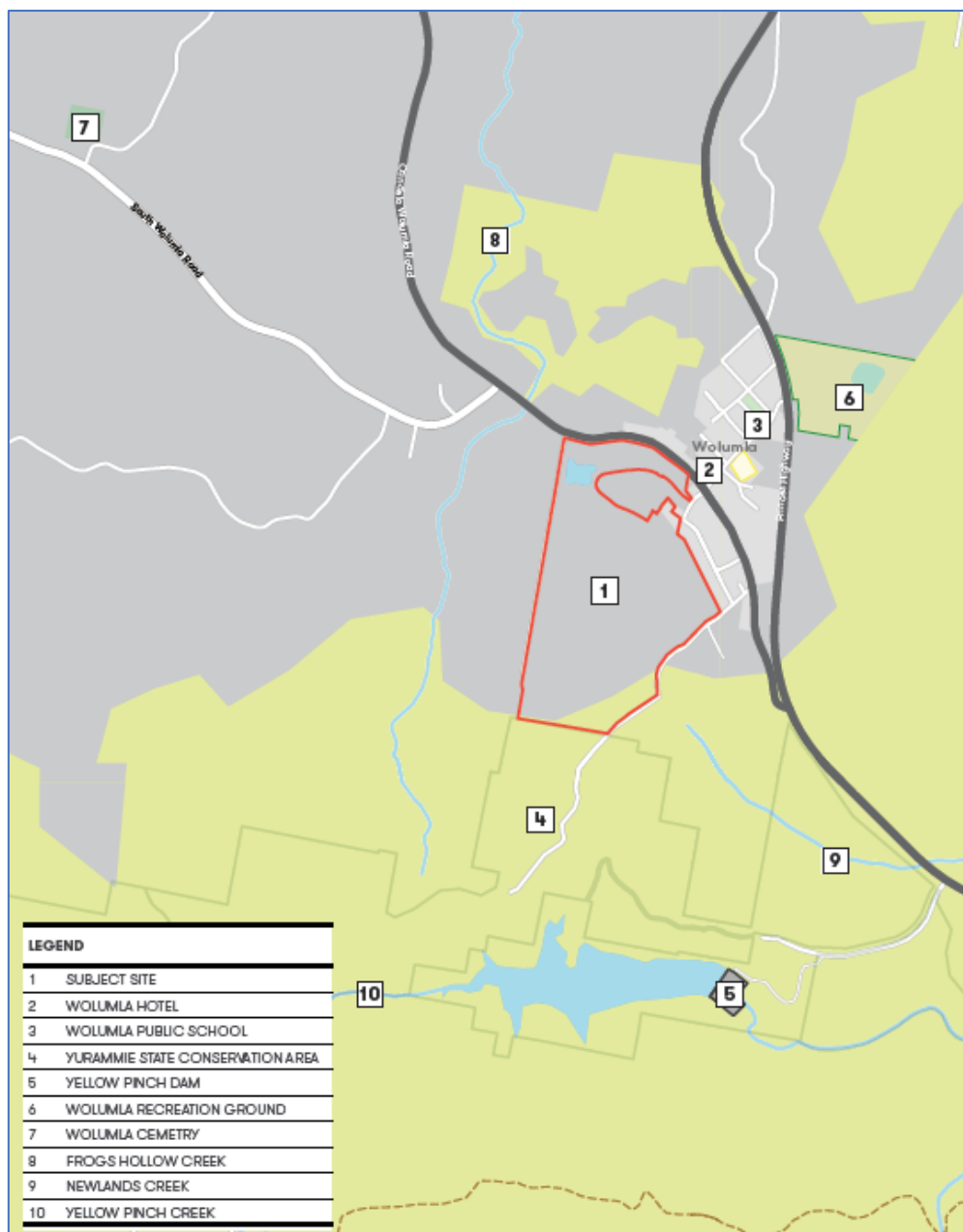


Figure 3 Surrounding Context

A site inspection was held on 23 May 2024. The site is subject to a number of environmental constraints including:

- Bushfire prone land
- High value cultural landscape
- Terrestrial biodiversity
- Riparian land and watercourses.



Figure 4 Northern view of subject property from Mine Lane



Figure 5 Northeastern view of subject property from Mine Lane



Figure 6 Northeastern view from Ferndale Lane



Figure 7 Southeastern view from Ferndale Lane



Figure 8 Village Centre view south along Scott Street



Figure 9 Intersection Bega and Scott Streets view southwest



Figure 10 Scott Street view northwest



Figure 11 Bega Street view east



Figure 12 Public School Bega Street view west



Figure 13 Scott Street view south of Village Centre



Figure 14 Heritage Building Scott Street north of Village Centre



Figure 15 Southern intersection Princes Highway and Wolumla Candelo Road

6. DESCRIPTION OF DEVELOPMENT PROPOSAL

The development application seeks consent for a Concept Plan for Wolumla Valley Estate Project Area and proposed Stage 1 of the development (refer to Figure 16). The Concept Plan provides a framework for a diversity of allotment sizes and tenures with all having access to public open space and a mix of pedestrian and shared use pathways. The proposed commercial precinct is located immediately north of the village centre.



LEGEND

1.	RETAIL PRECINCT
2.	MULTI-DWELLING SITES
3.	PASSIVE OPEN SPACE
4.	DOG PARK
	SHARED PATH
	PATH ALIGNMENT WITHIN OPEN SPACE
	STANDARD PEDESTRIAN PATH

Figure 16 Wolumla Valley Estate Concept Masterplan

There are 10 subdivision stages proposed within the Concept Plan. Stage 1 comprises 9 discrete sub-stages to be developed in logical sequence and in response to market influences over time (refer to Figure 17 and Attachment 5 *Revised Engineering Concept*

Design for Concept Masterplan). All subsequent development comprising Stages 2 to 10 will require separate Development Applications.

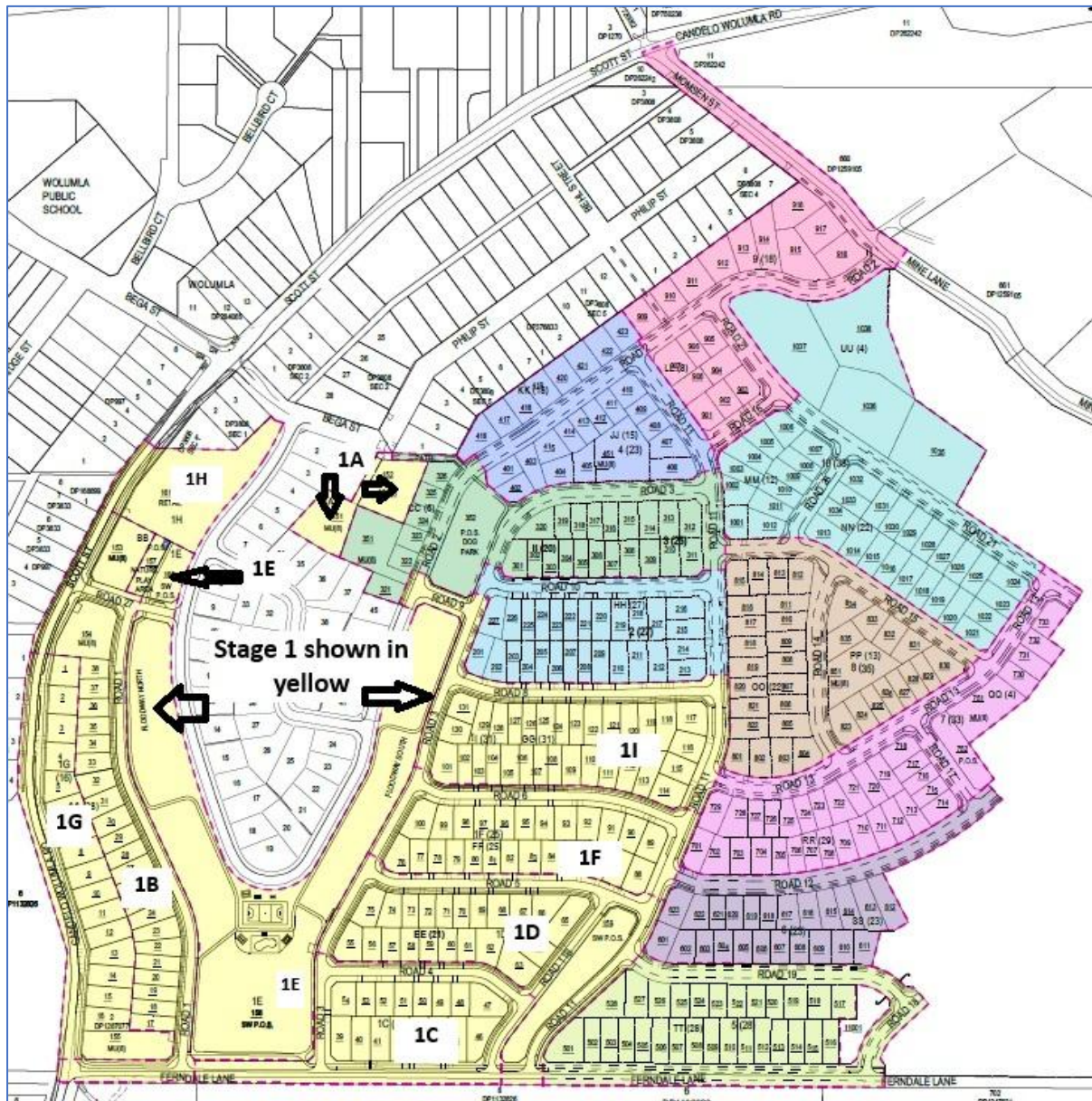


Figure 17 Wolumla Valley Subdivision Plan Stages 1 to 10

The Development Application for Stage 1 includes all sub-stages 1A to 1L and proposes the following:

Torrens title subdivision to create:

- 136 residential allotments (including 5 for multi dwelling development)
- One (1) allotment for future commercial development
- Four (4) allotments for water sensitive urban design and/or public open space purposes and
- One (1) residual allotment for potential future stages of development.

Civil construction works including:

- Construction of roads and footpaths
- Installation of new sub-surface services/utilities
- Bulk earthworks, land contouring and retaining structures
- Installation of erosion and sediment controls
- Formalisation of water quality and stormwater drainage infrastructure.

Tree removal and landscaping works.

6.1 Residential Subdivision Stage 1

The proposed design of Stage 1 is shown in Figures 18 and 19 and a full set of plans are provided in Attachment 6 *Revised Residential Subdivision – Stage 1 Engineering Concept Design for Development Application*.

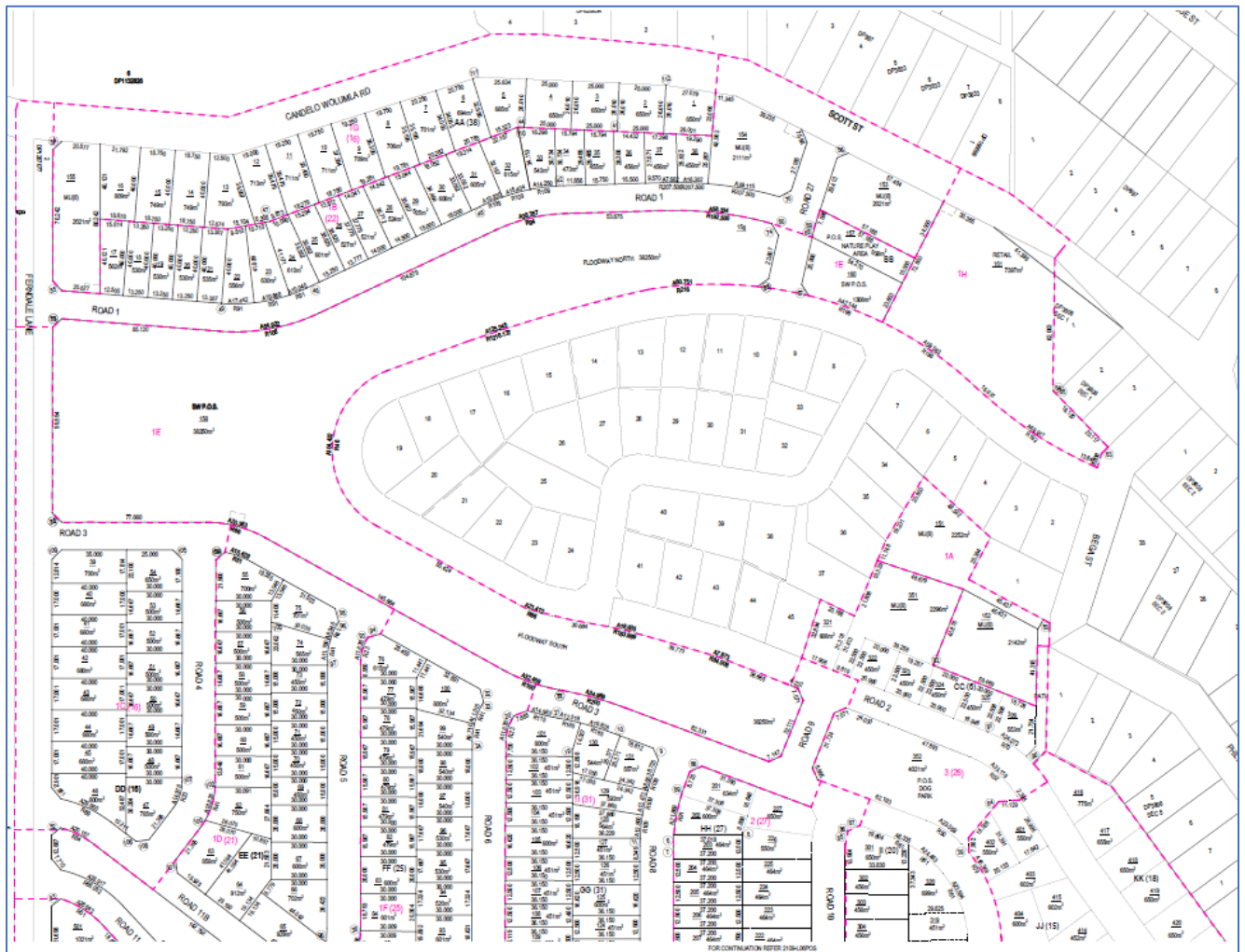


Figure 18 Stage 1 Proposed Plan of Subdivision - Sheet 1

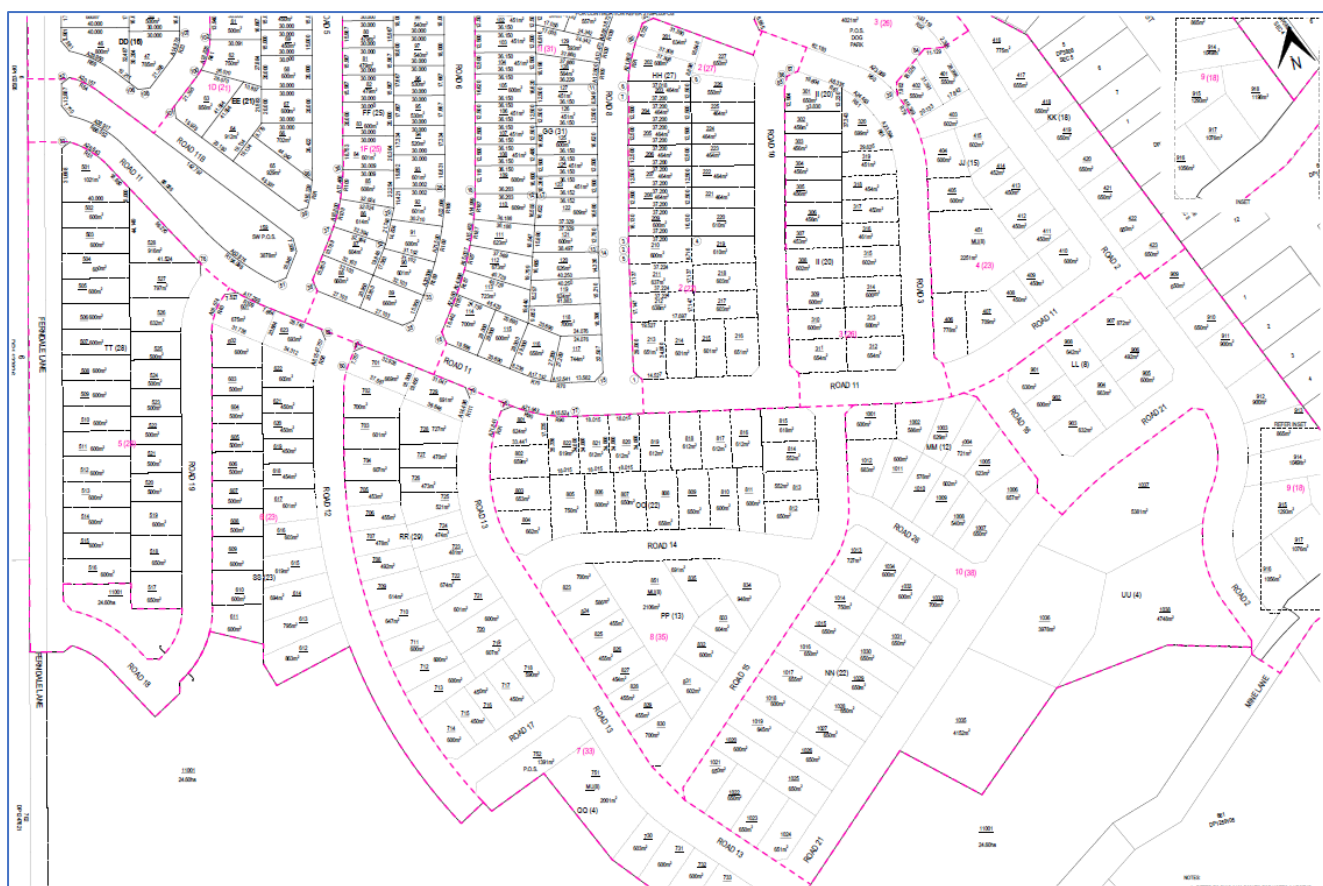


Figure 19 Stage 1 Proposed Plan of Subdivision - Sheet 2

The DA also provides for smaller allotment sizes that will provide higher residential density in Stage 1 in close proximity to important community infrastructure including the school, village centre, hotel, shop and community hall, future commercial allotments and recreation areas and parks.

A Clause 4.6 variation request under BVLEP 2013 has been submitted by *PLANNED Town Planning Solutions* (refer to Attachment 4). The request seeks approval to permit creation of 88 allotments less than the minimum lot size development standard of 650m² for land zoned R2 Low Density Residential and for allotments with a split zoning (i.e. partly within Zone R2 Low Density Residential and Zone RU5 Village). A full assessment of the request is provided in Section 7 of this report.

Table 1 provides a summary of residential lot yield for stages 1A to 1L highlighting in red the number of allotments which fall below the minimum residential development standard of 650m².

Table 1. Summary of Proposed Stage 1 Residential Allotment Sizes and Variations to the Residential Development Standard

Stage 1A				
Zone	Minimum lot size m ²	Proposed lot size m ²	Total lots (<= min. standard)	Total Residential <= 650m ²
R2	650	(MU 151) 2252	1	
R2	650	(MU 152) 2142	1	
Total Residential Yield			2	
Stage 1B				
RU5 & R2	1,000 & 650	(MU 153) 2021	1	
RU5 & R2	1,000 & 650	(MU 154) 2111	1	
R2	650	455 - 473	5	5
		521 - 556	11	11
		601 - 630	6	6
Total Residential Yield			24	22
Stage 1C				
R2	650	650 or greater	10	6
		500	6	
Total Residential Yield (less than min. standard)			16	6
Stage 1D				
Zone	Minimum lot size m ²	Proposed lot size m ²	Total lots (< minimum standard)	Total Residential <= 650m ²
R2	650	650 or greater	7	
		450 - 500	13	13
		565	1	1
SW public open space		3,878m ²		
Total Residential Yield (less than min. standard)			21	14
Stage 1E				
Public open space – nature play – 3878m ²				
SW public open space – flood way – 38,250m ²				
SW public open space – 1,038m ²				

Stage 1F				
Zone	Minimum lot size m²	Proposed lot size m²	Total lots (< minimum standard)	Total Residential <= 650m²
R2	650	650 or greater	3	8 4 10
		440 - <500	8	
		500 - <600	4	
		600 <650	10	
Total Residential Yield (less than min. standard)			25	22
Stage 1G				
Zone	Minimum lot size m²	Proposed lot size m²	Total lots (< minimum standard)	Total Residential <= 650m²
R2 & RU5	1,000 & 650	650	1	
R2	650	650 - 700	5	
		700 - 809	10	
		2021 (MU 155)	1	
Total Residential Yield			17	
Stage 1H				
Retail Precinct 7,397 m²				
Stage 1I				
Zone	Minimum lot size m²	Proposed lot size m²	Total lots (< minimum standard)	Total Residential <= 650m²
R2	650	451 - <600	14	14
		600 - <650	10	10
		650 - 800	7	
Total Residential Yield (less than min. standard)			31	24
Summary Total Allotments Stage 1 Development				
a. Residential				131
b. Multi-unit dwelling				5
c. Commercial				1
d. SW Public Open Space				3
e. Public Open Space – Nature Plan				1
f. Residential allotments <650m²				88
g. Percentage residential allotments below minimum development standard g = f / (a + b)				64.73%

6.2 Construction of Roads and Pedestrian Pathways

The proposed *Road Hierarchy Plan – Subdivision* illustrates connectivity throughout Stage 1 and to the existing road network. Vehicular access to Stage 1 is proposed to be via new access arrangements to the existing road network, being:

- Five (5) new intersections onto Ferndale Lane (proposed to be upgraded).
- One (1) new intersection to Scott Street / Candelo Wolumla Road – being proposed Road 27 which will intersect with proposed Road 1 and the under construction local road associated with the adjoining subdivision (DA 2007.759).
- New driveway connection/s to Bega Street associated with proposed multi-dwelling residential allotments MU 151 and 152.

Twelve (12) roads are proposed to be constructed and delivered as part of Stage 1 and will comprise local sub-arterial, collector, local and access roads (refer to Figure 20 and Figure 21 for map legend).

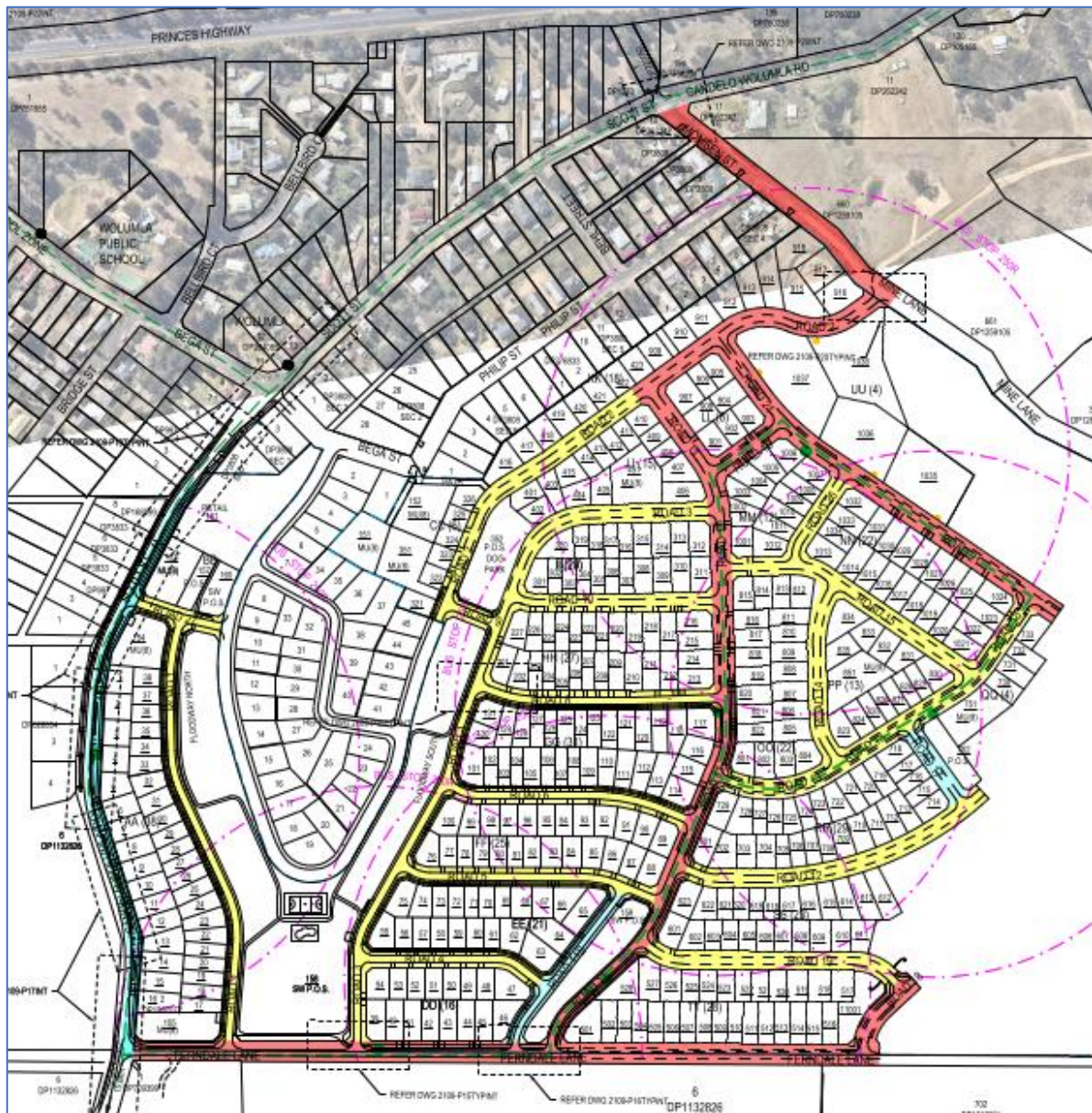


Figure 20 Proposed Road Hierarchy Plan Stage 1 Subdivision

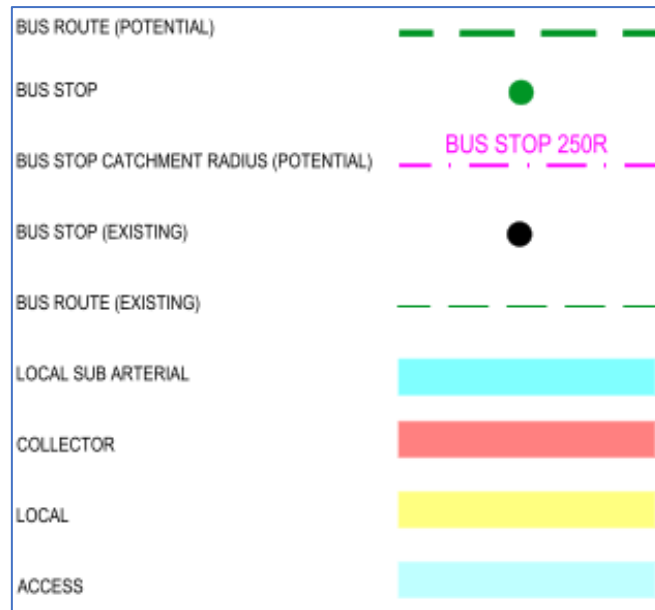


Figure 21 Proposed Road Hierarchy Plan - legend

As part of the delivery of Stage 1 the following road improvements are proposed:

- Upgrade part of Ferndale Lane and its intersection with Candelo Wolumla Road to provide safe ingress and egress to the Estate.
- Relocate the 50km/hr speed zone currently located approximately 150m east of Ferndale Lane to a suitable position west of the Ferndale Lane / Candelo Wolumla Road intersection to facilitate motorist safety.
- Upgrade Ferndale Lane from the intersection with Candelo Wolumla Road to the southern extent of proposed Road 11 (refer to Figure 22).

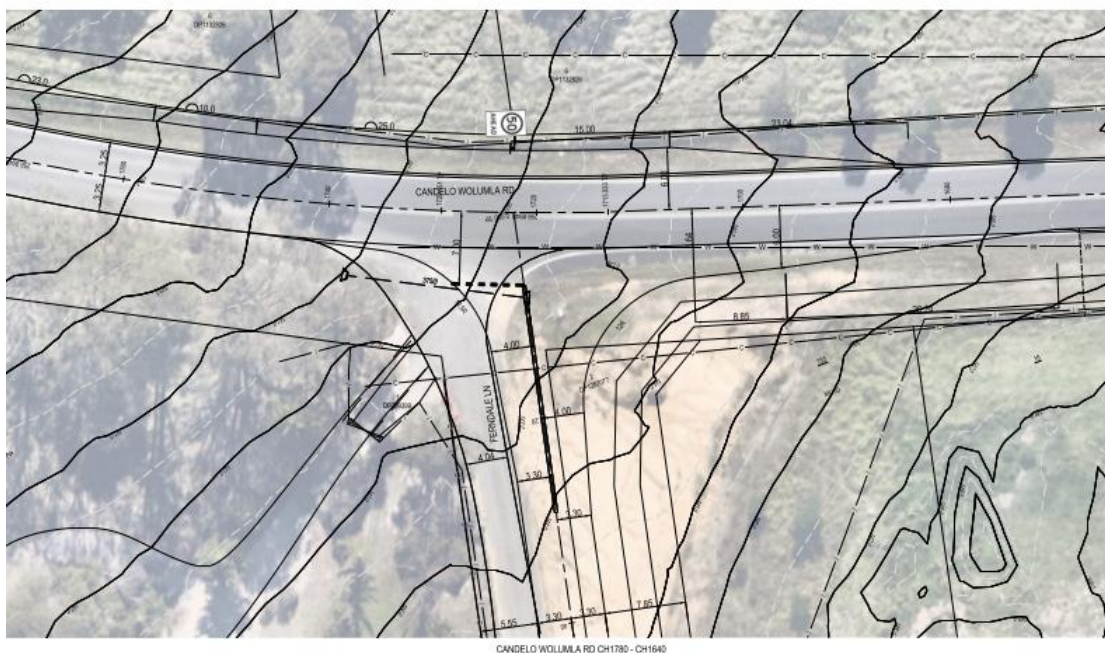


Figure 22 Ferndale Road intersection and upgrade

6.3 Landscape Master Plan

Details of the Landscape Master Plan are located in the Wolumla Estate Concept Master Plan (Attachment 3). The plan was amended in response to issues raised in public submissions which highlighted the importance of creating public spaces that facilitate active recreation by all age groups and provide opportunities for connection between the existing community and future residents. Key features of the Landscape Master Plan are shown in Figure 23.



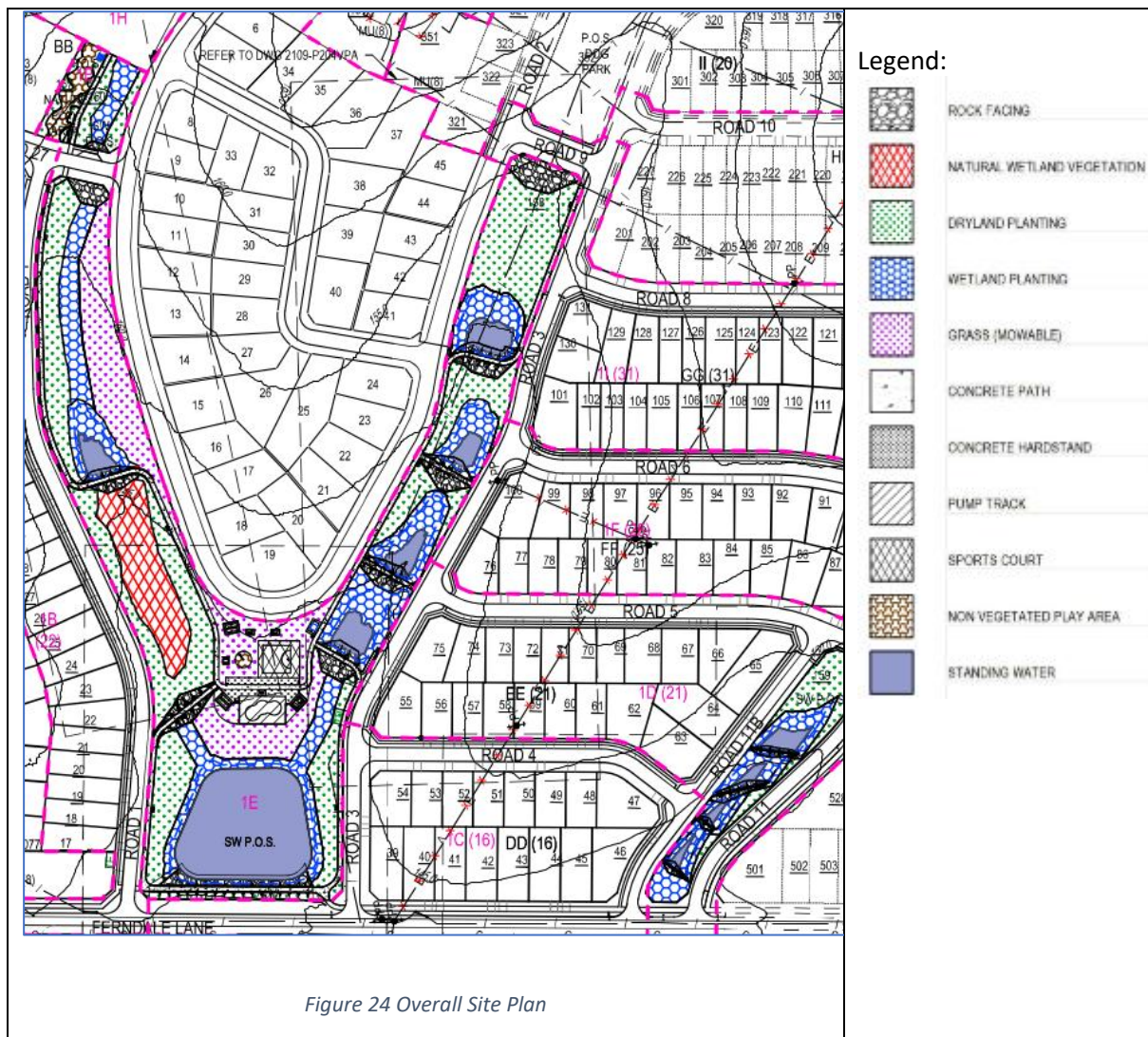
LEGEND	
1.	RETAIL HUB & NATURE PLAY
2.	OPEN SPACE - NORTHERN FLOODWAY.
3.	OPEN SPACE - LOWER FLOODWAY.
4.	OPEN SPACE - SOUTHERN FLOODWAY.
5.	OPEN SPACE - DOG PARK.
6.	OPEN SPACE - STORMWATER CONTROL FACILITY POS 1
7.	OPEN SPACE - PASSIVE OPEN SPACE

Figure 23 Key Recreational Spaces

The Landscape Master Plan proposes:

- Construction of wetlands and on-site detention treatments that achieve water sensitive urban design principles, resolve drainage and stormwater management, and create aesthetic as well as habitat value.
- Street tree planting to achieve urban cooling outcomes via a year-round canopy.
- Retail hub and nature play space designed to include logs, rocks and sensory plantings as well as bike rack and drinking fountain infrastructure.
- Open space for active and passive recreation and amenity. This includes a half court for basketball/netball, bicycle pump track, BBQ and shelter with seating, bench seats, rubbish bins, amenities block, dog park and integrated pedestrian pathway along key streetscapes and open space movement corridors.
- Open space plantings and retention of key vegetation within public land to protect local biodiversity and enhance landscape character.

Figure 24 details the overall landscape site plan and Figures 25 to 28 details each recreation precinct within the plan.



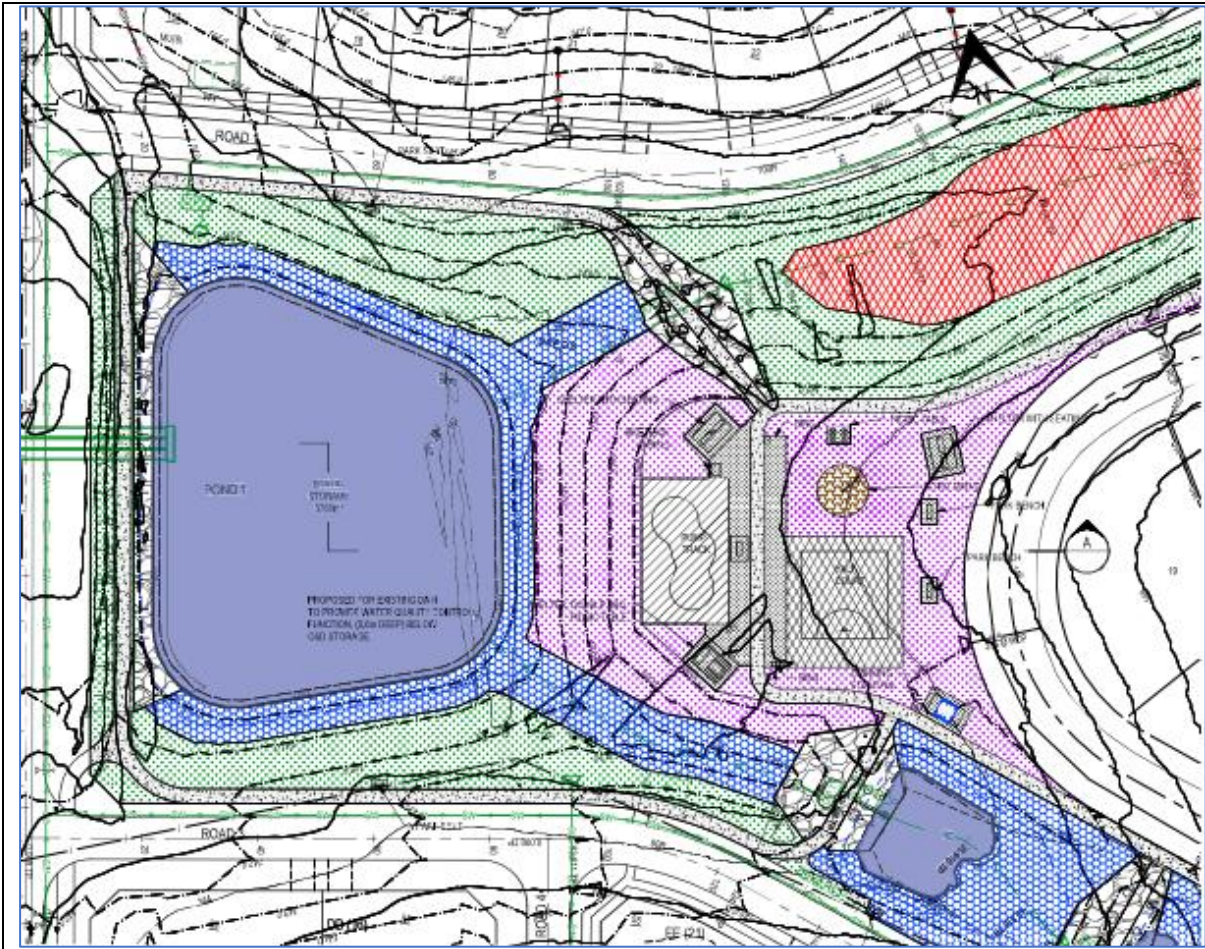


Figure 25 Open Space Lower Floodway

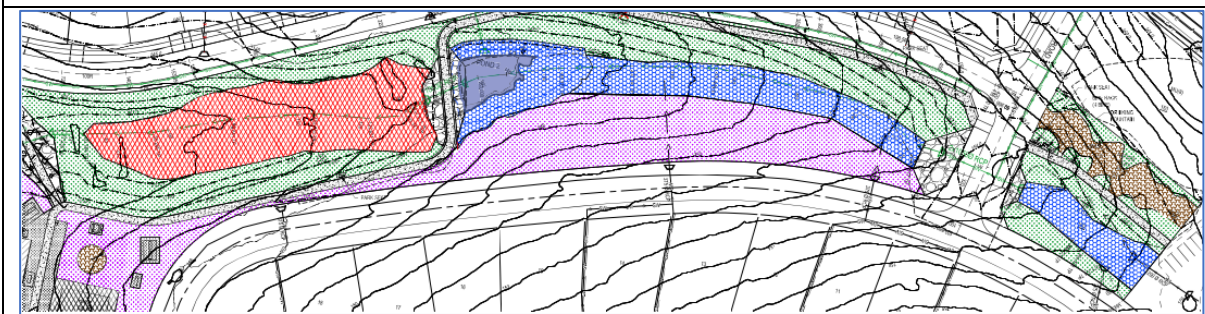


Figure 26 Open Space Northern Floodway and Nature Play Area

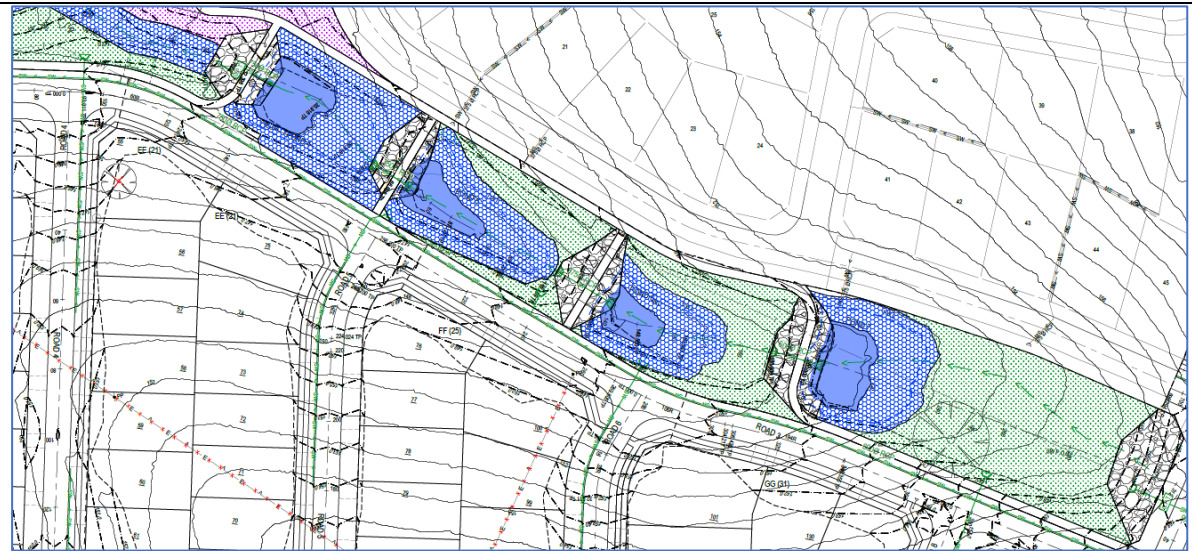


Figure 27 Open Space Southern Floodway

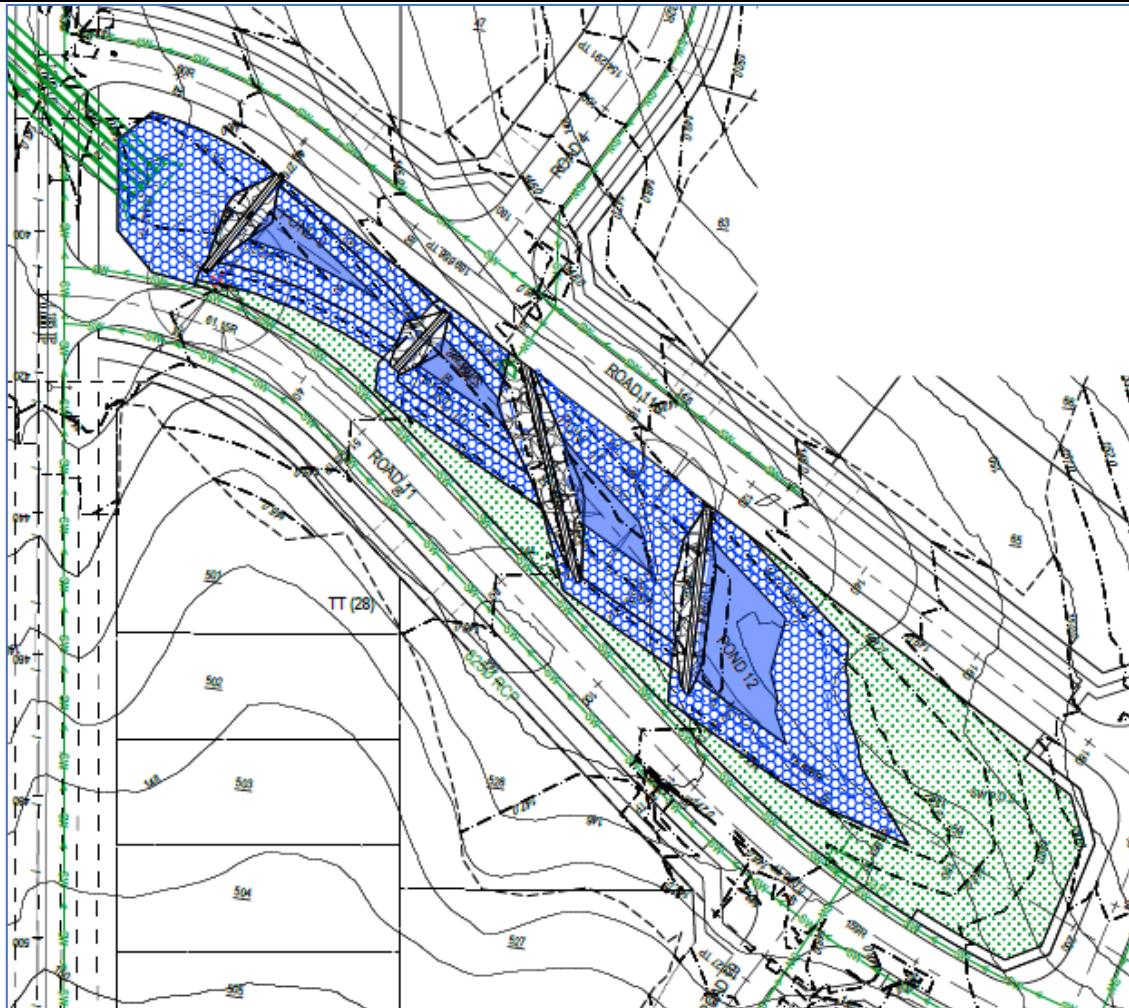


Figure 28 Stormwater Control Facility Position 1

7. STATUTORY PLANNING FRAMEWORK

7.1 Commonwealth Legislation

Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) protects matters of National Environmental Significance (NES), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places.

A Biodiversity Development Assessment Report (BDAR) submitted with the DA concludes that the proposal is unlikely to have significant effect on threatened species populations or ecological communities or their habitats based on their findings that the land:

- Does not support any EPBC Act listed ecological communities
- Does not support any EPBC Act listed flora species, or
- Is unlikely to contain habitat of potential importance to EPBC Act listed threatened or migratory species.

7.2 State Legislation

Environmental Planning and Assessment Act 1979 (EP&A Act)

The proposed development is lodged as a Concept Development Application in accordance with Section 4.22 of the EP&A Act. Under these provisions all development under the concept proposal must be the subject of future development applications and may include detailed proposals for the first stage of development. The subject development application provides sufficient information to enable a comprehensive assessment under the requirements of Section 4.15 of the EP&A Act.

7.2 (a) Integrated development

The proposal is integrated development pursuant to Section 4.46 of the EP&A Act as concurrence is required from the following authorities for it to be carried out:

- a) NSW Rural Fire Service under *s100B of the Rural Fires Act 1997*, and
- b) Heritage NSW under *s90 of the National Parks and Wildlife Act 1974*.
- c) NSW Planning and Environment – Water under *s91 of the Water Management Act 2000*.

Each agency has provided their General Terms of Approval. The comments of each agency and their respective General Terms of Approval (GTA) have been included in the recommended conditions of consent provided in Attachment 1.

National Parks and Wildlife Act 1974 (NPW Act)

The NPW Act aims to conserve the natural and cultural heritage of NSW. Where works will disturb Aboriginal objects, an Aboriginal Heritage Impact Permit (AHIP) is required.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by *On Site Cultural Heritage Management Pty Ltd* has assessed the development area as having the potential for Aboriginal artifact distribution ranging from low to moderate levels of archaeological significance.

Under these circumstances the Applicant will be required to apply for an AHIP to undertake archaeological salvage to permit the proposed development and the disturbance of identified sites and Aboriginal objects and the consent has been conditioned accordingly. Heritage NSW assessed the ACHAR submitted with the application and have issued General Terms of Approval in response, which would form part of the conditions of any approval issued to the development (refer Attachment 16).

Rural Fires Act 1997

Section 100B of the Rural Fires Act 1997 requires that a bush fire safety authority be obtained for the subdivision of bush fire prone land that could lawfully be used for residential purposes or the development of bushfire prone land for a special fire protection purpose.

The subject land is mapped as being bushfire prone (Vegetation Buffer and Vegetation Category 1 and 3). A Bushfire Assessment Report submitted with the application has been considered by the NSW Rural Fire Service which has in response issued General Terms of Approval related to a Bush Fire Safety Authority, which would form part of the conditions of any approval issued for the development (refer Attachment 15).

Water Management Act 2000

The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

The subject land includes watercourses which have been significantly disturbed through cattle grazing and land clearing associated with past agricultural activities. As such there is an absence of typical riparian features such as creek beds, banks and native vegetation. These watercourses are proposed to be integrated into the landscape and on-site detention facilities via a series of constructed wetlands / chain of ponds.

A controlled activity approval is required by the Department of Planning and Environment - Water and General Terms of Approval have been issued, which would form part of the conditions of any approval issued for the development (refer Attachment 17).

7.2 (b) Section 4.15(1)(a)(i) any environmental planning instrument

The development application has been assessed in accordance with the following environmental planning instrument's (EPI):

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *Bega Valley Local Environmental Plan 2013.*

A summary of the key matters for consideration arising from relevant State Environmental Planning Policies are outlined in Table 2 which follows.

Table 2. Summary of Applicable Environmental Planning Instruments

EPI - State Environmental Planning Policy (Transport and Infrastructure) 2021	
Matters for Consideration	Comply (Y/N)
Section 2.122 (traffic generating development) requires the consent authority to consider any advice from Transport for NSW (TfNSW) regarding traffic generating developments. <u>Assessment:</u> Initial issues of concern by TfNSW related to the need for a strategic design of the Princes Highway and Scott Street intersection upgrade works to provide an auxiliary left turn lane from the Highway into Scott Street. Following further assessment of crash history, TfNSW has advised it will be seeking funding to upgrade the intersection and that the current northbound arrangements are appropriate to retain for Stage 1 of the development (refer Attachment 14).	Y
EPI – State Environmental Planning Policy (Resilience and Hazards) 2021	
Matters for Consideration	Comply (Y/N)
This Policy contains planning provisions for land use planning within the coastal zone and for the management of hazardous and offensive development. It also provides a State-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. Chapter 4 – Remediation of Land The SEPP requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. Subject to Clause 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated. <u>Assessment:</u> The site has historically been used for quarrying and farming purposes including grazing. A Preliminary Site Investigation identified the following areas of environmental concern: • Fill located in the centre of the development site • Out houses • Disturbed soil in the northwest section of the property • Former quarry in the east section • Rural Fire Service Depot. Concentrations of contaminants of potential concern were found to be either below the laboratory limit of reporting or below the adopted health-based criteria for low density residential use and ecological investigation levels, ecological screening levels, values for urban residential and public open space. As such, the subject site is considered to be suitable for the intended development and further investigation is not deemed necessary.	Y

EPI - State Environmental Planning Policy (Biodiversity and Conservation) 2021	
Matters for Consideration	Comply (Y/N)
This Policy provides the legislative planning framework for protecting and managing the natural environment and includes planning rules for several water catchment areas, foreshores and waterways, vegetation clearing in non-rural areas and koala habitat. The clearing of native vegetation is proposed as part of the subject Development Application and has been assessed in the accompanying Biodiversity Development Assessment Report (BDAR). Comprehensive mapping and field surveys were completed in accordance with the requirements of the Biodiversity Assessment Method (BAM) to identify credit obligations under the Biodiversity Offset Scheme (BOS). Council's Environmental Officer has evaluated the report and concurs with the following findings: • The proposed clearing of 0.13 ha of wetland vegetation derived from PCT 4050 'South Coast Floodplain Wetland Paperbark Scrub' will generate four Ecosystem Credits. • 1.27 ha of habitat suitable for the Southern Myotis would be impacted generating 13 Species Credits • 0.07 ha of suitable habitat for the Squirrel Glider and the Powerful Owl would be impacted generating 1 Species Credit each. • The proposed removal of 14 scattered (native) trees would generate 14 Ecosystem Credits. Chapter 4 – Koala Habitat Protection 2021 Koala Habitat Protection 2021 applies to all land within the Bega Valley Shire excluding RU1, RU2 and RU3 zones. In accordance with Clause 4.9 of the SEPP before granting consent to a development application to carry out development on land to which this Part applies, the consent authority must assess whether the development is likely to have any impact on koalas or koala habitat. <u>Assessment:</u> The proposal is supported by a Flora and Fauna report as part of the Biodiversity Conservation Act 2016 Assessment of Significance. A survey identified trees known to be 'Koala use tree' species, however, no indications of Koala activity were detected during site surveys and no recent records of Koalas within 2.5 km of the subject development area. The report concludes that: • The proposal is unlikely to have significant effect on threatened species populations or ecological communities or their habitats. • The site is significantly disturbed, and a Flora and Fauna Report demonstrates there will be no additional adverse impacts from the development.	Y

EPI - State Environmental Planning Policy (Resources and Energy) 2021	
Matters for Consideration	Comply (Y/N)
SEPP Resources and Energy is designed to provide for the proper management and development of mineral, petroleum and extractive material resources and establish appropriate planning controls to encourage ecologically sustainable development through environmental assessment and management. In particular, the SEPP outlines land that has been classed as Biophysical Strategic Agricultural Land (BSAL) and Critical Industry Clusters (CIC). The land has not been identified as BSAL or CIC. The SEPP also identifies development permissible with consent and outlines matters for consideration in the assessment of development applications. The following provisions are relevant to the subject application. Section 2.19 of the policy requires the determining authority to consider the compatibility of the proposed development with mining, petroleum production or extractive industries. Compatibility of proposed mine, petroleum production or extractive industry with other land uses. <u>Assessment:</u> A review of Council and government databases has confirmed the subject land is identified as being within the vicinity of historic gold mining and quarrying activities which are no longer in operation, nor planned to be so in the future.	Y

Bega Valley Local Environmental Plan 2013

The site is zoned R2 Low Density Residential, RU5 Village and C3 Environmental Management Zone pursuant to Clause 2.2 of the *Bega Valley Local Environmental Plan 2013* (the LEP'). The following provisions are relevant Clauses for consideration and discussed below:

- Clause 1.2 Aims of Plan
- Clause 2.3 Zone objectives and Land Use Table
- Clause 2.6 Subdivision
- Clause 2.7 Demolition requires development consent
- Clause 4.1 Minimum subdivision lot size
- Clause 4.6 Exceptions to development standards
- Clause 5.10 Heritage conservation
- Clause 5.21 Flood planning
- Clause 6.2 Earthworks
- Clause 6.5 Terrestrial Biodiversity
- Clause 6.6 Riparian land and watercourses

Clause 1.2 Aims of Plan

Clause 1.2 of the LEP lists the aims of the Plan which are addressed in Table 3.

Table 3. Bega Valley LEP 2013 Aims

Aim	Response
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	NA
(a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,	The development is consistent with this aim. The subdivision design reflects water sensitive urban design principles and optimises opportunities for energy efficient building design.
(b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,	The development is consistent with this aim. The development will generate employment opportunities associated with subdivision works, future dwelling construction and creation of public open space. Establishment of a future commercial centre will also potentially result in other business opportunities being established in the town centre.
(c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,	The development is consistent with this aim. The system of stormwater management is based on water sensitive urban design principles that will result in rehabilitation of highly degraded riparian areas. Appropriate conditions will be applied to mitigate any adverse soil and stormwater impacts during and post construction.
(d) to encourage compact and efficient urban settlement.	The development is consistent with this aim. The subdivision plan provides for a range of dwelling styles with the smaller, more compact allotments being located within easy walking distance of the local school and existing town centre.
(e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,	The development is consistent with this aim. A Concept Plan has been lodged with the Stage 1 DA and includes a traffic impact study as required under BVDCP 2013. Future development within the vicinity of the town centre will be guided by heritage provision in BVDCP 2013 which aim to protect the cultural heritage of Wolumla.
(f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,	The development is consistent with this aim. The Concept Plan provides for the full range of services and facilities appropriate to a subdivision of this size.
(g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,	NA
(h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,	The development is consistent with this aim. An Aboriginal Due Diligence Assessment notes that the subject land has undergone high levels of disturbance associated with original land clearing, cultivation and other forms of landscape modification. For this reason the report has assessed the site to be of very low to negligible archaeological potential. Notwithstanding measures to mitigate potential harm to any Aboriginal objects will be included in the consent reflecting the recommendations of the Report prepared by <i>On Site Cultural Heritage Management Pty Ltd</i> .

(i) to restrict development on land that is subject to natural hazards,	The development is consistent with this aim. The subject property is mapped as bushfire prone land Category 1 and 3. Planning for Bushfire Protection Guidelines 2019 require that appropriate operational access and egress for emergency service personnel and occupants is available. The development area provides safe access and egress in the event of bushfire or flooding within the development area.
(j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters.	The development is consistent with this aim. Compliance with the approved Stormwater Management and Flood Assessment Plan will be included as a condition of consent to ensure nil impact on environmental flows and water quality.

Clause 2.3 Zone objectives and Land Use Table

The Concept Subdivision Plan incorporates the R2 Low Density Residential and RU5 Village zoned land of the site (See Figure 29). Under Clause 1.2 of the LEP the objectives of each zone are:

R2 Low Density Residential zone:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a mix of housing, including affordable and adaptable housing, to meet community needs.

RU5 Village zone:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development maintains and protects the village character.

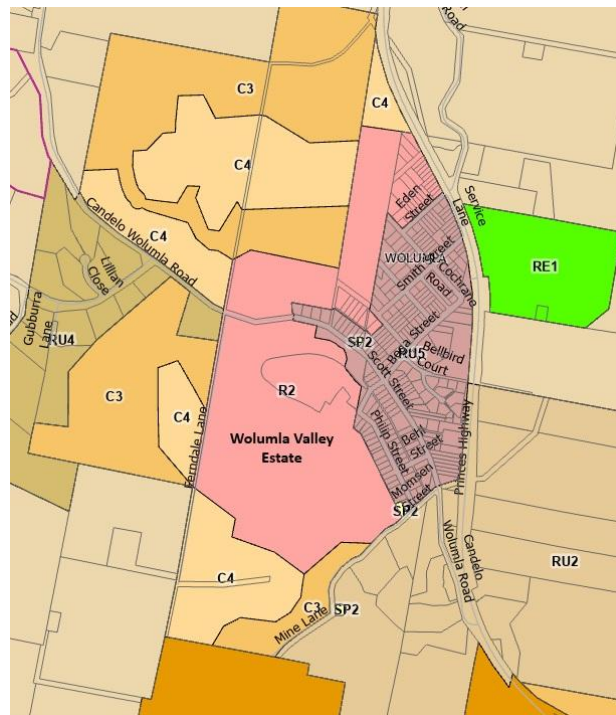


Figure 29 Land Use Zones

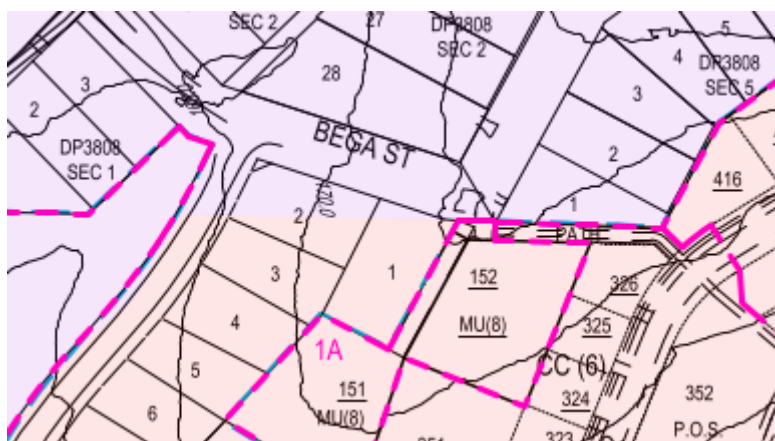


Figure 30 Interface between RU5 Village Zone and R2 Low Density Residential Zone

Assessment

The proposal is considered to be consistent with these zone objectives. Specifically it will allow for a variety housing choices for a diverse community supported by well-designed recreational spaces that connect seamlessly with the existing Wolumla community. The provision of a future commercial precinct will support the existing town centre and enhance opportunity for improvement in provision of local services and employment opportunities.

The two nominated multi dwelling sites located within the RU5 Village zone will be required to be designed sympathetically to ensure cultural features of the Wolumla Heritage Conservation Area are not adversely impacted.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in Table 4 below.

Table 4 Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Subdivision (CI 2.6)	Development consent to be obtained for subdivision	A Concept Plan and Stage 1 DA have been lodged.	Yes
Demolition (CI 2.7)	Development consent to be obtained for demolition	The proposal includes demolition of old detached farm buildings in close proximity to the Bega Street frontage.	Yes
Minimum subdivision lot size (CI 4.1)	650m ² for R2 Low Density Residential zone 1,000m ² for RU5 Village zone.	The Applicant is seeking a variation to the minimum lot size development standard for certain allotments in Stages 1B, 1C, 1D, 1F and 1I. Proposed allotment sizes vary from 440m ² to just under 650m ² . In total there are 88 residential allotments less than the minimum development	No

		standard, representing 64.73% of the total residential yield for Stage 1.	
Exceptions to development standards (CI 4.6)	Demonstration that a variation to the development standard is reasonable and can be justified on environmental planning grounds.	A request for a variation to CI 4.1 has been provided with the development application and detailed below. In brief, the variation being sought is based on the grounds that proposed allotment sizes are generally consistent with the strategic direction identified through the Residential Land Strategy and as forecast by Council's Housing Diversity Planning Proposal. This strategic planning work recommends a reduction in the minimum development standard of 650m ² to 600m ² in Zone R2 Low Density Residential in Wolumla, subject to suitable flood analysis being conducted. Suitable flood risk impact assessment has now been completed which demonstrates the proposed residential allotments are suitably located and capable of development.	Yes

Clause 4.6 Exceptions to development standards

The application is accompanied by Statement of Environmental Effects which includes a request for a variation to the development standard applying to clause 4.1 Minimum subdivision lot size. The consent authority may consider variations to development standards with the use of clause 4.6 of the BVLEP provided the proposal:

- a) Demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and
- b) Demonstrates that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Objectives of Clause 4.1 Minimum subdivision lot size

The objective of this clause is to provide controls for the subdivision of land in order to achieve the objectives of the relevant zone. In this instance the application seeks to:

- Reduce the development standard of 650m² for 85 proposed allotments within Zone R2 Low Density Residential, and
- Reduce the development standard of 1000m² for 3 allotments (Lots 1, 37 and 38) within Zone RU5 Village.

For the allotments wholly within Zone R2 Low Density Residential, the extent of the variation ranges between 20m² up to 200m². For those allotments with a split zoning

(i.e. partially within Zone R2 Low Density Residential and Zone RU5 Village) the proposed lot sizes are:

- Proposed Lot 1 is predominantly zoned RU5 Village with a site area of 650m². This equates to a variation of 350m² (or 58.85%) but is consistent with the minimum lot size for Zone R2 Low Density Residential.
- Proposed Lot 37 is predominantly zoned R2 Low Density Residential with a site area of 456m² which equates to a variation of 194m² (or 29.85%). It is also non-compliant with the minimum development standard of 1,000m² for Zone RU5 Village and represents a variation of 544m² (or 54.4%).
- Proposed Lot 38 is predominantly zoned RU5 Village with a site area of 458m² which equates to a variation of 542m² (or 54.2%). It is also non-compliant with the minimum development standard of 650m² for Zone R2 Low Density Residential and represents a variation of 192m² (or 29.54%).

Whether compliance with the standard is unreasonable or unnecessary

The Land and Environment Court decision on the matter of *Wehbe v Pittwater Council* [2007] NSWLEC 827 has established principles to guide the assessment of whether a variation to a development standard should be approved. The court decision determined that in order to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, an applicant must demonstrate either of the following:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard; or
- The underlying objective or purpose of the standard is not relevant to the development; or
- The underlying objective or purpose would be defeated or thwarted if compliance was required; or
- The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard; or
- The zoning of land was unreasonable or inappropriate, such that the standards for that zoning are also unreasonable or unnecessary.

The applicant's justification for a variation to the development standard can be summarised as follows:

1. The proposed lot sizes are consistent with the strategic intention outlined in Council's Housing Diversity Planning Proposal (which resulted in the gazettal of Amendment 43 to the Bega Valley Local Environmental Plan 2013). This sought to reduce the minimum lot size in the Zone RU5 Village from 1,000m² to 600m² and in Zone R2 Low Density Residential from 650m² to 600m² in sewered villages.
2. The strategic direction sought by the Housing Diversity Planning Proposal also proposed to permit up to 40% of new lots created in Zone R2 Low Density Residential to be smaller than the mapped minimum lot size but no less than 350m² provided the land would be serviced by reticulated water and sewer and no allotments are battleaxe configurations.

3. The Wolumla Creek Flood Study 2025 indicates that the potential risk associated with flood hazard in Wolumla is low and that proposed residential allotments will not be flood affected.
4. The proposed variation to the development standard when considered within the context of Council's strategic direction set by the Housing Diversity Planning Proposal would result in 44.12% of the proposed allotments being below the development standard of 600m² of which none are battleaxe configurations.

On review of the applicant's reasons for the variation, Council assessment staff concur with the applicant's justification on the grounds that:

- The Wolumla Creek Flood Study 2025 demonstrates there is no significant flood risk to Wolumla; and
- The proposed variation to the development standard aligns with Council's strategic direction to enable smaller lot sizes in the R2 and RU5 zone where appropriate flood studies have been completed to evidence residential development is suitable.

Whether there are sufficient environmental planning grounds to justify the contravention of the development standard

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (ref: paragraph 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by clause 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in section 1.3 of the EPA Act.'

Section 1.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) defines the objects of the Act which are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to promote the supply, delivery and maintenance of housing, including affordable housing,
- (c) to promote productivity through the development and management of the State and its resources,
- (d) to protect the environment, including the conservation of threatened species of native animals and plants, ecological communities and their habitats,

- (e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage,
- (g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,
- (h) to provide opportunities for participation in environmental planning and assessment,
- (i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (j) to promote a proportionate and risk-based approach to environmental planning and assessment,
- (k) to promote the orderly and economic use and development of land.

The applicant has submitted that there are sufficient environmental planning grounds to justify contravention of the minimum development standard in BVLEP 2013.

The application demonstrates that those allotments which fail to meet the minimum development standard are appropriate within the context of the surrounding social and natural environmental features of the area. It will result in the orderly and economic use of the land resulting in an increase in the supply and diversity of residential dwellings in the Shire thus satisfying relevant objects of the EP&A Act 1979; being clause 1.3 (b), (d), (f), (g), (i), (j) and (k).

The applicant's written request adequately demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard as required by clause 4.6(3) (a) and (b) and Council staff support the variation request.

Heritage (CI 5.10)	CI 5.10(2)(d) requires the consent authority to consider the impacts from disturbing or excavating an Aboriginal place of heritage significance.	An Aboriginal Heritage Due Diligence Assessment has concluded there to be no potential for further harm due to the highly disturbed nature of the site from past land uses including clearing and agricultural activities. The subject land is not listed on the State Heritage Register, however, adjoins a locally listed heritage item known as 'cottage on rise' (Item I683) and is within proximity to the Wolumla Heritage Conservation Area. Future	Yes
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		development of land adjoining these areas may require lodgement of a development application which will need to demonstrate compliance with the built form controls of Part 5.2 of BVDCP.	
Flood planning (CI 5.21)	CI 5.21 requires the consent authority to be satisfied that all risks associated with flooding are adequately addressed prior to deciding on the development.	A Flood Impact Risk Assessment (FIRA) has modelled the potential impact on the proposed development using data underpinning Council's Wolumla Flood Study. The FIRA Report demonstrates that risks associated with a worse-case scenario and within the context of climate change influences can be adequately managed.	Yes
Earthworks (CI 6.2)	The objective of this clause is to ensure earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Earthworks required include construction and maintenance of essential infrastructure including water and sewage reticulation, stormwater controls, internal roads, the removal and stockpiling of topsoil and creation of open space areas and associated public infrastructure. The applicant has advised that the development will be undertaken in 10 stages over a 25-to-30-year period depending on market influences. The DA is accompanied by a Revised Stormwater Landscape Plan (Attachment 12) and Revised Earthworks Plan (Attachment 13). Implementation of safeguards and mitigation measures outlined in these plans will be captured as a condition of consent. It is therefore unlikely there will be any substantial erosion or sediment loads entering any natural waterways arising from the proposed development.	Yes
Terrestrial Biodiversity (CI 6.5)	The objective of this clause is to maintain terrestrial biodiversity.	The accompanying Biodiversity Development Assessment Report has concluded that the proposal is unlikely to have significant effect on threatened species populations or ecological communities or their habitats.	Yes

Riparian Land and Watercourses (Cl 6.6)	The objective of this clause is to protect and maintain water quality, stability of the bed and banks of watercourses, aquatic and riparian habitats and ecological process within watercourses and riparian areas.	The site is mapped as containing riparian land or watercourses which have been incorporated into design of the stormwater management system and proposal public open space areas. Sediment and stormwater devices and ongoing management practices are described in the accompanying Revised Stormwater Landscape Plan (Attachment 12) and Revised Earthworks Plan (Attachment 13). These will be required by condition of the consent to ensure there is adequate management and monitoring of their effectiveness.	Yes
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The proposal is considered to be generally consistent with the relevant provisions of the LEP applying to the development. Based on the above considerations, it is considered that the Concept Plan and Stage 1 Subdivision meet the objectives of the zone and is supported.

Section 4.15(1)(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Draft Remediation of Land SEPP

The explanation of intended effects has been reviewed and considered. No additional matters were identified as needing to be addressed.

Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Bega Valley Development Control Plan 2013 ('the DCP') is relevant to this application. The following sections of the DCP are relevant to the proposal. The proposal is generally consistent with the relevant objectives and controls of the DCP.

The proposed development is subject to the provisions of the *Bega Valley Development Control Plan 2013 (BVDCP)*. The following sections are relevant:

- Part 5 General Development
- Part 6 Engineering Requirements
- Part 7 Specific Requirements

Chapter 5 General Development

Section 5.1 Aboriginal Heritage:

The objectives of this Clause are to protect and conserve Aboriginal cultural and spiritual sites within the Shire and ensure that the impact of proposed development is considered by adequate investigation and assessment processes.

The Aboriginal Cultural Heritage Assessment Report is comprehensive and concludes that there is little likelihood of adverse impacts to the cultural heritage values of the site given the degree to which the site has been disturbed through past agricultural and extractive activities. The Bega Local Aboriginal Land Council was consulted and raised no specific

concerns. The consent references specific protocols under the National Parks and Wildlife Act that must be observed should any Aboriginal artifact be observed during any stage of the development.

Assessment: The application has suitably addressed the requirements of this Clause and conditions of consent are proposed including specific protocols under the National Parks and Wildlife Act that must be observed should any Aboriginal artifact be observed during construction works.

Section 5.2 Non Aboriginal Heritage

The relevant objective is to ensure that the potential impact of development adjacent to a heritage item is considered prior to determination. As previously stated, there is one local heritage item that could potentially be impacted, and any development application adjacent to the site will need to demonstrate compliance with BVDCP 2013 development standards.

Assessment: The proposed Concept Plan and Stage 1 Subdivision have been assessed in relation to impacts on European Heritage with no issues identified on nearby Heritage Items or the Wolumla Village Heritage Conservation Area.

Section 5.3 Access and Mobility

The DCP requires supporting documentation demonstrating compliance with the Commonwealth Disability Discrimination Act 1992. The objective is to improve physical access to the built environment which includes all public access buildings, paths of travel, streetscapes, accessible parking, amenities and Council facilities.

The proposed subdivision design incorporates parking with indented bays adjacent to the main public open space areas, including the nature play and lower floodway areas which are to be linked via accessible pathways. The public shelter is proposed within the nature play / open space area and will be designed to meet mandatory accessibility standards.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.4 Social and Economic Impacts

The objective is to ensure the impacts of certain developments on social and economic factors are considered. This includes residential subdivision for twenty or more allotments.

The Statement of Environmental Effects and Concept Plan report examine the social, economic and environmental opportunities and constraints applying to the subject land. These plans were subsequently amended in response to detailed comments from Council and more general views expressed through public submissions received during the public notification period. Specific changes to the Concept Plan and Stage 1 subdivision plan include:

- The total number of residential allotments for Stages 1 to 10 has been reduced from 552 in the original proposal to 391, with the Stage 1 yield decreasing from 170 to 136 allotments.
- The road design has been amended to provide safer access and egress from the development area in the event of bushfire or flooding.
- Additional open space in Stage 3 for the purpose of a leash-free dog park has been included in the Concept Plan.
- Redesign of pedestrian paths and inclusion of a shared pathway within the subdivision to provide improved recreational opportunities and greater connectivity with Wolumla town centre, the school and existing public park.

- Detailed examination of potential flooding impacts resulting in minor adjustments to the subdivision design to provide for improved stormwater management.
- Redesign of the Bega and Scott Street intersections to improve pedestrian safety, access and movement.
- Inclusion of traffic calming measures in strategic locations on Scott and Bega Streets that will potentially improve quality of the public domain within Wolumla town centre.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.5 Sustainable Design Principles

The objective is to ensure that the principles of ecologically sustainable development are considered in the design of built form at the subdivision and subsequent stages of development. A *Sustainable Design Management Plan* has been submitted with the Statement of Environmental Effects which adequately address energy, water resources, ecology, stormwater management, transport, waste management and design innovation.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.6 Tree and Vegetation Preservation:

The relevant objective is to minimise impacts to vegetation with high environmental value e.g. threatened ecological communities, threatened species and their habitats.

The proposed development requires vegetation clearing and has been assessed against the requirements of the Biodiversity Conservation Act 2016 and Regulation. The development will require the clearing of approximately 2.94 ha of native vegetation including 0.13 ha of wetland vegetation and 0.32 of regrowth. The application has been supported by a Biodiversity Development Assessment Report (BDAR) and Landscape Plan and mitigation measures proposed in the BDAR will be incorporated into conditions of consent.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.8.1 Flood Planning

The objectives aim to ensure new development does not interfere with existing flood flow, channel capacity or flood storage areas, ensure public safety including the safe occupation and efficient evacuation of people in flood events and to reduce private and public losses from flooding.

The proposal is supported by a Flood Risk Impact Assessment (FIRA) prepared by Kingfisher Hydro. The FIRA has assessed the subdivision design with regard to the existing flood constraints of the site, based on the adopted Wolumla Creek Flood Study (Rhelm, 2025) and supporting hydraulic modelling. It concludes that the subdivision layout has responded appropriately to site constraints by being located outside higher hazard areas. Furthermore, with flooding being confined to defined drainage corridors and the site being characterised by low flood hazard conditions, the proposed development is not expected to have adverse impacts on residents, public assets or the surrounding environment.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.8.3 Contaminated Land

The aim is to safeguard and improve the quality of public and environmental health by ensuring that any land contamination issues are resolved early in the planning process.

A Preliminary Site Investigation of contamination has been provided with the application. The report has assessed sites which have historically been used to locate stockpiles of soil, out houses, a former quarry and NSW Rural Fire Service depot. Low concentrations of Contaminants of Potential Concern (COPC) were found and assessed as being below the adopted health based criteria for low density residential uses and public open space. It concludes that the proposed site is suitable for subdivision.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.8.4 Planning for Hazards – Bushfire Prone Land

The objective is to help mitigate the impact of bush fire on buildings and the community within the Bega Valley Shire.

The site is mapped as being bushfire prone land (Vegetation Buffer and Vegetation Categories 1 and 3). The proposal has been assessed in line with Planning for Bushfire Protection Guidelines 2019 and General Terms of Approval have been issued by the NSW Rural Fire Service. This requires the Stage 1 development area to be managed as an inner protection area.

The NSW RFS has noted proposed Stages 6 and 7 of the Concept Masterplan do not incorporate a perimeter road for the full extent of the interface with the grassland hazard, and as such proposed lots 611, 733 and 733 may not be able to provide a viable building envelope as well as accommodate on site APZs. This issue will need to be assessed in association with any future subdivision application over land within these stages.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.10.1 Subdivision Standards – Access and Servicing

This section sets minimum development standards for subdivision to ensure each lot has legal and practical legal access to drainage, utility services, and a Council controlled public road or State Highway (where relevant). The subdivision plan has been assessed against all relevant criteria and demonstrates compliance. Direct access to a classified road is not proposed.

Assessment: The application has been reviewed by Council's Development Engineers who have advised that the application and revised plans suitably demonstrate compliance with the requirements of this Clause. Conditions of consent are proposed to ensure servicing standards are met.

Section 5.10.1.2 Subdivisions Across Zone Boundaries

Where an allotment contains land in more than one zone, the proposal must be assessed against the development standards and objectives applying to each zone. Council must be satisfied that the intended use of the resulting allotment conforms to the requirements of the BVLEP and relevant provisions of BVDGP.

Proposed Lots 1, 37, 38, MU Lot 153, MU Lot 154 and Lot 161 (commercial area) are identified as having split land use zones being part RU5 Village Zone and part R2 Low Density Residential Zone (refer Figure 31).

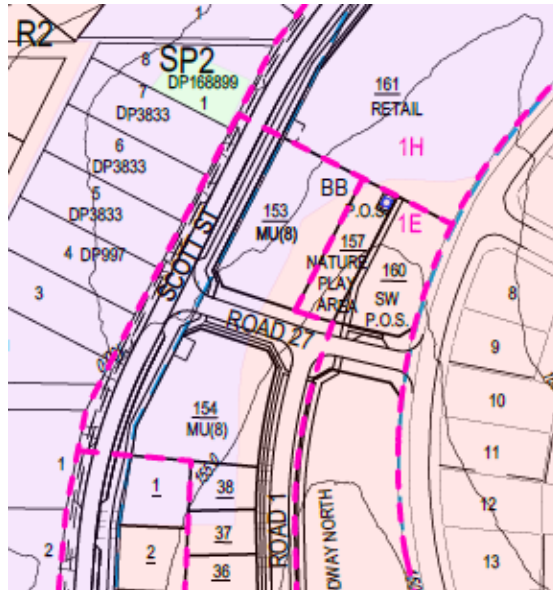


Figure 31 Proposed subdivision Stage 1B over split landuse zones

In this instance MU Lot 153, MU Lot 154 and Lot 161 are satisfactory as they have site areas that either comply with or exceed the minimum development standard prescribed in BVLEP 2013.

In relation to proposed Lots 1, 37 and 38, their proposed areas are 650m², 456m² and 458m² which does not confirm to the relevant minimum subdivision standards of 1,000m² for land zoned RU5 Village and 650m² for land zoned low density residential use. However, within the context of the proposed surrounding Stage 1 subdivision design, these allotment sizes are considered to be suitable and capable of being appropriately serviced.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.10.1.4 Public Reserve Dedications

Early consultation with Council is encouraged in the planning of subdivisions involving public reserve dedications to ensure these benefit the occupants of the subdivision and community in general. The proposed public open space has been designed to achieve multiple objectives including effective management of stormwater, creation of quality recreational spaces and opportunities for improved aesthetic and ecological outcomes. Council has assessed the proposed public spaces to be appropriate to the scale and nature of the development.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.10.1.4 Hazards

The design of subdivisions must take account a range of potential environmental hazards which in this instance relate to flooding, bushfire protection, steep slopes and soil erosion. The proposal has adequately developed the subdivision design taking into account the conclusions and recommendations of the various reports prepared on the above issues.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.10.1.6 Riparian areas, estuaries and wetlands

The NSW Office of Water requires applications for subdivisions adjoining riparian areas to consider the impact of proposed development on ecology to ensure hydrological health of waterways. The development site contains a number of unnamed, mapped hydrolines and 1st and 2nd order watercourses which flow into Frogs Hollow Creek located approximately 200m west of the subject site. These have been significantly degraded due to long term cattle grazing and have been integrated into design of the stormwater management system and public open space areas. This will include creation of sediment detention ponds and planting of native plant species using Water Sensitive Urban Design principles. The Department of Planning and Environment – Water has issued General Terms of Approval which require an application for a controlled activity to be lodged prior to construction.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 5.10.1.8 Energy Efficient Design

Residential subdivisions are required to be designed to provide allotments that permit future housing to optimise solar orientation, generally so that living areas in houses can be oriented towards the north.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

5.10.1.10 Neighbourhood Design – Greenfield Development

The design of urban release areas must provide for 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. A network of passive and active recreational areas must also be incorporated into the design.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause with detailed concepts of safe and simple and accessible movement systems throughout Stage 1 of the Development.

Section 5.10.2.2 Residential, Village and Subdivisions

The objective of this section is to ensure subdivision design enables a variety of lot sizes and dwelling/housing types to support a diverse community and which are well serviced and respond to the geographic and environmental features of the locality.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause and lot sizing has been detailed extensively in the Clause 4.6 Variation request detailed earlier in this assessment report.

Chapter 6 Engineering Requirements

The objective is to ensure all aspects of design and construction of development works conform to sound engineering practice, recognised codes and standards, and implementation of best practice water quality controls.

Section 6.1 General Requirements

A description of the proposed road hierarchy and design are provided in Section 6.2 of this assessment. A Traffic Impact Assessment prepared by Traffic Engineering Consulting (TEC) has assessed this within the context of the original proposal for a staged residential subdivision comprising 519 residential and 9 larger allotments. TEC concluded that the road design and proposed road treatments are appropriate, noting that traffic and transport

related issues will need to be re-assessed at each subsequent stage of development (Stages 2 to 9).

Issues raised by Council relating to the internal road layout and intersection treatments, and by Transport for NSW regarding safety issues at the intersection of Scott Street and the Princes Highway have been satisfactorily resolved.

Assessment: Council Engineers have assessed the proposal and concluded:

- The proposed drainage and flood management measures are acceptable in principle.
- The development generally maintains existing drainage patterns and flow paths.
- Flood modelling demonstrates no significant adverse impacts on adjoining properties, Ferndale Lane or downstream waterways.
- Upgraded culvert infrastructure provides an overall improvement in hydraulic performance.
- Residual flood risks are low and are appropriately managed through subdivision design and infrastructure upgrades.

In conclusion the application has suitably demonstrated compliance with the requirements of this Clause and the proposal is considered satisfactory, subject to detailed design approval.

Section 6.1.2.3 Specific Requirements Residential and Village Subdivisions

The layout of new streets and pedestrian footpaths and shared pathways within Stage 1 is legible, facilitates connectivity within the development area and enables seamless integration between the new development area and Wolumla town centre. Council's Engineers recommend 1 change to the road design. This is for the intersection of Road 4 and Ferndale Lane to be designed and constructed to a 'Local' road standard not to an 'Access' Road standard as shown on the approved civil plans. The draft conditions include a requirement to this effect.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 6.2 Parking and Driveways

This section requires access to parking areas to be designed to minimise conflict between pedestrians, cyclists and traffic, and to be surfaced and graded to reduce run off and allow stormwater to be controlled on site or disposed of to a controlled drainage system.

Revised Civil Engineering Drawings propose crossovers for all roads within the subdivision to be constructed as a modified layback kerb which is trafficable from all property frontages. This will permit greater flexibility for the location of driveways based on future dwelling design.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 6.3 Soil and Stormwater Management

There is a general requirement for development to be constructed in a manner which mitigates erosion and sedimentation in order to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment.

A Stormwater and Flood Assessment was undertaken by OCRE Pty Ltd for Stage 1. This was reviewed by Kingfisher Hydro at Council's request to assess the adequacy of the proposed drainage network and stormwater treatments within the context of the Wolumla Creek Flood Study 2025. The review concluded that:

- The proposed subdivision layout responds appropriately to flooding constraints by locating development outside higher hazard areas and maintaining key flow conveyance paths,
- Overland flow can be appropriately managed within the proposed drainage network and road reserve flow paths as per the stormwater design submitted with the development application.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 6.4 Utility Services

Stage 1 of the proposed development will be serviced with telecommunications and underground electricity reticulation and street lighting through augmentation works to enable connection with existing utilities infrastructure.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Section 7.8 Site Specific Requirements – Wolumla

The subject land requires lodgement and approval of a master plan prior to any future subdivision of the land. A Master Plan has been accompanied by a Traffic Impact Study and outline any future servicing requirements including costings.

Assessment: The application has suitably demonstrated compliance with the requirements of this Clause.

Bega Valley Local Infrastructure Contributions Plan

The Applicant has offered to enter into a Voluntary Planning Agreement (VPA) associated with the Wolumla Valley Estate Concept Master Plan.

For the purpose of calculating Section 7.11 Contributions under Bega Valley Local Infrastructure Contributions Plan, Stage 1 of the subdivision proposes creation of 136 residential allotments. This would attract a total contribution of \$2,436,284. The Letter of Offer given in principle support by Council at its meeting of 15 July 2026 indicates infrastructure works and dedication of land will be provided in lieu of a monetary contribution payment.

Section 4.15(1)(a)(iv) – The regulations

The application satisfactorily meets the relevant requirements of the EP&A Regulation 2021, including the procedures relating to applications (Part 3 of the EP&A Regulation 2021) and public participation procedures for development that requires consent.

Section 4.15(1)(b) - Likely Impacts of Development

The proposal is satisfactory having consideration to the impact on the natural environment (in terms of landforms, water quality, drainage/hydrology/watercourses, vegetation and erosion / sedimentation), and the existing built including the social and economic environment of Wolumla.

The Concept Plan and Stage 1 Development Application and accompanying studies/reports were referred to the following external authorities for consultation and or concurrence in accordance with integrated development requirements:

- Transport for NSW
- Essential Energy
- Heritage NSW
- Department of Planning and the Environment – Water
- WaterNSW
- NSW Rural Fire Service.

Additional information was requested by Transport for NSW regarding potential safety issues associated with the intersection between the Princes Highway and Scott Street. The department subsequently concluded this was a matter for the NSW government to address and advised no objections to the proposal.

The NSW RFS requested that the road network within the development area be amended to enable safe ingress and egress in the event of a bushfire. The Applicant subsequently amended the road design to the satisfaction of NSW RFS who raised no further objections.

It is noted that referral to Water NSW received advice that no approval was required from that agency.

Natural Environment

The full range of potential impacts on the natural environment has been considered and the proposed development design reflects the findings and recommendations of specialist studies prepared in support of the application, these being:

1. Aboriginal Cultural Heritage Assessment Report
2. Bushfire Assessment Report
3. Biodiversity Development Assessment Report
4. Traffic Impact Assessment Report
5. Stormwater and Landscape Plan
6. Flood Impact Risk Assessment Report

The development has been designed to ensure any potential impacts are minimised and managed and appropriate mitigation measures have been included in the recommended conditions of consent. Within this context, the proposed development is unlikely to have significant effect on air and water quality, natural ecosystems, nor threatened species populations or ecological communities and habitats.

Built Environment

The site is located on the western side of Wolumla and bordered by a large lot residential subdivision under construction and Yurammie State Reserve to the South. The Stage 1 subdivision provides opportunities for a range of dwelling types to meet a diverse community. Building design will be guided by relevant development controls under BVLEP 2013 and BVDCP 2013. The design is considered to complement the existing Wolumla village and provide a range of additional services including recreational facilities and additional Commercial area to consolidate the core business area of the Village.

Social and Economic

The planned development of Wolumla is consistent with the *Bega Valley Residential Land Strategy 2040* and *Wolumla Structure Plan* which anticipate continued demand for residential housing across the LGA. The proposed development provides an opportunity to progressively improve public infrastructure and services in Wolumla as residential land is developed within the Wolumla Valley Estate. This will enhance social and economic opportunities for new and

existing Wolumla residents through the provision of improved public domain and retail and personal services and employment opportunities associated with land development.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

Section 4.15(1)(c) - Suitability of the site

The site's location is suitable for the proposed development for the following reasons:

- The site is suitably zoned R2 Low Density Residential zone, RU5 Village zone and C3 Environmental Management Zone.
- The subdivision design is sympathetic to the geographic characteristics and constraints of the site and through application of water sensitive urban design principles enables existing somewhat degraded water courses to be rehabilitated.
- The public roads, footpaths and shared pathways are designed to facilitate ease of movement between the existing town centre and high quality public open spaces in Stage 1.
- Rural landscape values will be protected from public viewing areas.

It is therefore considered that the proposal will not lead to any conflicts with the existing Wolumla community nor surrounding land uses based on the Concept Plan, Stage 1 subdivision design, Stormwater Landscape Plan, Traffic Management Plan with suitable conditions of consent to guide construction over the site.

Section 4.15(1)(d) - Public Submissions

The proposal was notified and advertised for a period of 28 days from 18th April to 20th May 2024 in accordance with Council's *Community Participation Plan*.

The Council received twenty submissions raising issues relating to the potential impact of the development on the village character of Wolumla, environmental impacts and the inadequacy of essential services to meet an increase in population. These issues have been addressed in detail and it is considered that the management measures proposed in association with appropriate conditions of consent will mitigate any adverse impacts. These are detailed below in turn with assessing officer responses to each.

Table 4. Summary of Submissions

ISSUES	RESPONSE
Character The higher density subdivision design will undermine the village character of Wolumla. Specifically any reduction to the minimum subdivision standard of 1,000m² will result in large houses being erected on smaller allotments with insufficient provision of private open space. Any variation to the minimum development standard has not been justified in the supporting documentation.	The original development application proposed 552 residential allotments over 10 stages with 170 planned for Stage 1. Following public exhibition the Concept Plan and Stage 1 DA were amended resulting in approximately 391 residential allotments overall with 136 in Stage 1. This represents a reduction of 161 and 34 allotments respectively between the first and final Concept Plan and Stage 1 development. Five (5) of the 136 proposed residential allotments in Stage 1 comprise a mixed zone of R2 Low Density Residential and RU5 Village. Of these, lots 153 and

The rural character of the area will be adversely impacted by the scale of development on the east-bound approach to the village. Further housing in the area is supported but the design should be sensitive and respectful to the existing character of the area.	154 are proposed for multi-unit housing with lot sizes of 2,252m² and 2,142m² respectively which are above the minimum lot size of 1,000m². Of the total lot yield for Stage 1, three (3) are located in the RU5 Village Zone where a minimum development standard of 1,000m² applies. These are Lots 1, 37, and 38 which are proposed residential lots ranging in size from 456m² to 650m². The character of Wolumla will change as more residents move into the area. However, BVLEP and BVDCP include planning provisions to guide the design of development in a way that respects Indigenous and Non Indigenous heritage and protects the area's environmental values.
Social Infrastructure The potential increase in population will place a strain on services which are currently inadequate to meet the needs of the existing Wolumla community. Specifically, this includes an inadequate range of retail services, insufficient capacity at the Wolumla Primary School and inadequate community meeting spaces.	The proposed development includes a commercial precinct comprising 7,379m² located immediately south of the Scott and Bega Street intersection. It is envisaged this will develop overtime as the population of Wolumla increases. In the meantime residents have access to a full range of retail and personal services located in Merimbula (12 km distant) or Bega (21km distant). In terms of decisions regarding increasing capacity at the school this is determined by the NSW Government and beyond the scope of this development application. The Bega Valley Shire <i>Local Infrastructure Contributions Plan 2026-2041</i> provides the basis for progressive upgrade of public assets such as roads, parks, parking and community facilities as the population increases. In addition a Draft Voluntary Planning Agreement has been developed between the Applicant and Council, with Council resolving to provide in principal agreement to the VPA at its meeting of 15 July 2026. Projects proposed within these plans will potentially see improvement to social infrastructure including a new/upgraded shared path for pedestrians and cyclists to connect recreation areas, construction of public amenities, upgrade of Wolumla Park, construction of Wolumla Community Hall car park and Bega Street/Scott Street/Scott Street/Candelo-Wolumla Road intersection upgrade.
Climate Change Changing weather patterns and higher temperatures warrant inclusion of more green spaces and shade in urban design.	The principles of ecologically sustainable development are reflected in the proposed development. In particular:

Subdivisions must be designed to ensure there is no public risk from bushfire.	• Water sensitive urban design principles have been applied in designing the stormwater and open space areas. The resulting chain of ponds and proposed revegetation will enhance rehabilitation of the existing somewhat degraded riparian areas and improve water quality and local ecology. • The Landscape Master Plan provides for street trees and planting within the open space areas which will aid mitigation of potential increases in temperature arising from climate change. • Energy efficiency principles are reflected in the subdivision design to optimise solar orientation into living areas. • A Bushfire Assessment Report prepared for the proposal has been assessed against relevant provisions of <i>Planning for Bush Fire Protection 2019</i> and concludes that the proposed APZs are adequate to mitigate any risk from bushfire. All recommendations are included as conditions of consent. The <i>Bega Valley Local Infrastructure Contributions Plan 2026-2041</i> lists public works to be undertaken by Council within Wolumla. This includes street trees and village greening which will enhance the public domain and provide shade during periods of hot weather.
Recreation Areas Public open space is important for community wellbeing and mental health. There is insufficient public open space in the proposed development area and the location of recreation areas in flood ways is not practical. Additional recreational facilities should be provided within the development area such as dog park, BBQ's, basketball court, skate park and playground for younger children, bicycle paths and walking tracks. In addition a sporting field on the western side of the Princes Highway should be provided to overcome pedestrian safety risks accessing Wolumla Sporting Fields across the Princes Highway.	Section 6.3 of this report provides details of new public open space and recreation facilities that have been designed into the revised Landscape Master Plan in response to issues raised in public submissions. This includes active and passive recreation areas, a leash free dog park, a nature play space, bench seats and shelters with bench seating, . The pedestrian and shared pathway network within the development area has also been redesigned to better integrate with existing pathways in Wolumla. The open space areas in Stage 1 comprise a series of ponds along existing watercourses surrounded by passive and active spaces. These ponds form part of the stormwater management system and are designed to contain runoff in the event of storm events. Hydraulic modelling indicates there is a low risk of flooding and in a major storm event up to a maximum height of 0.08m on Ferndale Lane below the dam.

	Wolumla Recreation Ground is well utilised by local sporting groups and Wolumla Public School where access is generally gained by private vehicle or bus for sporting events. The grounds are also utilised for leash free dog recreation by Wolumla residents and pedestrian access from Wolumla can only be gained by crossing the Princess Highway. There are no plans to provide an additional sporting ground west of the Princes Highway, however the leash free dog park proposed in Stage 3 of the development will allow safe pedestrian access for existing and future Wolumla residents. Any decision to design pedestrian access across the Princes Highway will be determined by the NSW Government and is beyond the scope of this development application.
Utilities Infrastructure – Electricity, Water, Sewer and Stormwater Wolumla’s existing electricity, water, sewage and stormwater facilities are at capacity and cannot accommodate further population increase. Even if these facilities are upgraded, these costs may come at the expense of ratepayers. The information provided in the application did not satisfactorily address the generation of stormwater runoff to neighbouring properties. Phillip Street in particular experiences major stormwater issues during heavy rain events. Natural waterways and dams should be protected to ensure clean waterways and protection of natural ecosystems.	All essential utility services will be upgraded to accommodate the potential increase in population in Stage 1. This includes electricity and potable water supply, sewage and stormwater management. Specific works include expansion of the water reservoir, delivery of a new sewer pump station and rising main, and improved stormwater management. Development of proposed stages 2 to 10 of the Concept Plan will require lodgement of separate development applications supported by relevant studies that address future capacity and servicing requirements with respect to all utilities. In response to concerns raised in submissions regarding runoff in the vicinity of Scott and Phillip Streets Council requested additional hydraulic modelling be undertaken by the applicant to better assess the effectiveness of proposed stormwater measures. The <i>Flood Impact and Risk Assessment Report</i> (FIRA) and supporting documentation was subsequently reviewed by Rhelm Pty Ltd (author of the Wolumla Creek Flood Study). Rhelm concluded that additional information on flood behaviour was required including the impact of climate change for flood behaviour and flood risk over the design life of the development. The additional information was provided in a new FIRA prepared by Kingfisher Hydro. Council Engineers have assessed the reports as providing adequate information to support the proposed development with appropriate conditions of consent being applied.

Traffic and Access Current roads in Wolumla will need to be upgraded, in particular the intersection of Scott and Bega Streets and intersections with the Princes Highway. Roads and key intersections will need to be designed to ensure there is no public safety risk during construction. There is inadequate parking for people accessing the school, hotel and Wolumla Community Hall and this will need to be substantially upgraded. Concern that Council rates income will be contributed towards infrastructure upgrades associated with new development, particularly when there currently inadequate stormwater drainage infrastructure, footpaths and street lighting in Candelo.	The proposed road network is described in Section 6.2 and Figure 20 of this report. This includes upgraded transport connections with a focus on road widening, upgrade to the Ferndale Lane and Bega Street intersections with Scott Street, traffic-calming, pedestrian safety and active-travel improvements along Candelo-Wolumla Road. As mentioned earlier in this report car parking will be constructed at Wolumla Community Hall as part of Council's capital works program. In addition a new bus stop and pedestrian crossing will be constructed on Clarke Street and at the future commercial centre on Scott Street. The Applicant has offered to enter into a Voluntary Planning Agreement with Council which gained in principle support from Council at its meeting of 15th July. This agreement details specific infrastructure to support both existing and future residents from the proposed development.
Non-Indigenous Cultural Heritage The supporting heritage assessment documentation is inadequate by failing to assess the adverse impacts of higher density development on the heritage precinct. An assessment should be undertaken of former farm buildings including the huts and yards/gardens and their significance to the cultural values of the area. Specifically land identified for multi dwelling housing (MU1, MU2 and MU6) should be relocated closer to the shopping district on the Candelo-Wolumla Road. There is potential for harm to be done to existing heritage items and for the views from the heritage buildings towards the new development to be adversely impacted.	The character of Wolumla is defined by the high number of historic buildings along Scott Street which provide strong references to the past. Other than Scott Street, there are few historic buildings in the back streets where there is mixed cottage development constructed from the mid to late 20th century. 'Cottage on the Hill' on the corner of Phillip and Bega Streets is the only heritage listed item in the development area (refer Figure 31). This is adjacent to a proposed multi-dwelling site on lot 152 comprising 2,252m² in Stage 1A of the Concept Plan.

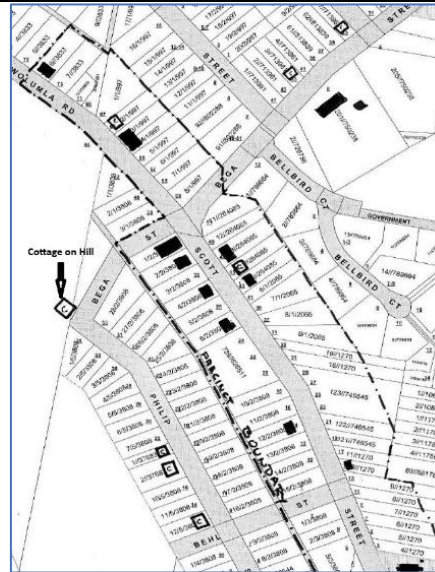


Figure 32 Wolumla Local Heritage

The design of dwellings within proximity of 'Cottage on the Hill' and the Wolumla Heritage Conservation Area will be guided by planning requirements for development in BVDCP 2013. These aim to ensure the potential impact of development on a heritage item is considered and measures taken to avoid any adverse impact.

Five (5) of the 9 multi-dwelling allotments proposed in the Concept Plan are located in Stage 1 and are within walking distance of town centre facilities and services. The remaining 4 multi-dwelling sites are proposed in 4 future stages of development. This design reflects sound urban design principles which encourage a mix of dwelling types throughout neighbourhoods with higher density housing being located close to facilities and amenities.

Indigenous Cultural Heritage

The Aboriginal Cultural Heritage Assessment was not provided on-line for public review.

The Aboriginal Cultural Heritage Assessment Report prepared by *On Site Cultural Heritage Management Pty Ltd* contains detailed information on the location of Aboriginal heritage sites within the development area. Out of respect for local Indigenous communities publication of these locations has been withheld.

The Statement of Environmental Significance provides a comprehensive assessment of Aboriginal cultural heritage significance, acknowledging the high significance of the land to local communities and the potential for the development to disturb Aboriginal objects. For this reason conditions of consent are included to ensure appropriate measures are taken to protect any sites disturbed through the proposed development in consultation with the local Aboriginal community.

Other issues Objection to the proposed development on the basis that easements between the owners of Lots 1 and 2 DP 128707 have not yet been agreed to enable residents legal and practical access to the proposed public roads within Lot 1.	The objection relating to easements is a commercial matter which can only be resolved between the owners of the two properties. It is not a planning consideration for the purpose of determining the subject development application and requires no further assessment.
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REFERRALS

a. Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/ concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	No comments	N/A
Integrated Development (S 4.46 of the EP&A Act)			
NSW Rural Fire Service	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Development to comply with Planning for Bushfire Protection 2019. Stages 6 and 7 to incorporate a perimeter road for the full extent of the interface with the grassland hazard.	Yes – refer consent conditions
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	A Controlled Activity approval required prior to development on waterfront land	Yes – refer consent conditions

Water NSW	Water Management Act 2000	No Comments	N/A
Heritage NSW	S.90 – National Parks and Wildlife Act 1974	S.90 Aboriginal Impact Permit to be obtained prior to work commencing in proximity to known Aboriginal sites in Stages 1,2 and 3.	Yes – refer consent conditions
Transport for NSW	S 100B - <i>Roads Act 1992</i> Development that will remove or interfere with a structure, work or tree on a public road	Potential safety issue at the intersection of the Princes Highway and Scott Street.	Yes – refer assessment

b. Council Officer Referrals

The development application has been referred to various Council officers for technical review and any issues raised have been satisfactorily addressed in this report.

Section 4.15(1)(e) - Public interest

Matters pertaining to the public interest have been discussed within this report and approval of the application is considered to be in the public interest. The development does not have any significant adverse impacts on the built or natural environment and contributes to positive social and economic outcomes.

8. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the amended subdivision plan, civil engineering designs and recommended draft conditions at Attachment 1 satisfactorily resolve the issues raised in submissions from relevant government agencies, Council officers and the public.

9. RECOMMENDATION

This report considers DA 2023.351 for a Concept Plan and Stage 1 residential subdivision in stages over Lot 2 DP 1287077 at 22 Mine Lane, Wolumla.

Having reviewed the application against the relevant and applicable statutory provisions and consideration of information submitted, Council is of the view that there are no statutory reasons why the application cannot be approved by the Panel. Having consideration to all relevant matters, the proposal is considered to be satisfactory and permissible under Clause 2.3 of BVLEP2013. Accordingly, approval, subject to conditions (see Attachment 1) is recommended.

Reasons for the determination:

- The development, subject to the recommended conditions, is consistent with the objectives of the applicable EPIs.
- The development is subject to the recommended conditions, consistent with the objectives of the zones under BVLEP2013.
- The development is considered to be of an appropriate scale and form for the site and the character of the locality and will guide further development applications for subdivision over the site.
- The development has appropriate management and mitigation of impacts through conditions of consent.
- The development is a suitable and planned use of the site and its approval is within the public interest.