

Lodgement requirements for rural residential planning proposals

May 2022

Preface

This document has been prepared to assist applicants in the preparation of planning proposals to rezone land or reduce lot sizes to permit rural residential development. It sits alongside the main guiding document prepared by the NSW Department of Planning and Environment: [Local Environmental Plan Making Guideline December 2021](#) and other information on preparing planning proposals on Council's website.

The aim of the document is to ensure applicants are aware of the scope of work required to prepare planning proposals and ensure planning proposals are processed as quickly as possible once lodged.

It is recommended that applicants consider the potential time and cost savings of procuring a combined Planning Proposal/Development Application.

Strategic Planning Context

Planning proposals need to demonstrate consistency with the following strategies and plans (and any other applicable strategic plans):

- South East and Tablelands Regional Plan 2036
- Bega Valley Shire Community Strategic Plan 2036
- Bega Valley Shire Local Strategic Planning Statement 2040
- Bega Valley Shire Rural Residential Land Strategy 2040

State Environmental Planning Policies

Planning proposals need to demonstrate alignment with current State Environmental Planning Policies (SEPPs). SEPPs that commonly apply in the Bega Valley Shire include:

- SEPP (Biodiversity and Conservation)
- SEPP (Resilience and Hazards)
- SEPP (Transport and Infrastructure)
- SEPP (Housing) 2021
- SEPP (Primary Production)
- SEPP (Resources and Energy)
- SEPP (Exempt and Complying Development Codes) 2008

Site Description/Context

Planning proposals need to include a clear site plan which is drawn to scale and shows:

- contour lines
- vehicular access point/s
- existing structures and easements

- existing roads and driveways
- waterways, vegetation and rock outcrops
- neighbouring land uses

Aerial photographs are also required (which can be obtained from a multitude of public-access mapping websites).

Site photographs showing natural or built-form features such as topography, vegetation, rock outcrops, waterways, roads and existing structures may also be relevant to the planning proposal.

Minimum supporting information

The planning proposal needs to identify the scope of relevant issues to be addressed, these include:

- Access and traffic management:
 - Traffic Study
 - Preliminary road design
 - If an intersection is proposed to the Princes Highway, a traffic analysis will be required to identify the preferred vehicular road access/egress in consultation with Transport for NSW
 - If the land is in proximity to a town, village or bus stop, opportunities to provide pedestrian and/or cycling connectivity
- Aboriginal cultural heritage due diligence (see Heritage Conservation below)
- Planning for Bushfire Protection 2019 Strategic Bush Fire Study (see Bushfire below)
- Flora and fauna report (see Environment, social and economic impact below)
- Visual impact assessment with consideration of desired future character of the locality (which can be referenced in various land use planning documents including Bega Valley Shire Local Strategic Planning Statement 2040, Bega Valley Shire Commercial Land Strategy 2040 and Bega Valley Development Control Plan 2013)
- Infrastructure and servicing plan including effluent capability study considering the cumulative impacts of on-site sewage management systems
- Analysis of neighbouring and surrounding land uses, including potential for land use conflict with existing agricultural or industrial land uses and potential buffer zones

Proposals to rezone land to RU4 Primary Production Small Lots

For proposals to rezone land to RU4 Primary Production Small Lots, an agronomist's report is required that considers:

- the physical characteristics of the land (climate, topography, soils, water availability, natural vegetation),
- its location relative to infrastructure (roads, sheds, yards, fences, electricity),
- available buffer zones (refer to: [Buffers Zones to Reduce Land Use Conflict with Agriculture](#))
- any established aquaculture or horticulture,
- any adverse affectations on the land (for instance, whether the property is in quarantine for notifiable diseases, or chemical contamination),
- pest animal populations,
- hazards,
- the existence of any legally binding carbon projects, biobanking or conservation agreements,
- its location relative to markets and other agricultural land uses which make it potentially suitable for agricultural purposes.

For clarity, agricultural economic viability is not a land use planning consideration in determining the most appropriate rural zone for land, as this will vary depending on product, market and future technologies and operations.

Ministerial Directions

Planning proposals need to demonstrate consistency with the applicable Ministerial Directions (s.9.1 directions). The directions that most commonly apply to planning proposals in rural areas in the Bega Valley Shire are listed below along with information that may assist in addressing these directions:

1.1 Implementation of Regional Plans

This Direction requires that planning proposals are consistent with the *South East and Tablelands Regional Strategy 2036*, in particular, planning proposals should consider:

- Direction 28 Manage Rural Lifestyles, Action 28.2 which requires that new rural residential areas should be located to avoid areas of high environmental value and areas affected by natural hazards.
- Direction 14 Protect Important Environmental Assets, Action 14.2 which requires that areas of validated High Environmental Values (HEV) be protected in local environmental plans.

3.1 Conservation Zones

This Direction requires that planning proposals include provisions that facilitate the protection and conservation of environmentally sensitive areas. The NSW Biodiversity Conservation Division require areas with validated High Environmental Values (HEV) to be zoned accordingly.

3.2 Heritage Conservation

Planning Proposals need to comply with the steps outlined in Bega Valley Development Control Plan 2013 Chapter 5.1 Aboriginal Heritage.

Planning Proposals that may impact upon an item of European Heritage may require preparation of a Statement of Heritage Impact prepared by a suitably qualified person.

4.1 Flooding

Flood mapping for the Bega and Brogo Rivers, Merimbula and Back Lakes, and Eden, Twofold Bay and Towamba River is available at www.begavalley.nsw.gov.au > Services > Environment > Floodplain Management > Flood Studies.

Council does not have flood mapping for all parts of the Shire that are affected by flooding. Consideration of historical flood records and accounts may be required.

4.2 Coastal Management

Coastal Management Act 2016 maps can be accessed at:

https://webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=SEPP_CoastalManagement

4.3 Planning for Bushfire Protection

The planning proposal must have regard to Planning for Bushfire Protection 2019 (PBP). Chapter 4.2 of PBP requires the preparation of a Strategic Bush Fire Study which includes the components detailed in PBP Table 4.2.1.

In addition to addressing the strategic issues, an assessment of whether the proposal can comply with PBP will be required. Generally, in order to demonstrate that a proposal can comply with PBP, an indicative subdivision design will be required to support the planning proposal, which should detail maximum road grades, future building footprints and associated Asset Protection Zones (APZs) into the indicative subdivision plan.

4.4 Remediation of Contaminated Land

For a full list of potentially contaminating activities that must be considered, see Table 1 of [Managing Land Contamination: Planning Guidelines SEPP 55-Remediation of Land](#).

If any potentially contaminating activities have been carried out on the land, the planning proposal will need to include a Stage 1 Preliminary Investigation into potential land contamination in accordance with the *Managing Land Contamination: Planning Guidelines (1998)*.

4.5 Acid Sulfate Soils

LEP 2013 Acid Sulfate Soils Planning Maps can be accessed here:

<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

9.1 Rural Zones

9.2 Rural Zones

9.3 Oyster Aquaculture

The Priority Oyster Aquaculture Area maps can be accessed here: [Fisheries Spatial Data Portal \(nsw.gov.au\)](#)

Biodiversity

Clearing for house sites, bushfire asset protection and associated infrastructure such as roads is often associated with rural residential subdivision. Where there is a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal, the planning proposal should include an assessment to confirm the presence of these species or habitats and their significance in accordance with the *Biodiversity Conservation Act 2016*.

The flora and fauna report must take into consideration the Biodiversity corridor mapping and the High Environmental Values (HEV) of the South East Tablelands Planning Region - detailed map available at SEED (www.seed.nsw.gov.au).

A Stage 1 Biodiversity Assessment Method (BAM) report is required:

- To validate biodiversity values on land mapped as HEV, or
- If a planning proposal will result in development that will trigger entry into the Biodiversity Offsets Scheme (BOS).

The *Biodiversity Conservation Regulation 2017* sets out threshold levels for when the BOS will be triggered due to clearing native vegetation or other impacts. This occurs when:

- the amount of native vegetation being cleared exceeds an area threshold, or
- the impacts occur on an area mapped on the Biodiversity Values Map - detailed map available at SEED (www.seed.nsw.gov.au).