



SNOWY MONARO
REGIONAL COUNCIL

LATE REPORT

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
4 October 2018**

**ORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA, NSW
2630**

**ON THURSDAY 4 OCTOBER 2018
COMMENCING AT 5.00PM**

LATE REPORT

12. CORPORATE BUSINESS - KEY THEME 3. ENVIRONMENT

12.1 DA10.2018.1222.1 - 11 Lot Subdivision Old Dry Plains Rd

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12.1 DA10.2018.1222.1 - 11 LOT SUBDIVISION OLD DRY PLAINS RD

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	1. Draft Notice of Determination and Conditions of Consent 2. Plan Set 3. 79C Assessment 4. Submissions - Redacted Letters

Further Operational Plan Actions:

Applicant Number:	10.2018.1222.1
Applicant:	Cavallo Projects Pty Ltd
Owner:	Colin Tozer
DA Registered:	06/04/2018
Property Description:	Old Dry Plains Road COOMA 2630 - Lot: 156 DP: 750524, Lot: 213 DP: 750524, Lot: 141 DP: 750524 and Lot: 188 DP: 750524.
Property Number:	11102, 11095, 11094, 11103
Area:	Cooma
Zone:	R5 – Large Lot Residential
Current Use:	Residential and Vacant Land
Proposed Use:	Residential
Permitted in Zone:	Residential
Recommendation:	Approved

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for an 11 lot subdivision under Clause 4.1B of the *Cooma Monaro Local Environmental Plan 2013* (LEP) for subdivision using average lot sizes.

The proposal is permissible through the provisions of the LEP, and is deemed suitable for the subject site.

The application was required to be determined at a Council meeting in accordance with the policy adopted by Council in February 2018, due to the number of submissions received prior to the DA being revised.

It is recommended that the development application be approved with appropriate conditions of consent.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

RECOMMENDATION

That

- A. Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that DA 10.2018.1222 for an 11 Lot Subdivision of Lot: 156 DP: 750524, Lot: 213 DP: 750524, Lot: 141 DP: 750524 and Lot: 188 DP: 750524 Old Dry Plains Road COOMA 2630, be approved subject to the conditions attached; and
- B. Any person who made a submission is notified according to the regulations.

BACKGROUND

The proposal is for an 11 lot subdivision utilising the lot averaging provisions of the LEP.

Lots 1 -10 to be created will range in area from 2ha to 3.37ha with residual lot 11 having an area of 72.19ha. This gives the development an average lot size of 8.67ha which is greater than the 8ha minimum average required.

Council does not hold any records on file for structures on the subject site. It is likely that due to the age of the structures, the existing dwelling and outbuildings on the site were built prior to approval being required. A standard condition will be added to the determination to clarify that any approval issued is for the subdivision only and does not infer any approval of existing structures.

The subject development application at time of lodgement (6 April 2018) included a second stage (stage 2) as a 'concept' component which would be subject of a future development application. However after a preliminary assessment it was determined that the overall development, including concept stage, would exceed the clearing/impact thresholds detailed in *Biodiversity Conservation Act 2016*. As such the DA was referred to the Office of Environment and Heritage (OEH). This referral is required for any development believed to require a Biodiversity Development Assessment Report (BDAR) which has been lodged without a BDAR.

OEH confirmed the requirement of a BDAR to allow assessment of the whole development including the concept component. As such, on 8 June 2018, the applicant was formally requested to provide this and other information to allow further assessment of the proposed development.

Following discussions with the applicant Council was provided with an amended application on 7 August 2018 for an 11 lot subdivision only, thereby removing the 'concept' component. As such the integrated referrals to OEH and Office of Water were determined to be no longer required and were officially withdrawn by Council. Referral to the RFS was still required, and was made on 7 August 2018.

The RFS advice was received on 13 September 2018, and their requirements have been included in the draft conditions.

A review of the amended application by Council's engineer resulted in a request for further details regarding the applicants flood information. A response was received by Council on 20 September 2018. Certification has been provided by the applicant's engineering consultant regarding the flood calculations.

ASSESSMENT

The application has been assessed against the provisions of the following documents:

State Environment Planning Policies (SEPPs)	<i>State Environmental Planning Policy (Rural Lands) 2008</i>
Local Environmental Plan (LEP) (including draft LEPs)	<i>Cooma Monaro Local Environmental Plan 2013</i>
Development Control Plans	<i>Cooma Monaro Shire Development Control Plan 2014 (Amendment 1)</i>

SECTION 79C

Please refer to attached 79c Assessment (4.15 Assessment) for complete assessment report.

Section 4.15 and EP&A Act Checklist:

The suitability of the site for the development:	The site is generally suitable for development.
The provisions of any environmental planning instrument and draft environmental planning instrument:	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of the LEP 2013, and has been found to achieve an acceptable level of compliance.</p>
The provision of any development control plan:	The application generally complies with the provisions of Council's relevant development control plans.
Any matters prescribed by the regulations:	The application generally complies with the <i>EP&A Regulation 2000</i> .
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:	The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed above. The cumulative impacts of the development

	negate any time, space, nibbling or synergistic effects.
Any submissions made in accordance with the EP&A Act or the regulations:	The application was notified and advertised. Details of notification and submissions received are discussed below.
The public interest:	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

SUBMISSIONS

The application was notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 14 days.

The application was publicly advertised, as an additional measure to ensure a higher coverage of notification.

Following consideration of submissions, the applicant amended the development application. The amended application was renotified in the same method as the original. As a result some of the original submissions are no longer as directly relevant to the DA, but were included for consideration. The re-notification attracted two additional submissions, 1 of which was received after the notification period, but has also been considered in the assessment.

Below is a summary and response to the issues raised in submissions.

Submission	Response
Bushfire and Ecology Reports only specific to specific area of Stage 1.	Amended plans result in only Stage 1 being sought for approval. Submitted plans originally referred to Rural Fire Service (RFS), Office of Water, and Office of Environment & Heritage (OEH). OEH agreed stage 1 does not exceed new biodiversity thresholds providing clarification of building envelopes provided (provided by applicant on 7 August 2018). As such it is considered for the assessment of land to be impacted by the development the submitted Prescribed Ecological Actions Report is sufficient. RFS has provided General Terms of Approval.
Local Heritage Conservation area needs to be considered.	No works proposed within 40m of creek and implementation of Building envelopes and conditions of consent ensures future development will not impact on conservation area.

A weeds and Pest Management Plan should be required to ensure weeds issues are not transferred to new or adjoining land owners.	A standard condition of consent requires a weed clearance certificate be issued for the site prior to subdivision certificate being issued. This ensures the responsibility of managing weeds does not fall to new land owners.
Existing roads unsuitable standard to support proposed subdivision and a Traffic Impact Statement should be required to assess increases in traffic.	Councils Engineers and Assessing Officers have determined that proposed road construction and upgrades will meet Council standards required for the additional 10 lots, subject to conditions of consent.
A Visual Impact Assessment should be required.	Due to the amended DA resulting in a much smaller development at this stage it is not considered an assessment is required as the site is impacted grazing land and its zoning under the LEP is suitable for the type of development proposed. Additionally the prevalence of similar developments in the area indicates a similar visual outlook to what already exists.
Evidence that the provision of essential services, namely electricity is being provided.	Standard conditions of consent ensures that provisioning letters for electricity and telephone are to be provided to Council prior to release of subdivision certificate.
Current school bus stop at corner of Towrang Vale Road and Dry Plains Road is unsuitable due to congestion and a designated bus stop and shelter be provided and turning circle to deal with increased use as a result of subdivision.	Although the subdivision may result in additional children using the school bus stop this issue is more a matter for the Traffic Committee and Council to consider as required upgrades for the area. A condition requiring the developer undertake these upgrades could be considered too onerous to be included in any consent.
Why weren't all residents of Towrang Vale Road notified of Development Application?	Notification was in accordance with DCP and additional advertisement in the paper.
Will water supply for proposed development from Towrang Vale Road common bore or additional bore?	No. In accordance with the DCP 2014, water for future development is to be provided by rain water tanks. Any application for new bores will be assessed and issued by Water NSW.
The size of proposed lots is not in keeping with existing surrounding development.	Under the LEP lot averaging clause 4.1B, lots are permitted to be minimum of 2ha. Lots proposed range from 2-3.37ha, although smaller in size than some of the surrounding allotments they do meet LEP requirements.

No information on caveats for development re: <ul style="list-style-type: none">a. Building materialsb. Further subdivisionc. Type of property permitted	Council does not normally impose covenants on subdivisions of this type and location; this is typically at the developer's discretion. All future development must comply with Councils LEP and DCP requirements.
Will the additional lots require Council to provide town water and sewer? And what will the impact of rainwater harvesting and OSSM systems have on rainwater runoff and the environment.	Council will not be providing water or sewer connections to the area. Reports submitted show no adverse effects from OSSM or water harvesting. Please refer to Council's 4.15 Assessment for detailed information.
Will the costs required to upgrades of power / road / infrastructure be borne by neighbours?	No. All costs are to be borne by developer.

CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCPs, Codes and Policies.

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed in the attached Draft Determination.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The proposal is deemed to be of positive outcome from a social perspective by offering additional large residential lots within the Cooma locality which are in high demand, in addition to employment opportunities during the construction phase. The land was originally zoned for the purposes of large rural/residential lots, and given the quality of the proposal will ensure that there are minimal negative impacts to the broader community.

2. Environmental

The applicant has taken into consideration the environmental impacts of the development. The proposed lots have been designed to incorporate relatively small building envelopes to mitigate potential impacts. Clearing for the purposes of an Asset Protection Zone surrounding the existing dwelling is to the minimum extent necessary. The proposal offers positive environmental outcomes which will result from better management of the land and is in line with the objectives for rural subdivision of SEPP Rural Lands 2008 and Cooma Monaro Local Environmental Plan 2013. The proposed development is deemed to be of minimal environmental impact.

3. Economic

The development will have no adverse economic impacts upon council services. The road network that services the site is to be upgraded for the purpose of the development and all future development will provide its own water and sewer solutions as per the requirements of Council's DCP.

4. Civic Leadership

The application was notified twice and received several (over 10) submissions. As such it has been submitted to Council for determination in accordance with Council policy.

Enquiries Timothy Pepperell
Cooma Office
Our Ref 10.2018.1222.1
Your Ref



Cavallo Projects Pty Ltd
PO Box 852
COWRA
NSW 2794

Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* (the 'Act')

Application Number 10.2018.1222.1
Property Description Old Dry Plains Road COOMA 2630
Lot: 141 DP: 750524, Lot: 156 DP: 750524, Lot: 188 DP: 750524, Lot:
213 DP: 750524
Development Description 11 lot subdivision

Determination

Pursuant to Section 80(1)(a) of the Act

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application **10.2018.1222.1** relating to the land described above.

The Development Application has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Council

Determination Date:
Consent to Operate from:

Consent will Lapse on:

Integrated Approval Bodies

Pursuant to Section 93 of the Act

The development application proposal was Integrated Development and the following authorities were consulted and their General Terms of Approval are included in the below Conditions.

- Rural Fire Service

Conditions

General

- 1) The development being carried out in accordance with the approved documents/plans listed in the Schedule below and development application except where amended by the conditions of this Consent as set out in the following conditions or by any subsequently approved Section 96 modification.

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
-	Statement of Environmental Effects	Applicant	07/08/2018
1/10-P04CONS	Subdivision Plan and Development Constraints	OCRE – Osgood Civil Resource Engineering	07/08/2018
1710-P20SWMP1	Stormwater Master Plan	OCRE – Osgood Civil Resource Engineering	07/08/2018
1710-P30RHP1	Road Hierarchy Plan	OCRE – Osgood Civil Resource Engineering	07/08/2018
1710-P31TYPX1	Typical Road Sections - Towrang Vale Road	OCRE – Osgood Civil Resource Engineering	07/08/2018
1710-P32TYPX2	Typical Road Sections – Roads 1 & 5	OCRE – Osgood Civil Resource Engineering	07/08/2018

Reason: Requirement that the development is completed in accordance with Council's consent. [P.1.01](#)

- 2) A "Restriction to User" is to be created under Section 88B of the Conveyancing Act 1919 to burden each lot. The "Restriction to User" is to ensure that all on-site waste water sewage treatment facilities are capable of treating effluent to a standard of secondary treatment. Council is to be empowered as the only authority able to release, vary or modify the "Restriction to User".

Reason: To ensure all wastewater is treated to a standard of secondary treatment and is disposed of in an efficient and environmentally sound manner. [B.5.01](#)

- 3) A "Restriction to User" is to be created under Section 88B of the Conveyancing Act 1919 to burden each lot. The "Restriction to User" is to prevent the disposal of any on-site secondary treated effluent outside the nominated on-site sewerage management area identified for each lot. The nominated on-site sewerage management area is to be nominated on the plan for registration as shown on the approved plans for subdivision. Council is to be empowered as the only authority able to release, vary or modify the restriction to user.

Reason: To ensure all wastewater is treated to a standard of secondary treatment and is disposed of in an efficient and environmentally sound manner. [B.5.02](#)

- 4) This consent is for the subdivision and associated works only and does not authorise or unauthorise any other built structures on the land.

Reason: To avoid misinterpretations of the approved plans. [P.2.01](#)

- 5) An application for a Subdivision Certificate is to be lodged with Council at the time of lodgement of the linen plans as required under Part 4A of the Environmental Planning and Assessment Act, 1979. The fee for the Subdivision Certificate application is currently \$160 for each new lot to be created and is payable upon lodgement of the application with Council. Note: The amount to be paid will be in accordance with Council's Fees and Charges at the time of actual payment. Fees may rise at the commencement of each new financial year on 1 July.

Reason: In accordance with the Environmental Planning and Assessment Act, 1979. [P.2.02](#)

- 6) If, during construction, any object suspected to be of aboriginal origin (but not previously known or identified) is inadvertently uncovered or unearthed, work at that location must cease immediately and advice on appropriate action be obtained from the Conservation and Regulation Division – South, Office of Environment and Heritage (OEH), NSW Department of Premier and Cabinet, PO Box 733, Queanbeyan, NSW 2620. If human remains are found, work must cease, the site must be secured and the NSW Police (Queanbeyan Station 6298-0555), NSW OEH (9995-5000) and Council (6455-1915) must be notified immediately.

Reason: To protect and preserve significant aboriginal sites and objects identified on the site.

Required Works

- 7) The plan of subdivision shall include the dedication of proposed Road 1 as a public road, not less than 20.0 metres wide as shown on the Approved Development Plan. This road shall be constructed in conformity with Council's Development Design and Construction Specifications to include the following:
- a) Construction between Towrang Vale Road and the property boundary of proposed Lots 9 and 10.
 - b) A 3.7 metre wide bitumen sealed pavement with 1.15 metre wide gravel shoulders on both sides.
 - c) 1.5 metre wide table drains.
 - d) A suitable bitumen sealed vehicle turning facility (minimum 8.0m radius) at the northern end of this road.
 - e) Constructed storm-water drainage (minimum pipe size shall be 375mm diameter).
 - f) Installation of guideposts, protection fencing, pavement markings and signposting, to the standards specified in "Austroads Guide to Road Design (2009)".
 - g) Erection of road name signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision.
 - h) Road design speed of not less than 60 km/hr.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. P_0_01

- 8) The developer shall complete the construction of Road 5 in conformity with Council's Development Design and Construction Specifications to include the following:
- a) Construction between the 90 degree bend in Towrang Vale Road (adjacent to proposed Lot 5) and the property boundary of proposed Lots 6 and 7.
 - b) A 3.7 metre wide bitumen sealed pavement with 1.15 metre wide gravel shoulders on both sides.
 - c) 1.5 metre wide table drains.
 - d) A suitable bitumen sealed vehicle turning facility (minimum 8.0m radius) at the northern end of this road.
 - e) Constructed storm-water drainage (minimum pipe size shall be 375mm diameter).
 - f) Installation of guideposts, protection fencing, pavement markings and signposting, to the standards specified in "Austroads Guide to Road Design (2009)".
 - g) Erection of road name signs. The road name must be approved by Council in advance and must be shown on the final plan of subdivision.
 - h) Road design speed of not less than 60 km/hr.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. P_0_01

- 9) The intersection of proposed Road 1 with Towrang Vale Road shall be designed and constructed to satisfy the minimum standards for a BAR/BAL intersection treatment as set out in the Austroads "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections", including the requirement for Safe Intersection Sight Distance for a 100 km/hr design speed in Towrang Vale Road.

The developer shall seek and obtain the consent of Crown Lands to construct over that portion of the crown public road reserve at the proposed intersection. The developer shall be responsible for the transferring of the portion of crown public road reserve to a Council public road reserve and pay any associated costs and fees (such as survey costs and application fees).

- 10) The intersection of proposed Road 5 with Towrang Vale Road shall be designed and constructed to satisfy the minimum standards for a BAR/BAL intersection treatment as set out in the Austroads "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections", including the

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requirement for Safe Intersection Sight Distance for a 60 km/hr design speed in Towrang Vale Road. Priority shall be given to Towrang Vale Road through the intersection. The existing unformed vehicular entrance to the crown public road reserve shall be removed and combined with this intersection.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. R.9.01

- 11) The developer shall provide vehicular access to each Lot from Towrang Vale Road, Road 1 or Road 5 which shall be designed and constructed to satisfy the minimum standards for a Rural Property Access as set out in Council's Standard Drawing no. B238, including the requirement for Safe Intersection Sight Distance for a 60 km/hr design speed in Towrang Vale Road.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. R.9.01

- 12) The developer shall construct a driveway for the entire length of the access corridor in Lot 11 in conformity with Council's Development Design and Construction Specifications, to include the following:

- a) Bitumen sealed pavement not less than 3.0 metres wide.
- b) Minimum gravel thickness of 150 mm.
- c) Suitable drainage works.
- d) Suitable erosion protection measures.

Reason: To provide suitable access to lot. R.9.07

Conditions to be met prior to commencement of work

- 13) Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including any construction of a public road and the construction of a new driveway access (or modification of access) or intersection or traffic control devices. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments, construction drawings and prescribed fee.

Reason: In accordance with Roads Act 1993. R.9.02

- 14) Prior to the commencement of subdivision works for each stage of development, the developer and contractor shall meet on site with Council's representative to review the scope of works, soil and water management control measures and the inspection and testing regime. The developer or his representative shall make arrangements with Council for this meeting not less than seven days in advance.

Reason: To ensure works are carried out in accordance with engineering specifications. R.9.02

Conditions to be met prior to release of Construction Certificate

- 15) Construction of subdivision works (including clearing, earthworks, demolition or other works) must not commence until a Construction Certificate for those works has been issued in conformity with the relevant provisions of the Environmental Planning and Assessment Act and related Regulations.

Reason: Requirement of the Environmental Planning and Assessment Act and Regulation. R.9.01

- 16) The developer shall prepare and implement an effective Soil and Water Management Plan in conformity with Council's Development Design and Construction Specifications prior to the commencement of any works on site and shall maintain the control measures until after the effective stabilisation and revegetation of the site.

No Construction Certificate shall be issued for this development until the certifying authority (Council or accredited certifier) is satisfied that the Soil and Water Management Plan satisfies this condition.

Reason: In accordance with Council's Specification for Engineering Works. R.9.01

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- 17) The developer shall ensure that traffic control measures are implemented for all works within public roads in conformity with Traffic Control Plans prepared and approved by a competent person accredited by Roads and Maritime Services. A traffic control plan prepared and approved by a competent person accredited by the Roads and Maritime Services must be submitted to Council for each stage of development if working on a public road prior to the issue of an approved construction certificate.

Reason: Requirement of the *Roads Act 1993*. R_0_03

- 18) Evidence of owners consent shall be submitted to Council prior to the issue of a Construction Certificate for any works proposed on any lot not part of this application.

Reason: Requirement of Environmental Planning and Assessment Act and Regulations P_0_02

Conditions to be met prior to release of Subdivision Certificate

- 19) Prior to release of the Subdivision Certificate each allotment in the proposed subdivision shall be serviced with underground electricity at no cost to Council. A letter ('Notice of Arrangement for Electricity Supply to a new Subdivision') from Essential Energy advising that its requirements have been met (e.g. each proposed lot in the subdivision will be provided with an electricity connection at no cost to Council and no cost to the future lot owner) shall be sufficient to establish compliance with this condition.

Note: The Notice must also specifically identify the approved development (preferably by the DA number on the consent) and not simply identify the site.

Reason: To confirm that an electricity supply is available for connection to future development on the approved lots. P_2_04

- 20) The developer shall make arrangements for the provision of telephone services to each proposed lot in the subdivision at no cost to Council and no cost to the future lot owner. Prior to the endorsement of a subdivision certificate, the developer shall submit to the Principal Certifying Authority written notification from a recognized telecommunications carrier to confirm that arrangements have been undertaken to satisfy this condition.

Note: The Provisioning Confirmation must specifically identify the approved development (preferably by the DA number on the consent) and not simply identify the site.

Reason: To confirm that a telephone service is available for connection to future development on the approved lots. P_2_05

- 21) Prior to release of the Subdivision Certificate, the applicant is to provide Council with a plan of the site showing the approximate location of all existing utility services (ie electricity, telephone, gas, water, sewer, stormwater) if any, on the lots. If there are no services on the site, a statement is to be provided in this regard.

Reason: To verify the location of these services and any easements subsequently required to be shown on the linen plans. P_2_06

- 22) The developer shall carry out any maintenance works required to the completed subdivision works and shall rectify any defects becoming apparent within a period of twelve months after the date that Council accepts that the works have reached practical completion.

Prior to the release of the Subdivision Certificate, the developer shall provide Council with financial security (cash bond or unconditional bank guarantee) for compliance with this condition in an amount of five percent of the value of the subdivision works.

The developer shall pay to Council a Bond Administration Fee in accordance with Council's Fees and Charges.

Reason: In accordance with *Cooma-Monaro Shire Council Development Control Plan 2014* and *Specification for Engineering Works*. R_10_02

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- 23) The developer shall complete all engineering works in accordance with the conditions of this consent together with any necessary work to make the construction effective. The costs of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be made good, prior to the issue of the Subdivision Certificate or commencement of the development.
Reason: To ensure all required works are completed. P_0_03
- 24) Upon completion of the subdivision works and prior to release of the Subdivision Certificate, the developer shall provide Council with a complete set of plans of the works as constructed, detailing all variations from the approved plans and to the acceptance of the Council's Director of Operations and Infrastructure or his nominee. These Works-As-Executed plans shall be submitted to Council in hardcopy format (A1) and electronic format (.pdf). These plans must be prepared and certified by a Registered Surveyor or Chartered Professional Engineer. The developer shall also provide to Council a data file suitable for input into Council's Geographic Information System defining the location of all roads and storm water infrastructure to the acceptance of the Council's Director of Operations and Infrastructure or his nominee.
Reason: To verify the required works as constructed meet the required standards. R_10_01
- 25) An 88B Instrument is to be prepared for all proposed easements, restriction to user and for any utility services (eg gas, electricity, etc) on any lot which benefits another lot. Council is to be empowered as the only authority able to vary or extinguish the parts of the Instrument which burden or benefit the Council.
Reason: To ensure legal access for all lots to appropriate utility services. P_2_03
- 26) A restriction to user under Section 88B of the *Conveyancing Act 1919* is to be created to apply to each lot within the subdivision. The restriction to user is to prevent the construction of any building, including rainwater tanks, outside of the building envelope identified on each lot. The building envelopes on the plan for registration must be located as shown on the approved plans for the subdivision, except where modified by a condition of this consent. Council is to be empowered as the only authority able to release, vary or modify the restriction to user.
Reason: To limit building within the site to those areas identified and assessed as part of this development consent.
- 27) The applicant shall pay the current fee for issue of a rural address number/s. The fee shall be paid prior to issue of the Subdivision Certificate.
Reason: To allow identification of rural properties. R_5_05
- 28) A rural address number sign for each lot shall be installed by the applicant, with numerals at least 75 mm in height. The sign shall comply with Australian/New Zealand Standard AS/NZS 4819:2011 – Rural and urban addressing (details are available from Council).
The rural address number(s) applicable will be issued Council upon payment of the rural addressing fees.
Reason: To allow identification of rural properties. R_5_05
- 29) The developer is to ensure that a certificate from Snowy Monaro Regional Council certifying that all necessary and appropriate weed control work has been completed on all lots in the subdivision prior to the issue of the subdivision certificate
Reason: To ensure weed control measures are appropriately carried out.

Integrated Development Conditions

The Rural Fire Service has provided the following General Terms of Approval:

Asset Protection Zones

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- 30) Prior to the issue of subdivision certificate, and in perpetuity, the property around the existing dwelling being retained within proposed Lot 7 to a distance of 20 metres, or to the property boundary (whichever comes first), shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection, 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: The intent of the measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels for buildings are below critical limits and to prevent direct flame contact with a building.

Water and Utilities

- 31) The provision of all new water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection, 2006'.
- 32) In recognition that an unreliable water supply exists, a 20,000 litre water supply shall be provided for the existing dwelling being retained within proposed lot 7 in accordance with 'Planning for Bush Fire Protection 2006' and the following:
- Aboveground tanks shall be constructed of noncombustible material.
 - A 65mm metal storz fitting and ball or gate valve shall be installed in any tank.
 - The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal rather than plastic.
 - A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
 - A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be: (a) fixed in a suitable location so as to be highly visible; (b) positioned adjacent to most appropriate access for the static water supply; (c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply; (d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign; and, (e) fixed with suitable screws or nails.

Reason: The intent of this measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire into a building.

Design and Construction

- 33) The existing dwelling being retained within proposed lot 7 is required to be upgraded to improve ember protection. This can be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- 34) Any new Class 10b structures as defined per the 'Building Code of Australia' situated within 10 metres of the existing dwelling shall be non-combustible.

Reason: The intent of measures is that buildings are designed and constructed to withstand

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REGIONAL COUNCIL

the potential impacts of bush fire attack.

Access

- 35) Except for the provision of an alternate access/through road, all proposed public roads shall comply with the design specifications outlined in section 4.1.3(1) of 'Planning for Bush Fire Protection, 2006'.

Reason: The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- 36) All proposed property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Reason: The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- 37) To ensure adequate access is provided to the hazard interface to undertake future bush fire mitigation activities, prior to the issue of subdivision certificate, a fire trail shall be provided along the property boundaries between proposed lots 1 to 8 and lot 11 (within lot 11). The fire trail shall be provided in accordance with the specifications defined in section 4.1.3(3) of 'Planning for Bush Fire Protection, 2006'. A suitably worded legal mechanisms shall be created over proposed lot 11 which provides legal access to the fire trail for future bush fire mitigation activities.

Reason: The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs.

Landscaping

- 38) All landscaping within the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection, 2006'.

Advice to Applicant

- Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety Regulation 2001* and *Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
- Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at www.1100.com.au or telephone 1100 before excavating or erecting structures. This is the law in NSW. If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

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Note: Under the *Telecommunications Act 1997 (Commonwealth)*, Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.

- It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.

Notes

- 1) An applicant may request a review of this determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 6 months of the date of this notification. A review under Section 82A cannot be made for Integrated, Designated or Crown Development.
- 2) Section 97 of the Act confers on an applicant or an objector who is dissatisfied with the determination of Snowy Monaro Regional Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.

On behalf of the above Council:

Timothy Pepperell
Town Planner

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LOTS 141, 156, 188, 213 DP750524
TOWRANG VALE ROAD, COOMA
10 LOT SUBDIVISION - STAGE 1
DEVELOPMENT APPLICATION

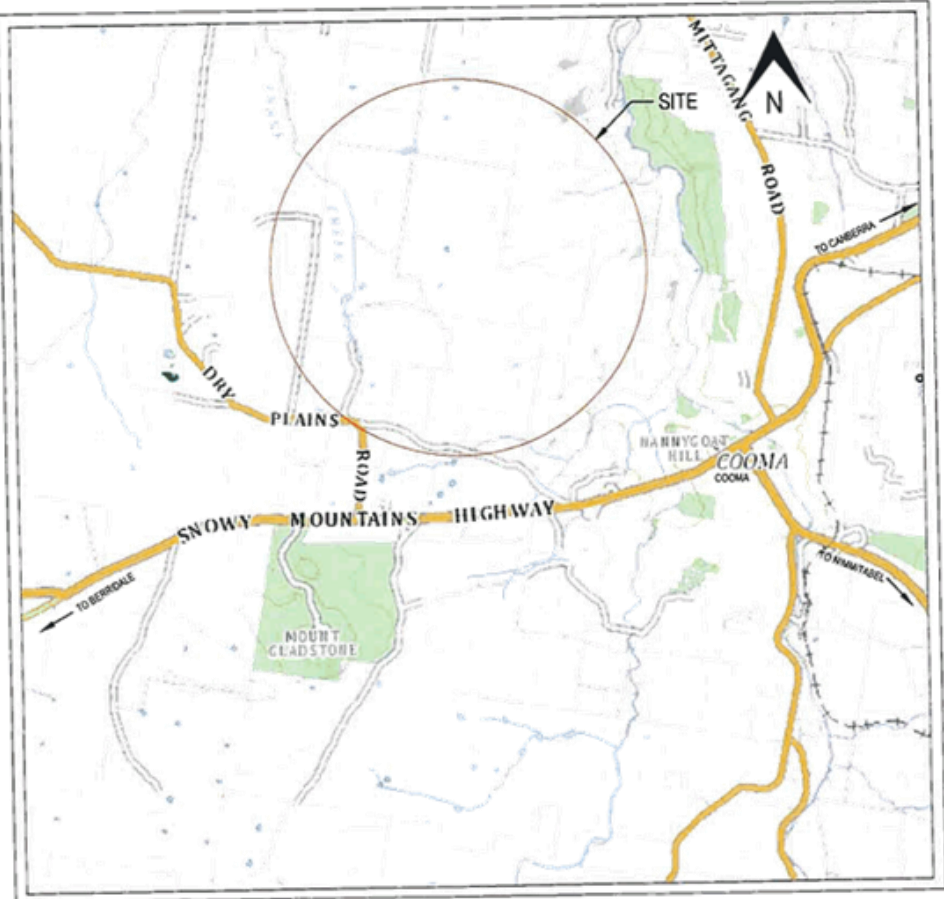
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Snowy Monaro Regional Council
7/8/2018

CLIENT: CAVALLO PROJECTS PTY LTD
LGA: SNOWY MONARO REGIONAL COUNCIL
DA: 10.2018.1222.1

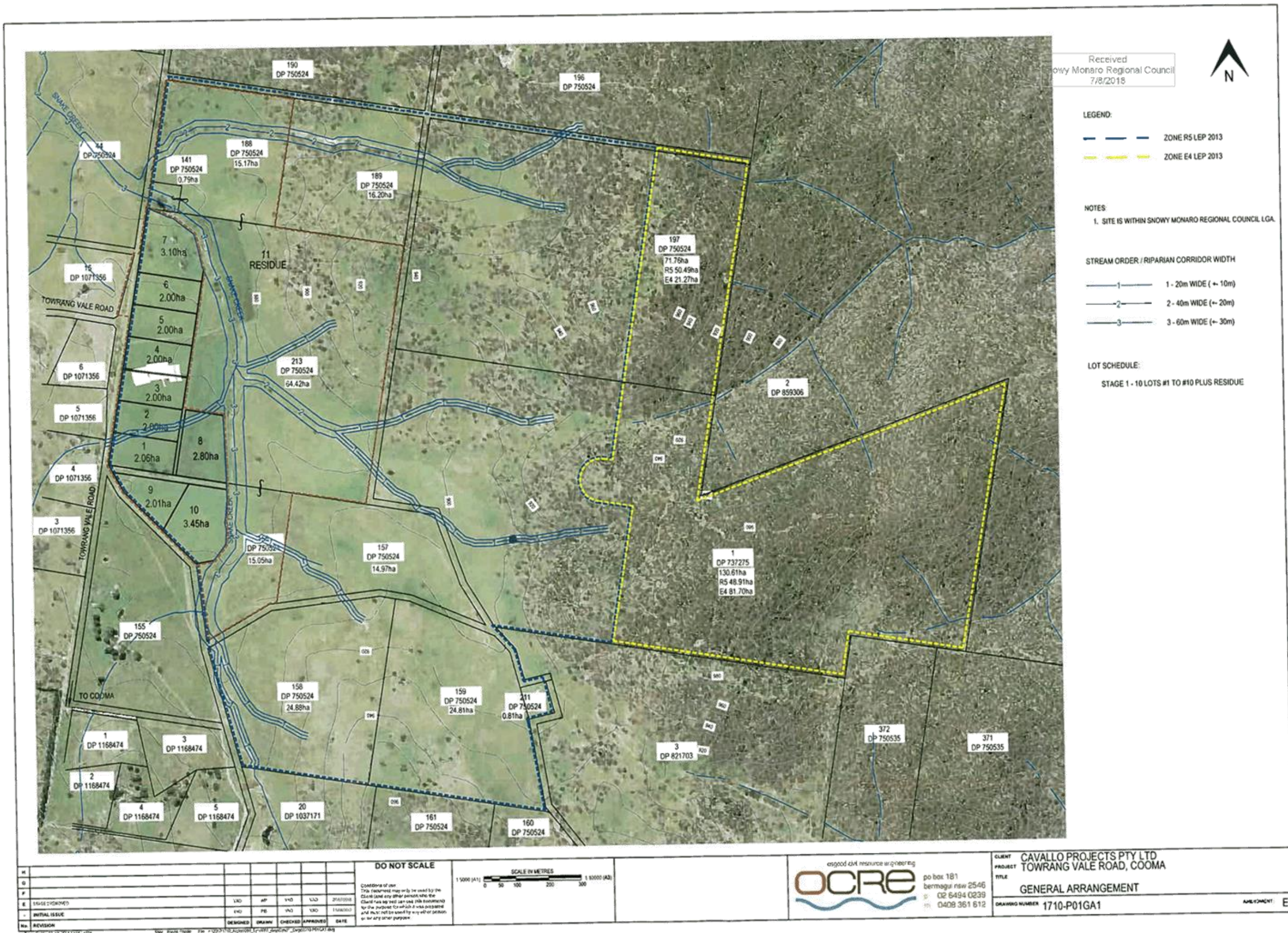
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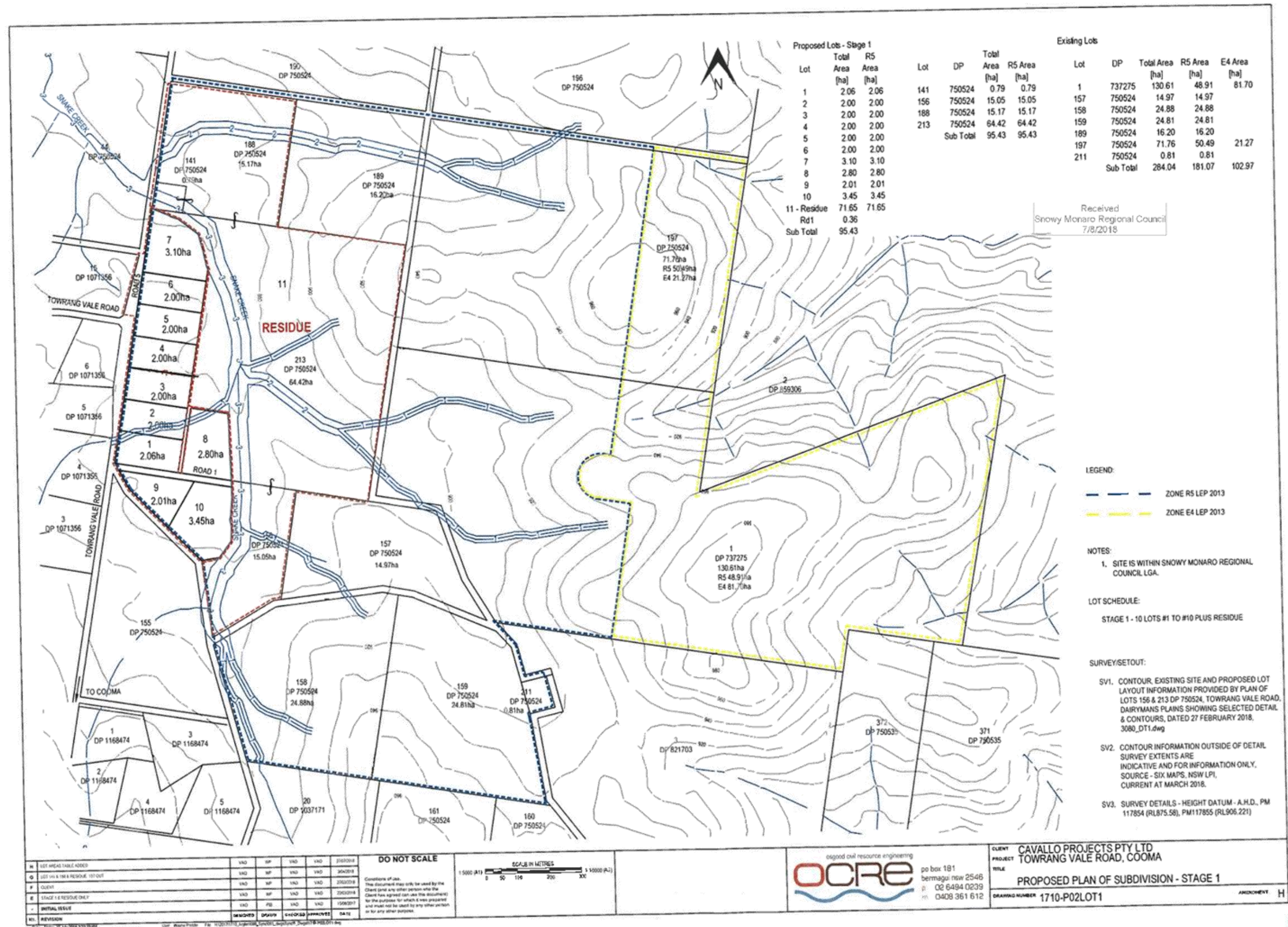
DRAWING SCHEDULE

1710-P00TTL	TITLE SHEET
1710-P01GA1	GENERAL ARRANGEMENT
1710-P02LOT1	PROPOSED PLAN OF SUBDIVISION - STAGE 1
1710-P03STG1	STAGE 1 LAYOUT
1710-P04CONS	DEVELOPMENT CONSTRAINTS STAGE 1
1710-P20SWMP1	STORMWATER MASTER PLAN
1710-P21SWMP2	SNAKE CREEK SECTIONS
1710-P30RHP1	ROAD HIERARCHY PLAN
1710-P31TYPX1	TYPICAL SECTIONS
1710-P32TYPX2	TYPICAL SECTIONS



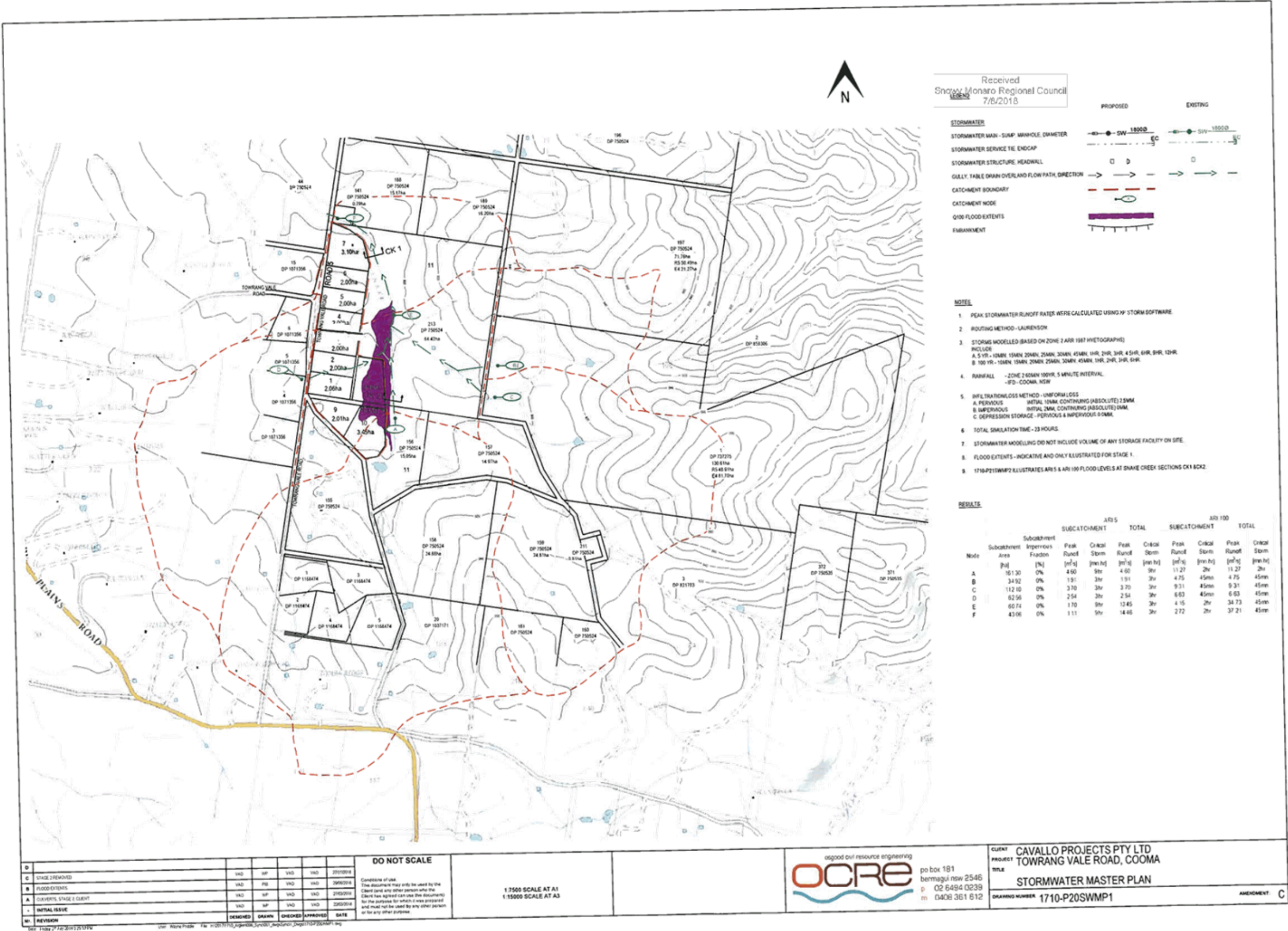
LOCALITY PLAN
N.T.S

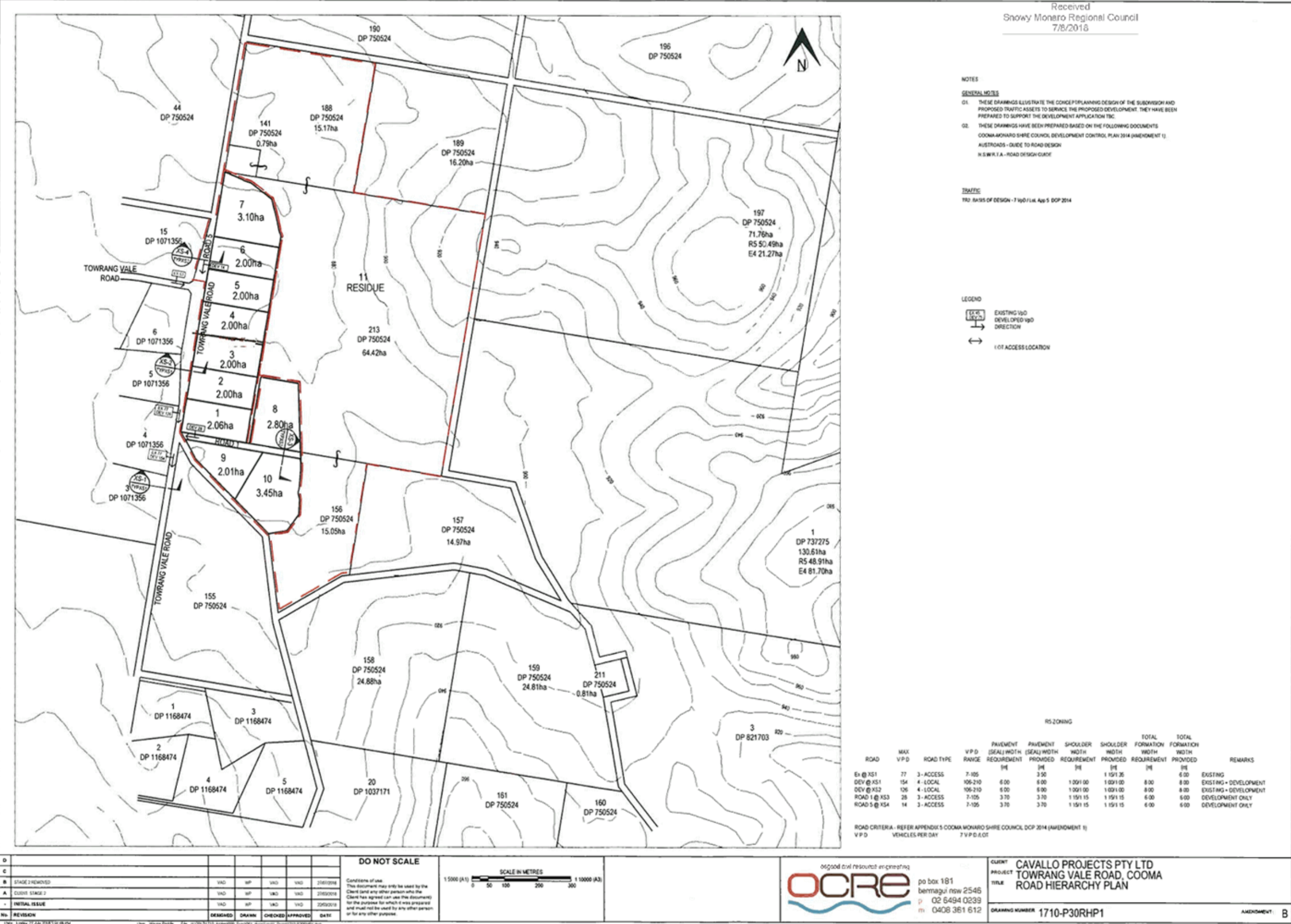


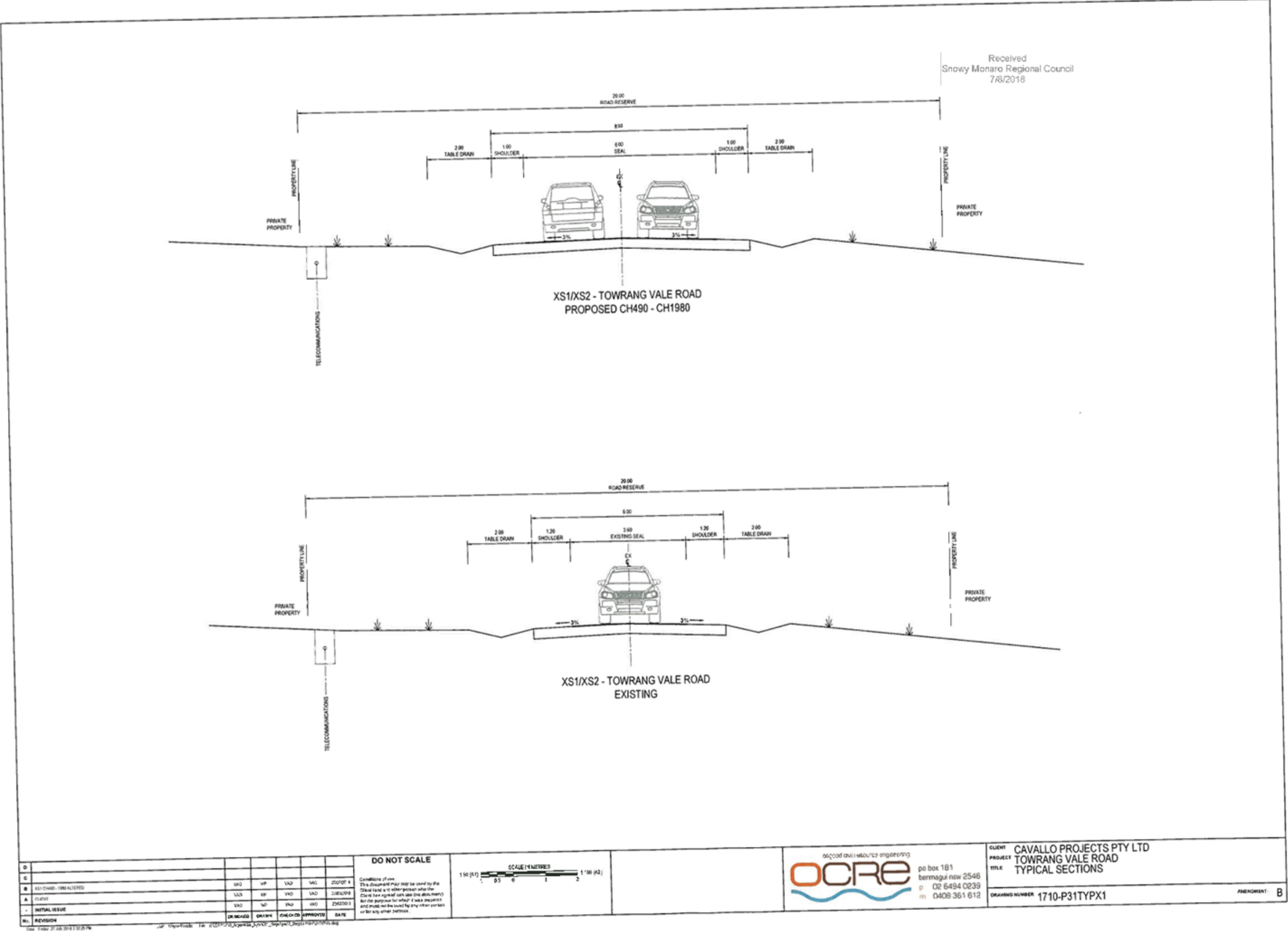


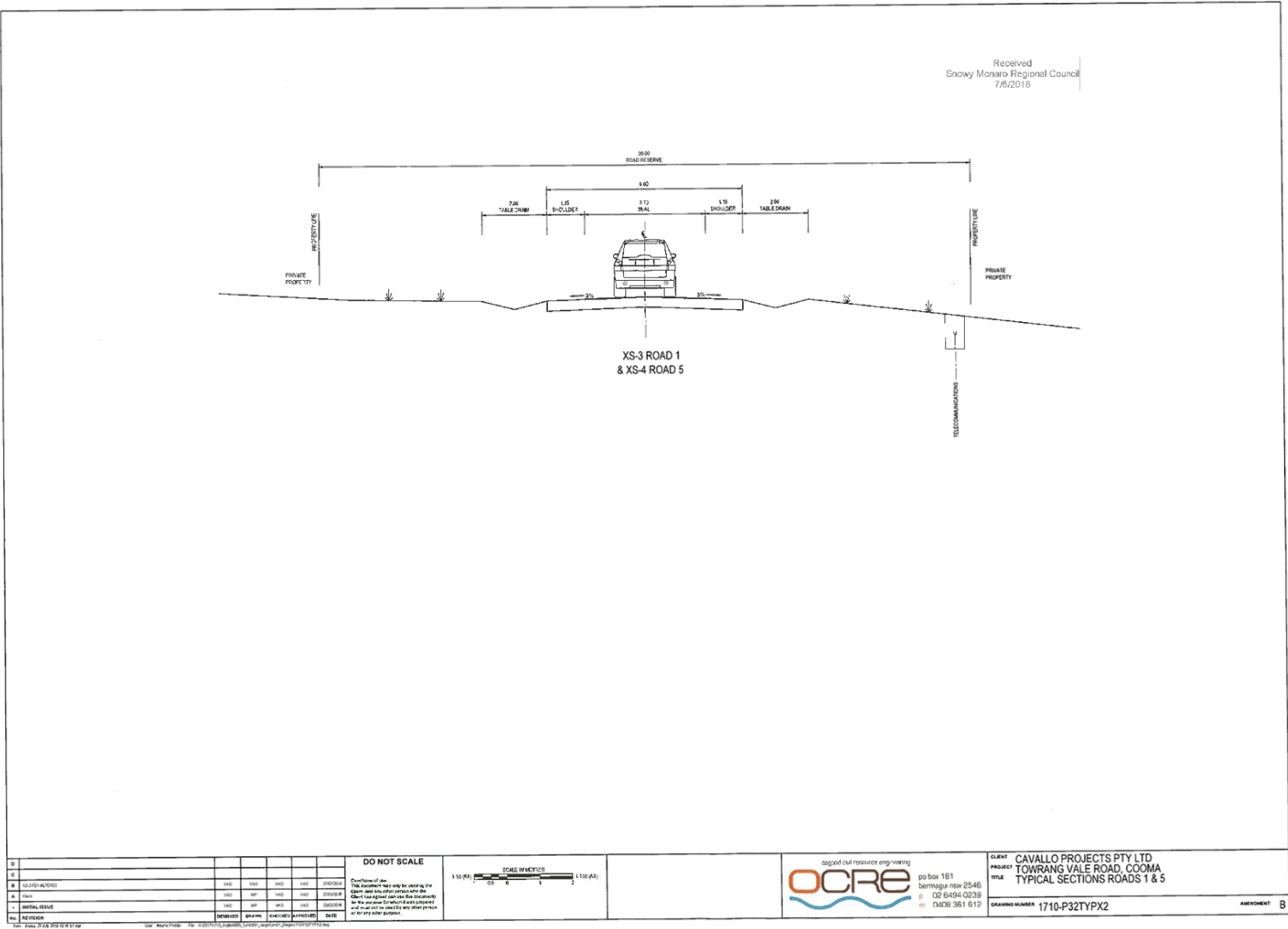












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7/8/2018

Statement of Environmental Effects

Contents

1. Executive Summary
2. Predevelopment Council Consultation
3. Proposed Development
4. Site Description
5. Flora and Fauna Assessment
6. Bushfire Assessment Report
7. Soil and Water – Land Capability Assessment
8. Environmental Consideration
 - Environmental Planning and Assessment Act 1979
 - Section 4.15(1) Matters for Consideration
 - a) the provisions of:
 - 8.1. (i) any environmental planning instrument, and
 - 8.2. (ii) any proposed instrument that is or has been the subject of public consultation under this Act.
 - 8.3. (iii) any Development Control Plan (DCP)
 - 8.4. (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.
 - 8.5. (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - 8.6. (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
 - 8.7. (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - 8.8. (c) the suitability of the site for the development
 - 8.9. (e) the public interest
9. Conclusion



Statement of Environmental Effects

ATTACHMENT 1 – AHIMS Websearch, 14 February 2018

ATTACHMENT 2 – Plans Submitted with Development Application all prepared by *Osgood Civil Resource Engineering (OCRE)*:

1. General Arrangement Drawing Number 1710-P01GA1
2. Proposed Plan of Subdivision – Stage 1 – Drawing Number 1710-P02Lot1
3. Proposed Plan of Subdivision – Stages 1 & 2 – Drawing Number 1710-P021Lot1&2
4. Layout Stage 1 – Drawing Number 1710-P03STG1
5. Development Constraints Stage 1 – Drawing Number 1710-P04CONS
6. Stormwater Masterplan – Drawing Number 1710-P20SWMP1
7. Snake Creek Sections – Drawing Number 1710-P21SWMP2
8. Road Hierarchy Plan – Drawing Number 1710-P30RHP1
9. Typical Sections – Drawing Number 1710 – P31TYPX1
10. Typical Sections Roads 1&5 – Drawing Number 1710-P32TYPX2

ATTACHMENT 3 – Reports And Studies submitted with Development Application

1. Bushfire Report Section 100B Rural Subdivision – *Abel Ecology* – AE18-REP-1866-ISS 1 BAL– 3 April 2018
2. Prescribed Ecological Actions Report (PEAR) – *Abel Ecology* – AE18-REP-1867-ISS 1 – 3 April 2018
3. Soil and Water Land Capability Assessment – Version 2 - *Franklin Consulting Australia Pty Limited*, 3 April 2018



Statement of Environmental Effects

1. Executive Summary

Cavallo Projects Pty Ltd wish to gain approval to consolidate Lots 213, 156, 141 and 188 DP 750524 to construct 11 allotment rural residential subdivision (including 1 residual allotment).

The Cooma Monaro Local Environmental Plan 2013 (CMLEP) incorporates a minimum lot size of 8 hectares per allotment for the subject land. However, the CMLEP also includes a lot averaging clause that permits land in the R5 Large Lot Residential zone to be subdivided into allotments with areas not less than 2 hectares provided the total lot yield of the subdivision is not increased. The developer has designed the subdivision to meet the controls of the lot averaging clause. The clause allows permits the subdivision to be designed so that 7 of the allotments directly adjoin Towrang Vale Road without requiring battle-axe handle access. The control allows a further 3 of the allotments to directly adjoin proposed Road 1 of the subdivision resulting in a subdivision capable of contributing positively to a rural residential streetscape.

The development fully complies with The CMLEP without variation and is consistent with all the provisions of the Cooma Monaro Shire Development Control Plan 2014.

The development application is submitted with this document and a Bushfire Hazard Assessment, Soil and Water Report, Prescribed Ecological Actions Report (Flora, Fauna and Habbitat), Survey Plan prepared to allow for detailed subdivision. These reports informed the development design and allow for detailed consideration of any potential impacts.

The Development Application was submitted to Council by email on 4 April 2018 with all above listed accompanying documents. Once checked by Council staff payment of Council's application fees was completed in full on 9 April 2018. Subsequent payments were made at Council's request directly to NSW Rural Fire Service (RFS), NSW Office of Environment and Heritage (OEH) and NSW Office of Water for Council's referral of the application to them for comment and any general terms of approval.

The Development Application initially submitted to Council included a concept component constituting stage 2 of the development and subject to a future development application. However comments provided by OEH to Council and our direct consultation with OEH confirmed they would not be in a position to assess the concept component of the application without a complete Biodiversity Development Assessment Report (BDAR). Despite our disagreement with this interpretation relating to concept development, the developer chose to remove the concept component from the development application.



Statement of Environmental Effects

The office of Environment and Heritage also requested the preparation and submission of an Aboriginal Due Diligence Cultural Heritage Report. This report was prepared by Julie Dibden, Archaeologist at NSW Archaeology. Preparation of the report included completion of an on-site survey which did not reveal any findings of items or places with Aboriginal Archaeological value.

As discussed in this document, consideration of the development has not revealed any negative potential environmental impact, social or economic impacts, or aspects detrimental to the public interest.

It is considered the development will contribute positively to rural residential development in the Dairyman's Plains area.



Statement of Environmental Effects

2. Pre-development Council Consultation

In preparing a proposal to undertake a residential development, in August 2017 the developers arranged for Osgood Civil Resource Engineering to complete an initial consultation with Council regarding their proposal to subdivide the land into multiple residential allotments.

The initial design which incorporated areas of existing Lots 1 and 197 partly zoned E4 Environmental Management was determined by Council Town Planner to not be consistent with the controls contained in the CMLEP.

Subsequently, the design was amended incorporating Council's advice. A second predevelopment document enquiry was submitted in January 2018 to Council incorporating design changes.

Advice was provided by Council's Town Planner that a Development Application as proposed should be lodged with Council and the development application should be accompanied by the following documents to consider any potential impacts for proposed lots 1-10:

- Flora & Fauna Assessment
- Bushfire Report (s100B)
- Site Soil Assessment

The developers then arranged for preparation of the above reports as instructed and included an assessment of waterways and groundwater resources. Additionally, a site survey of Lots 1-10 and the adjoining roadways/road reserves was undertaken by a registered surveyor. This information was utilised by Osgood Civil Resource Engineering (OCRE) to prepare all the subdivision development plans submitted with this application.



Statement of Environmental Effects

3. Proposed Development

Cavallo Projects Pty Ltd are seeking approval to construct a 32 allotment residential subdivision involving Lots 141, 188, 213 and 156.

The area of the allotments zoned R5 Large Lot Residential. The minimum lots size for the area is 8 hectares per allotment. However, the development is designed to utilise Clause 4.1B Lot Averaging Subdivisions in Zone R5 which permits a subdivision of the land into allotments with areas not less than 2 hectares each provided the total allotment yield does not exceed the total number of 8 hectare allotments that would be permitted. The subdivision design achieves this requirement.

The total area of existing allotments utilised in Stage 1 is 95.43 hectares, which permits a maximum allotment yield from a subdivision of 11 allotments using the lot averaging clause of the CMLEP.

4. Site Description

The area selected for construction of Stage 1 of the development adjoins the eastern side of Towrang Vale Road. Proposed lots 1-7 are positioned to access a section of Towrang Vale Road that is already sealed. Driveways for these lots are to be positioned between the established trees located in the road reserve displayed on the Stage 1 Layout Plan. The land adjoins Snake Creek on the East. Proposed lots 8, 9 and 10 adjoin an unformed road reserve (Road 1), and proposed lots 6 and 7 adjoin unformed road reserve (Road 5), both to be constructed with a sealed finish to Council's engineering/construction specifications. The area incorporates gentle gradients suitable for the future construction of dwellings and installation/operation of individual on-site sewage management systems. The allotments are largely cleared of trees with the few trees positioned on the land able to be retained whilst accommodating future dwellings and facilities. Stage 1 Development Constraints Plan displays the potential location of future dwellings and sewage management systems. A first order tributary created by an existing culvert constructed under Towrang Vale Road that follows a depression in the subject land extends across proposed lots 1, 2, 8 and 32, but ample remaining area is available for the construction of dwelling and facilities in these lots.



Statement of Environmental Effects

5. Flora and Fauna Assessment

In the preparation of the development proposal *Cavallo Projects Pty Ltd* engaged *Abel Ecology* to prepare a Prescribed Ecological Actions Report (PEAR) to assess the proposal under the provisions of the NSW Biodiversity Conservation Act 2016, associated Biodiversity Conservation Regulation 2017 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The report describes the state of flora and fauna at the site and any associated habitats. The report was prepared in consideration of the proposal to construct lots 1-10 of the development.

Abel Ecology have prepared such reports since 1991 and the two professionals responsible for the report preparation are Dr Danny Wotherspoon and Dr Daniel McDonald who hold multiple qualifications between them in this field. Details of their qualifications and experience are included with the PEAR.

Abel Ecology undertook a survey of proposed lots 1-10. The survey observations concluded the area of proposed lots 1-10 is largely devoid of flora habitat with minimal fauna habitat. The pasture is dominated by weeds with the site being ecologically poor overall. The presence of feral species result in native fauna unlikely to be present in abundance and there is a lack of natural ecological services for the site such as bioturbators, seed dispersers and pollinators.

The report concludes that the proposal to construct lots 1-10 does not exceed the threshold area for land clearing defined in Clause 7.2 of the Biodiversity Conservation Regulation 2017. It also states the development does not involve clearing of any land included in the shaded area of the NSW Biodiversity Values Land Map. Lastly, that the development is not likely to significantly affect any threatened, endangered or critically endangered species.

It is concluded in the report that a further Biodiversity Development Assessment Report (BDAR) is not required and that there is no impediment to the development of lots 1-10 as proposed. Lastly it is considered that the proposed residential development of the site will likely result in improved weed control and the planting of trees associated with residences providing structural habitat for birds and microbats.

The residual allotment of stage 1 of the development includes a great area of land that will facilitate the future construction of a dwelling and associated on-site sewage management system.



Statement of Environmental Effects

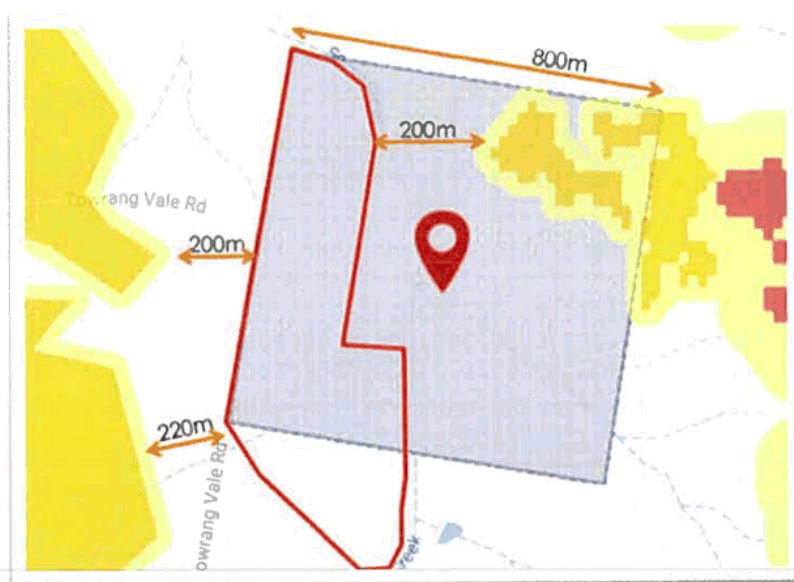
6. Bushfire Assessment Report

In preparation of the development proposal *Cavallo Projects Pty Ltd* engaged *Abel Ecology* to prepare the Bushfire Report submitted with the Development Application. The author of the report Dr Danny Wotherspoon has a Graduate Diploma in Bushfire Protection achieved in 2012 through the NSW University of Western Sydney. As detailed in the report, *Abel Ecology* commenced preparation of Bushfire Reports in 1991.

As previously discussed in Section 4, *Abel Ecology* identified the area of proposed Lots 1-10 as consisting of improved pastures and 11 trees not proposed to be removed. The surrounding area is identified as closely grazed exotic pasture classified as unmanaged grassland.

The report confirms that the area mapped as bushfire prone land does not include any part of proposed lots 1-10. The report further confirms that the nearest area of mapped bushfire prone land is 200 metres from any of proposed lots 1-10.

Subsequently, the report concludes that as the land immediately surrounding the subject allotments incorporate slopes of 0-5 degrees, that Asset Protection Zones can be created to surround any future dwellings on proposed lots 1-10 in accordance with *NSW Planning for Bushfire Protection 2006*. An extract of the Bushfire Prone Land Map utilised by *Abel Ecology* is included below, the area circled in red is the area to be developed:





Statement of Environmental Effects

7. Soil and Water – Land Capability Assessment

In preparing this subdivision proposal *Cavallo Projects Pty Ltd* engaged *Franklin Consulting Australia Pty Ltd* to prepare a Water and Soil Land Capability Assessment Report determining the suitability of the site for the future construction of dwellings and associated on-site sewage management systems on proposed lots 1-10.

A detailed site soil assessment was undertaken including measurements of slope, appraisal of land form, identification of constraints and soil conditions. The assessment included taking soil profiles at various areas of the site that represent the differing soil formations of the subject land.

The report identifies areas within the locality likely to contain shallow soils and/or rocky sub-surfaces unsuitable for residential development. These areas were identified as being located outside the areas for proposed lots 1-10. The report confirms that none of the areas unsuitable for effluent management are located in the areas proposed to for Lots 1-10.

There were two domestic bores identified in the water and soil report. The nearest bore is located 80 metres west of proposed Lot 1. The report recommends a 100 metre buffer be included for future effluent disposal areas from the bore. This has been achieved in the development design as displayed on the proposed plan of subdivision which shows an effluent disposal area of 1,300m² can be installed greater than 100 metres of the bore and a 430m² footprint for future construction of a dwelling on the land.

The report estimates that based on the site soil conditions a 6-bedroom house would require an effluent disposal area of 1,300m² and a 430m² building footprint. This is considered to be an estimate that ensures the land will be able to cater for all eventualities including a large single dwelling or dual occupancy development permissible in the R5 Large Lot Residential Land-use zone.

Additionally, the report recommends an effluent dispersal area located 100 metres from Snake Creek for proposed lots 6, 7, 8 and 10 and 40 metres from the drainage depression traversing proposed lots 1,2 and 8. These setbacks have been achieved and are displayed on the proposed plan of subdivision.

The report outcomes recommend that any effluent management systems installed on the proposed lots be limited to those that incorporate surface irrigation or drip irrigation and include a secondary treatment system with disinfection. This recommendation can be included as restrictions on the individual lot titles of each proposed allotment. The restrictions can nominate Council as the body charged with enforcing the restriction. Section 1.9A (2)(a) of the Cooma Monaro Local Environmental Plan 2013 enables Council to enforce such a restriction.



Statement of Environmental Effects

Lastly the report confirms that areas of existing site soil erosion are located generally outside proposed lots 1-10 with very small areas on the eastern edge of the boundaries of proposed lots 8 and 10 which are designed so that the boundary of the allotments is the buffer area of the 1st and 3rd order streams.

The buffer zones for distance of development from 1st and 3rd order streams being 60 and 20 metres plus channel width is incorporated into the subdivision design throughout with proposed allotment boundaries located at the edge of the boundary.

Individual detailed effluent management reports will be required with the submission of each future application for a dwelling on each proposed allotment.

All recommendations of the report have been incorporated into the development design. The detailed recommendations are incorporated into proposed lots 1-10.

The report confirms that water and soil conditions of proposed lots 1-10 are suitable for the installation of on-site effluent management systems and future dwellings.



Statement of Environmental Effects

8. Environmental Consideration

Environmental Planning and Assessment Act 1979

Section 4.15(1) Matters for Consideration

(a) the provisions of:

8.1. (i) any environmental planning instrument, and

Cooma Monaro Local Environmental Plan 2013

Section 2.3(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Comments: All allotments proposed to be subdivided previously listed in this document are zoned R5 Large Lot Residential. The subdivision of land for the future construction of residential dwellings is permitted with Development Consent in that zone. Consideration is given to the R5 Large Lot Residential zone objectives below.

Zone objectives

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote an innovative and flexible approach to rural residential development.*

Comments: The proposed subdivision design will provide for future residential housing without impacting on any environmentally sensitive locations. The proposed allotments are not located on any prominent ridgelines and will not detract from any scenic quality of the area. The location and layout of the proposed subdivision will allow for the continued subdivision of other land also zoned R5 Large Lot Residential extending north of the proposed subdivision. The subdivision is designed and accompanying reports are prepared to demonstrate that each allotment is large enough to facilitate individual on-site sewage management systems. Domestic rainwater adequate to provide for any/each future dwelling can be collected from roofs and stored on-site in individual domestic rainwater tanks. The development involves the upgrade/construction of sealed roadways to provide access to the allotments. The development will not unreasonably increase the demand for public services or public facilities.



Statement of Environmental Effects

The subject allotments does not adjoin any other land-use zones. The subdivision design is responsive to the topography and features of the subject land. And considered consistent with the zone objectives.

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:*
- (a) to allow for the limited subdivision of agricultural land for residential purposes,*
 - (b) to protect and maintain environmentally sensitive land,*
 - (c) to ensure the efficient use of business, industrial and residential land.*
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*

Comment: The area of the allotment proposed to be subdivided is displayed as 8 hectares on Minimum Lot Size Map_Sheet LSZ_006 and LSZ 013. All of the allotments of the proposed subdivision with the exception of residual lot 11 incorporate areas less than 8 hectares. Clause 4.1B of the CMLEP permits subdivision of land zoned R5 Large Lot Residential below the minimum lot size included on the minimum lot size map provided the total lot yield does not exceed the number of lots permitted using the minimum lot size defined by this clause. Consideration of the development against the provisions of clause 4.1B are included below.



Statement of Environmental Effects

4.1B Subdivision using average lot sizes

- (1) The objectives of this clause are to facilitate alternative subdivision controls that:*
- (a) facilitate a subdivision design that takes into consideration the values and constraints on the land and achieves the best environmental and agricultural outcomes possible, and*
 - (b) limit the subdivision of land in certain circumstances where the lots created are proposed to be used for residential accommodation.*
- (2) This clause applies to land in the following zones (other than land identified as "Area A" on the Lot Size Map):*
- (a) Zone RU1 Primary Production,*
 - (b) Zone R5 Large Lot Residential,*
 - (c) Zone E4 Environmental Living.*
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies if:*
- (a) the total number of lots created from the subdivision will not exceed the number of lots that could be created under clause 4.1 (3), and*
 - (b) for land in Zone RU1 Primary Production, each lot created by the subdivision will have an area of at least 20 hectares, and*
 - (c) for land in Zone E4 Environmental Living, each lot created by the subdivision will have an area of at least 10 hectares, and*
 - (d) for land in Zone R5 Large Lot Residential, each lot created by the subdivision will have an area of at least 2 hectares.*
- (4) Development consent must not be granted for the subdivision of a resulting lot unless the consent authority is satisfied that:*
- (a) the lots to be created will not be used for the purpose of residential accommodation, and*
 - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.*
- (5) In this clause, resulting lot means a lot created under this clause being land in Zone RU1 Primary Production or Zone E4 Environmental Living.*

Comment: The areas of the subject allotments to be subdivided are all zoned R5 Large Lot Residential. Each of the proposed allotments incorporate areas of 2 hectares or greater. All of the proposed allotments have adequate area for the construction of future dwellings. Each proposed allotment will be connected to telecommunications, power and sealed roadway. As previously discussed in this document, reports were prepared for stage 1 of the development application demonstrating the development will not have any significant adverse environmental impacts and each allotment has adequate area to facilitate construction of a dwelling and associated sewage management system.

Stage 1



Statement of Environmental Effects

The total area of existing allotments is 95.43 hectares, which permits a maximum allotment yield from a subdivision of 11 allotments. The proposed subdivision design is consistent with the provisions of Clause 4.1B.

Clause 6.3 Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
- (a) whether the development is likely to have:*
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comments: The far northern corner of existing parent Lot 213 DP 750524 is mapped on Terrestrial Biodiversity Map – Sheet BIO_013 of the CMLEP.

A Prescribed Ecological Actions Report (PEAR) and Water and Soil Report were prepared to assess any potential impacts on flora, fauna or associated habitats and water and soil resources. It was concluded in both reports that future dwellings could be constructed on Lots 1-10 without negative impact.



Statement of Environmental Effects

Residue Lot 11 of stage 1 of the development incorporates plentiful amounts of area outside the land mapped as terrestrial biodiversity and outside the buffer areas of Snake Creek and identified tributaries for the future construction of a dwelling without negative impact.



Statement of Environmental Effects

Clause 6.6 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following:*
- (a) water quality within watercourses,*
 - (b) the stability of the bed and banks of watercourses,*
 - (c) aquatic and riparian habitats,*
 - (d) ecological processes within watercourses and riparian areas.*
- (2) This clause applies to all of the following:*
- (a) land identified as "Riparian Land" on the Riparian Land Map,*
 - (b) all land that is within 40 metres of the top of the bank of a watercourse.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
- (a) whether or not the development is likely to have any adverse impact on the following:*
 - (i) the water quality and flows within the watercourse,*
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,*
 - (iii) the stability of the bed and banks of the watercourse,*
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,*
 - (v) any future rehabilitation of the watercourse and riparian areas, and*
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and*
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comments: Snake Creek is identified as riparian land on Riparian Land Map Sheet CL1_006 and Sheet CL_013 of the CMLEP.

Inspection of the land and the land survey confirms that the 1st order stream identified on the NSW mapping of waterways extending through proposed lots 1,2, 8 and residue lot 11 of stage 1 does not have a formed channel but is an overland drainage path that follows a shallow depression in the land formation.



Statement of Environmental Effects

All allotments of the proposed subdivision incorporate a minimum 100 metres setback from Snake Creek and 40 metres from the tributary extending through proposed lot 1, 2, 8 and residue lot 11 for the installation of on-site sewage management systems.

The reports prepared recommend distances from waterways which have been included in the subdivision design. Any roadways to be constructed can incorporate design that does not adversely affect the flow of water. None of the roadways to be constructed as part of the subdivision will extend within 40 metres of Snake Creek or cross any tributaries.

The development will not affect water quality or flows, provides adequate space for both the subdivision and future dwellings and associated facilities to be constructed without impacting on free passage of fish, impacting riparian or aquatic species or ecosystems of a watercourse. The subdivision design provides for construction that will not affect the stability of bed or banks of a watercourse. The setbacks incorporated into the subdivision design from watercourses allows for any riparian areas to rehabilitate. The development is considered to be consistent with the provisions and objectives of Clause 6.6.



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6.10 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comments: Rainwater will be collected by each dwelling on each proposed allotment for domestic consumption and fire fighting reserve. Quotation has been provided to install electricity supply to the subdivision. Reports and corresponding development plans have been prepared demonstrating onsite sewage management systems can be installed to manage waste from any future dwellings on the allotments. Vehicle access to each allotment will be available via a sealed public roadway. The development is consistent with clause 6.10.



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State Environmental Planning Policy (SEPP) No 55—Remediation of Land

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Comment: An Initial evaluation of the site is undertaken in accordance with the *NSW Managing Land Contamination Planning Guidelines*. Inspection of the land confirms the most recent use of the land is for agricultural livestock grazing and possibly cropping. The visual inspection did not reveal any evidence of previous buildings constructed within proposed lots 1-10. An existing dwelling and associated outbuildings will be positioned within proposed lot 7. The existing dwelling and outbuildings are located downhill and outside of the area within



Statement of Environmental Effects

proposed lot 7 designated to accommodate a dwelling and on-site sewage management system displayed on the development plans.

Agriculture/horticulture are listed in Table 1 of the *NSW Managing Land Contamination Planning Guidelines* as previous land uses that may have resulted in contamination.

However, as the site inspection did not reveal any evidence of intensive agricultural activities, facilities, viticulture, or orchard activities. It is not considered necessary to proceed to a Preliminary Investigation.



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State Environmental Planning Policy (Rural Lands) 2008

10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings

(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:

(a) subdivision of land proposed to be used for the purposes of a dwelling,

(b) erection of a dwelling.

(3) The following matters are to be taken into account:

(a) the existing uses and approved uses of land in the vicinity of the development,

(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,

(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

(d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,

(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Comments: The land contains an unoccupied dwelling and outbuildings proposed to be positioned on lot 7 of the subdivision. The remaining areas of the allotments are utilised for agriculture including livestock grazing. Surrounding land uses also consist of a number of dwellings fronting Towrang Vale Road which ends in a cul-de-sac immediately west of the subject land. Other land adjoining the subject allotments on the north, south and west are all also zoned R5 Large Lot Residential. Allotments adjoining the east property boundaries are zoned E4 Environmental Living. Both of these zones have objectives principally aimed at catering for residential land uses. The proposed residential subdivision is compatible with the principal uses of these land-use zones. The development is consistent with the provisions and objectives of State Environmental Planning Policy (Rural Lands) 2008.



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State Environmental Planning Policy No. 44 – Kolala Habitat Protection

The subject allotments form part of the former Cooma Monaro Shire which is listed in Schedule 1 of the State Environmental Planning Policy No. 44 – Kolala Habitat Protect.

Consideration of stage 1 of the proposed development as part of the Prescribed Ecological Actions Report (PEAR) prepared by environmental consultants *Abel Ecology* is given to the koala species and associated habitat. Koalas are listed in the table of local threatened species included on page 23 of the PEAR.

The report does not identify any adverse impacts that would be inflicted on koalas or associated habitat as part of Stage 1 of the proposed subdivision.

A separate report prepared to consider any potential impacts on Flora, fauna or associated habitats will be prepared and submitted with the separate development application for Stage 2 of the proposal.

The development is consistent with the provisions and objectives of State Environmental Planning Policy No. 44 – Kolala Habitat Protect.

(a) the provisions of:

8.2. (ii) any proposed instrument that is or has been the subject of public consultation under this Act.

There are no Draft Environmental Planning Instruments on public exhibition at the date the Development application is lodged.



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8.3. (iii) any Development Control Plan

Cooma Monaro Shire Development Control Plan 2014 (DCP)

The Cooma Monaro DCP is a comprehensive policy that applies controls to all forms of development in the area formerly constituting the Cooma Monaro Shire. Section 4 of the DCP includes controls specifically applicable to subdivision with references to other sections of the DCP. Like the remainder of the DCP, Section 4 contains controls applicable to all land-use zones within the shire, only some of which are applicable to the proposed development. The following provides consideration of the compliance of the development with the applicable controls:

1. Consideration of all the applicable clauses extracted from the Cooma Monaro LEP2013 included in Table 8 have been previously addressed in Section 9.1 of this document. The development is considered consistent with each clause.
2. Section 4.1.1.1 and 4.1.1.2: Vehicle access crossings will be constructed in accordance with the standards of Chapter 2 of the DCP. The location of each proposed vehicle crossing is displayed on the Stage 1 Plan Layout subdivision plan submitted with the application. The subdivision proposal is consistent with the objectives and requirements of these sections.
3. Section 4.1.2.1 and 4.1.2.2: The development includes appropriate area for construction of a cul-de-sac at the end of sealed road extension works on Towrang Vale Road and proposed Road 1 prior to intersecting with Snake Creek. Construction can be undertaken in accordance with the standards referred to in Chapter 2 of the DCP. Roads will be dedicated to Council as public roads. The area of land proposed for stage 1 of the allotment incorporates gently sloping land and roadways can be effectively and efficiently constructed within existing road reserves. Stage 2 (concept development) has been designed to make best use of the flatter areas of the site. Only one section of road incorporating proposed Lots 27-31 travels directly up a slope. This portion of the subdivision can however be redesigned to follow the contour of the land pending the outcomes of reports to be prepared and submitted with the subsequent development application. The subdivision proposal is consistent with the objectives and requirements of these sections.
4. Section 4.1.2.5. Proposed roadways will be sealed consistent with this section.
5. Section 4.1.2.6 Adjoining roadways do not include street lighting, meaning street lighting is not required consistent with this section.
6. Section 4.1.3.2 the development involves greater than 10 allotments all of which will have direct frontage to a public roadway, and the residue allotment contains a single battle-axe handle access to one portion of the allotment. Lot 1 of the subdivision incorporates a splay corner at the intersection of Towrang Vale Road and proposed Road 1. Setbacks applicable to the zone have been displayed on the Stage 1 Layout Plan submitted with the application. The subdivision design is consistent this section. The portion of residue lot 11 that is located on the western side of Snake Creek includes a battle-axe handle accessway greater than 100 metres in length. This is considered



Statement of Environmental Effects

- appropriate as the handle will be sealed and the remaining areas of residue lot 11 have direct access from other road reserves (as is the present situation).
7. Section 4.1.4.1 and 4.1.1.2: The proposed development will undertake any road widening necessary to comply with Chapter 2 and applicable Appendixes of the DCP in accordance with Council's Specifications for Engineering works.
 8. Section 4.1.7: A stormwater management plan will be prepared as part of the construction certificate displaying proposed drainage from new and existing roads and any inter-allotment drainage, permanent erosion control or stormwater velocity dissipating devices detailed. The existing and proposed road ways and slope of the land will cater for drainage to natural waterways without negative impact.
 9. Section 4.1.9 – 4.1.10.2: The development is not within 225 metres of reticulated water.
 10. Section 4.1.11: Areas are displayed on the first stage development plans where dwellings and on-site sewage management systems could be constructed outside the buffer areas from waterways in accordance with the findings of a soil and water report prepared for the development. A Prescribed Ecological Actions Report (PEAR) was prepared for stage 1 that identified that no trees to be removed and that stage 1 of the development as proposed would not result in any negative environmental impact. The areas displayed as available for building all incorporate the minimum boundary setbacks specified in Chapter 2 of the DCP. The following provides consideration of the compliance of the development with the applicable controls.
 11. Section 4.1.13.1: A soil and Water Report, PEAR, Bushfire Report and subdivision plans for stage 1 prepared based on a detailed land survey were submitted with the development application. The subject allotments are not mapped as flood prone land. The reports prepared and submitted with the application are appropriate to allow for a comprehensive assessment of the development proposal consistent with the objectives and provisions of this section.
 12. Section 6.1: A Bushfire Report prepared by Abel Ecology demonstrates the future construction of dwellings can be achieved on the land in accordance with NSW Planning for Bushfire Protection 2006.
 13. Section 6.7: None of the 4 allotments proposed to be subdivided/consolidated as part of stage 1 are mapped in the terrestrial biodiversity mapping. The PEAR submitted with the application confirms no negative impacts will result from stage 1 of the development. A subsequent assessment of potential impacts on flora, fauna and habitat will be submitted with the development application for stage 2 of the development.
 14. Section 7.4: The water and soil report submitted with the application nominates areas and types of on-site sewage management systems suitable for managing sewage waste on-site from future dwellings. The areas for managing waste are identified on each proposed allotment for stage 1 of the development proposal.

The proposed subdivision is consistent with the objectives and controls of the DCP.



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- 8.4. (iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

The applicant has not entered into any planning agreement or draft planning agreement.

- 8.5. (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Clause 92 Additional matters that consent authority must consider

The Government Coastal Policy does not apply to Snowy Monaro Regional Council and therefore Clause 92(1)(a) and (b) are not applicable to this development proposal. The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 92(2).

Clause 93 Fire safety and other considerations

The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 93 is unnecessary.

Clause 94 Consent authority may require buildings to be upgraded

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.

Clause 94A Fire safety and other considerations applying to erection of temporary structures

The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

Clause 95 Deferred commencement consent

Not applicable

Clause 96 Imposition of conditions—ancillary aspects of development

Not applicable

Clause 97 Modification or surrender of development consent or existing use right

Not applicable

97A Fulfilment of BASIX commitments

Not applicable



Statement of Environmental Effects

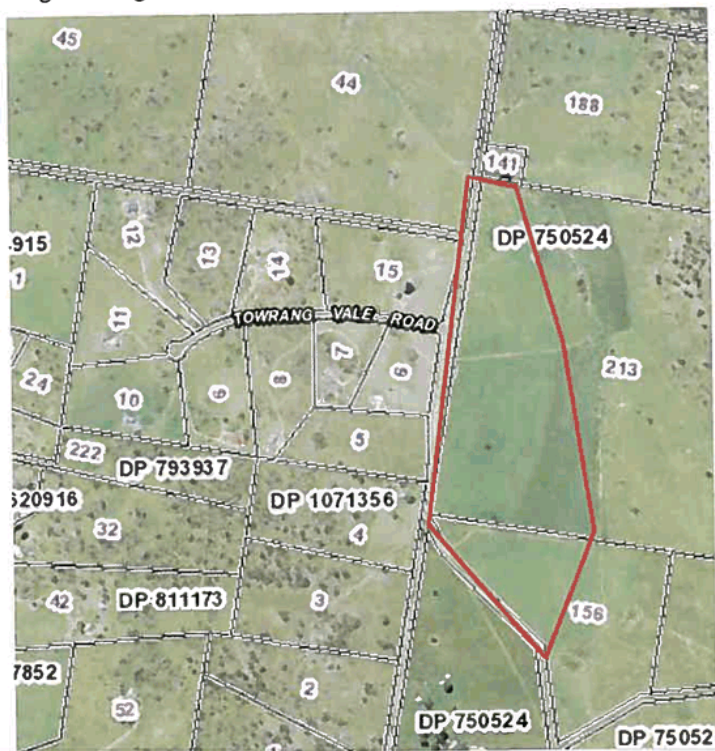
- 8.6. (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

The Coastal Protection Act 1979 does not apply to the land.

- 8.7. (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and Setting

The area is characterised by multiple residential dwellings of varying ages and sizes with accompanying outbuildings. The area contains multiple tributaries draining to Snake Creek. There are undulating hills in various areas many of which contain bushland vegetation. Towrang Vale Road turns west opposite the development site culminating in a cul-de-sac from which multiple allotments connect containing a variety of dwellings. This is the cluster of allotments that is closest to the proposed development site. The areas of allotments within this existing cluster of dwellings varies from approximately 2.5 hectares (Lot 7 DP 1071356) and approximately 6.5 hectares (Lot 15 DP 1071356). An image extracted from NSW Six Maps displaying the location to be subdivided as part of Stage 1 and the layout of allotments in the neighbouring residential development is included below:



Source: <https://maps.six.nsw.gov.au/> 1/04/2018 – Patrick Fitzsimmons



Statement of Environmental Effects

Access, Transport and Traffic

As previously discussed in this document, vehicle access to each proposed allotment will be provided directly from a sealed public roadway.

Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

Utilities

No reticulated water is available for connection to the development. Space is available within each allotment of proposed stage 1 to accommodate on-site rainwater detention tanks for domestic consumption and fire fighting reserve. The applicants have sourced a quotation to connect power to the proposed allotments. Each proposed allotment can accommodate individual on-site sewage management systems for future dwellings.

Heritage

There are no items listed in schedule 5 of the LEP 2012 as present on the land. An AHIMS search did not reveal any recorded items of Aboriginal Heritage Significance on the land or adjacent road reserve. A copy of the search results are included in Attachment 4 of this document. A Due Diligence Report is prepared and submitted including on-site survey that did not reveal any items of Aboriginal Heritage.

Water

As discussed in this document, a soil and water report submitted with the application recommends buffers from identified waterways and tributaries that have been incorporated into the design. The soil and water report recommends a particular type of sewage management system and associated irrigation area that has been shown on the development plan.

Flora and Fauna

The proposal does not require the removal of any trees and a prescribed Ecological Assessment Report (PEAR) recommends the development can proceed as proposed without any negative environmental impacts.

Energy

Each proposed allotment incorporates an area, orientation and gradient capable of containing a future dwelling that has good northerly aspect allowing for energy efficiency in future buildings.



Statement of Environmental Effects

Social and Economic Impacts on the locality

The development will provide well designed residential allotments with sealed road frontage capable of accommodating well designed self-contained dwellings resulting in good social outcomes and providing housing for persons to live in the region which results in good economic outcomes.

Site Design

The allotments of the subdivision are designed so that each allotment has direct frontage onto a sealed public roadway and appropriate area for future construction of dwellings.

Cumulative impacts

The design of the subdivision to have direct access to sealed roads, adequate area to cater for dwellings and sewage management systems means the proposed subdivision will not result any negative cumulative impacts. Traffic movements from the subdivision once constructed will be commensurate with the residential land uses of the surrounding area.

8.8. (c) the suitability of the site for the development

As the proposed allotments are designed to meet the minimum lots size, all allotments fronting a public road and contain appropriate dwellings and on-site sewage management systems, it is considered the proposed site is suitable for the development.

8.9. (e) the public interest

As the development will not result in any negative impacts, it will not be adverse to any aspects of the public interest.

9. Conclusion

The proposed subdivision has been designed to comply with the applicable planning controls containing all facilities necessary for the construction of future dwellings. All allotments will have appropriate actions and appropriate reports have been prepared to inform consideration of any potential environmental impacts. It is concluded that the proposed residential subdivision will have a positive outcome without negative impact and can be approved by Council without design modification.



Statement of Environmental Effects

ATTACHMENT 1

AHIMS Websearch, 14 February 2018



ATTACHMENT 2

Plans Submitted with Development Application all prepared by *Osgood Civil Resource Engineering (OCRE)*:

11. General Arrangement Drawing Number 1710-P01GA1
12. Proposed Plan of Subdivision – Stage 1 – Drawing Number 1710-P02Lot1
13. Proposed Plan of Subdivision – Stages 1 & 2 – Drawing Number 1710-P021Lot1&2
14. Layout Stage 1 – Drawing Number 1710-P03STG1
15. Development Constraints Stage 1 – Drawing Number 1710-P04CONS
16. Stormwater Masterplan – Drawing Number 1710-P20SWMP1
17. Snake Creek Sections – Drawing Number 1710-P21SWMP2
18. Road Hierarchy Plan – Drawing Number 1710-P30RHP1
19. Typical Sections – Drawing Number 1710 – P31TYPX1
20. Typical Sections Roads 1&5 – Drawing Number 1710-P32TYPX2



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ATTACHMENT 3

Reports And Studies submitted with Development Application

4. Bushfire Report Section 100B Rural Subdivision – *Abel Ecology* – AE18-REP-1866-ISS 1
BAL– 3 April 2018
5. Prescribed Ecological Actions Report (PEAR) – *Abel Ecology* – AE18-REP-1867-ISS 1 – 3
April 2018
6. Soil and Water Land Capability Assessment – Version 2 - *Franklin Consulting Australia
Pty Limited*, 3 April 2018
7. Due Diligence Assessment Report – Julie Dibden - *NSW Archaeologists*



79C Assessment Report

Application:	10.2018.1222.1
Officer:	Timothy Pepperell
Date:	19/09/2018
Land:	Old Dry Plains Road COOMA 2630 - Lot: 156 DP: 750524, Lot: 213 DP: 750524, Lot: 141 DP: 750524 and Lot: 188 DP: 750524.
Zone:	R5 - Large Lot Residential
Proposal:	11 lot subdivision

1 Existing Site Features

Location	Old Dry Plains Road COOMA 2630 - Lot: 156 DP: 750524, Lot: 213 DP: 750524, Lot: 141 DP: 750524 and Lot: 188 DP: 750524.
Site Inspection	19/09/2018
Size	95.43ha
Topography	Relatively flat with gentle gradient sloping down to the north. Snake creek dissects lot 213 to the east of the proposed development.
Existing buildings	An existing dwelling and outbuildings is located within proposed Lot 7.
Existing vegetation cover	West of Snake Creek there is a few scattered paddock trees and poor quality modified grassland consisting of pasture grasses and weeds. East of Snake Creek there is grassy woodland covering the north east quarter of Lot 213.
Access arrangements	Proposed lots 2-7 are proposed to have direct access to Towrang vale Road and proposed lots 1, 8, 9, 10 and residual lot 11 adjoin a proposed road between existing lot 213 and lot 156. Lots 6 and 7 are proposed to be accessed from an extension to Towrang vale Road. Proposed roads are proposed to be constructed with a sealed finish to Councils required standard. Access suitability and proposed road construction to be assessed by Council's engineering department.
Existing/available utility services	Phone and electricity connection to existing dwelling.
Any easements and/or restrictions of note	Site is dissected by Snake Creek impacts on the lots with associated flood, drainage and waste management constraints.
Crown ownership	An Access to Properties Crown Road is located on the southern boundary of lot 156. Unformed Crown Road reserves border the majority of the site.
Other	Bushfire prone, Potential for naturally occurring asbestos to be present.
Surrounding development	Similar large lot residential and rural residential development.

2 Proposal

The proposed development involves construction of an 11 lot subdivision under Clause 4.1B of the *Cooma Monaro Local Environmental Plan 2013* for subdivision using average lot sizes. Lots 1 -10 to be created will range in area from 2ha to 3.37ha with residual lot 11 having an area of 72.19ha. This gives the development an average lot size of 8.67ha which is greater than the 8ha minimum required.

Old Dry Plains Road COOMA 2630

10.2018.1222.1

The estimated cost of the proposal according to the applicant is \$889,462.00. Due to the nature of the proposed development as a subdivision with road works required this figure is considered to be satisfactory.

3 Background/History

Council does not hold any records on file for the subject site. It is likely the existing dwelling and outbuildings on the site were built prior to approval being required and or as exempt development. A standard condition will be added to the determination to clarify any approval be for the subdivision alone and does not approve or unapproved any structures on the site.

The subject development application at time of lodgement (06/04/2018) included a stage 2 as a concept component which would be subject of a future development application. However after a preliminary assessment Council officers determined the overall development, including concept stage, would exceed the clearing/impact thresholds detailed in *Biodiversity Conservation Act 2016*. As such the DA was referred to the Office of Environment and Heritage (OEH). This referral is required for any development believed to require a Biodiversity Development Assessment Report (BDAR) which has been lodged without a BDAR. OEH confirmed the requirement of a BDAR to allow assessment of the whole development including the concept component. As such, on 08/06/2018, the applicant was formally requested to provide this and other information to allow further assessment of the proposed development.

Following discussions with the applicant Council was provided with an amended application 07/08/2018 for an 11 lot subdivision only, thus effectively removing the concept component. As such the integrated referrals to OEH and Office of Water were determined to be no longer required and were officially withdrawn by Council.

A review of the amended application by Council's engineer resulted in a request for further details regarding the applicants flood information. This request for further information was emailed to the applicant on 19/09/2018. A satisfactory response was received by Council on 20/09/2018.

[property address]

10.[document year].[document number].[document part]

4 Consideration of Threatened Species (S.5A)

Council is required under Section 4.15 to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats, or have an impact on biodiversity values. Such threatened species in NSW may be protected under the *Biodiversity Conservation Act 2016* (BC Act) or under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Part 7 of the BC Act sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'five-part test' described in the Section.

Section 7.3 of the *Biodiversity Conservation Act 2016* details the 'five-part test' for determining significant impact on a threatened species or EEC. It is shown below:

7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

(1) *The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:*

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

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The application submitted a Prescribed Ecological Actions Report (PEAR), prepared by Dr Danny Wotherspoon of Abel Ecology. The report stated in conclusion that:

This is a site largely devoid of flora habitat and with minimal fauna habitat. The pasture is dominated by weeds and there is no watercourse in the area proposed for large lot residential subdivision. The site is in ecologically poor condition.

Feral species, such as cats, dogs and Red Fox, indicate that native fauna abundance is likely to be low. Ecological services for the site e.g. bioturbators, pollinators, seed dispersers are absent.

Residential development is likely to result in weed control and more trees planted, which will provide additional structural habitat for birds and microbats.

The site is predicted to contain Tableland Clay Grassy Woodlands under Council's predictive native vegetation mapping. An inspection of the site noted that while a portion of the site east of Snake Creek contains woodland vegetation the majority of vegetation west of Snake Creek in the area of development mainly consists of exotic and native grassland species dominated by weeds (mostly African Lovegrass).

It was also noted that the development is proposed to occur in only the impacted pasture west of Snake Creek with relatively few young paddock trees to be potentially removed. The applicant has stated this in the PEAR and a check of Council's mapping confirms the 'natural' and gradual clearing as having occurred historically. The immediately adjacent properties contain vacant land and as the landform is modified, with minimal (APZ) clearing proposed (for the existing dwelling upgrades, there is not considered to be a significant impact from the development on any threatened species or ecological communities.

On the basis of the above information, the threatened species listed in the table below are known or considered highly likely to be present on the site. The potential impact of the proposed development upon them is also considered in the table below.

Species	Type	Level of threat listed	Particular listed threats to survival	Potential impact of proposal
Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)	Bird	Vulnerable	<p>Loss of breeding and foraging habitat from rural and urban development</p> <p>Loss of key breeding and foraging habitat from intensive wildfire events and inappropriate hazard reduction burns</p> <p>Loss of breeding and foraging habitat from forestry management practices</p> <p>Climate change impacts to habitat suitability and distribution</p>	While the proposed development will be occurring within the areas identified as potentially containing Gang-gang Cockatoo the proposed development does not involve the removal of any significant timbered vegetation. As the proposed building envelopes will fall within the predicted habitat of the Gang-gang Cockatoo the impact of any future development will have to be considered. The areas that

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Hooded Robin (south Eastern Form) (<i>Melanodryas cucullata</i>)	Bird	Vulnerable	<p>Psittacine cirovirus disease (PCD)</p> <p>Lack of knowledge of location of key breeding habitat and breeding ecology and success.</p> <p>Clearing of woodlands, resulting in loss and fragmentation of habitat.</p> <p>Modification and destruction of ground habitat through heavy grazing and compaction by stock, removal of litter and fallen timber, introduction of exotic pasture grasses and frequent fire.</p> <p>Aggressive exclusion from forest and woodland habitat by over abundant Noisy Miners.</p> <p>Reduction in resources due to drought.</p> <p>Disturbance and changes to vegetation structure due to forestry activities (e.g. fire and harvesting).</p>	<p>have been tested for effluent disposal are clear of woodland vegetation</p> <p>As the proposed development will not include the clearing of any woodland vegetation it is considered unlikely that there will be any impacts to the Hooded Robin. As the proposed building envelopes will fall within the predicted habitat of the Hooded Robin the impact of any future development will have to be considered. The areas that have been tested for effluent disposal are clear of woodland vegetation.</p>
Diamond Firetail (<i>Stagonopleura guttata</i>)	Bird	Vulnerable	<p>Clearing and fragmentation of woodland, open forest, grassland and mallee habitat for agriculture and residential development, and firewood collection.</p> <p>Poor regeneration of open forest and woodland habitats.</p> <p>Invasion of weeds, resulting in the loss of important food plants.</p> <p>Modification and destruction of ground- and shrub layers within habitat through: removal of native plants, litter and fallen timber; introduction of exotic pasture grasses; heavy grazing and compaction by stock; and frequent fire.</p> <p>Predation of eggs and nestlings by increased populations of native predators such as the Pied Currawong <i>Strepera graculina</i>.</p> <p>Risk of local extinction due to small, isolated populations.</p> <p>Aggressive exclusion from forest and</p>	<p>As the proposed development will not include the clearing of any woodland vegetation it is considered unlikely that there will be any impacts to the Diamond Firetail. As the proposed building envelopes will fall within the predicted habitat of the Diamond Firetail the impact of any future development will have to be considered. The areas that have been tested for effluent disposal are clear of woodland vegetation.</p>

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Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions	Ecological community	Endangered	<p>woodland habitat by over abundant Noisy Miners.</p> <p>Anthropogenic climate change, including trends towards hotter, drier environments, resulting in adverse changes to the composition and structure of remnants.</p> <p>Historic and ongoing clearing and degradation of remnants for agricultural, forestry, infrastructure and residential development.</p> <p>Fragmentation and isolation of remnants, leading to genetic isolation of the community's component species.</p> <p>Application of fertilisers, which changes soil properties and thus changes the floral and faunal composition of the community.</p> <p>Tree dieback from a variety of causes, including enrichment of the soil by stock dung and increased levels of insect attack due to loss of ecological function in the community.</p> <p>Ongoing heavy grazing and trampling by domestic livestock, which have the effect of changing the ground layer composition and the hydrology of sites, resulting in losses of plant species (simplification of the understorey and ground layer and suppression of overstorey) and erosion and other soil changes (including increased nutrient status).</p> <p>Invasion by a range of weeds including noxious weeds (e.g. African Love-grass, Serrated Tussock, Chilean Needle-grass, St John's Wort), environmental weeds (e.g. Sweet Briar, Blackberry, English Hawthorn), aggressive pasture grasses (e.g. Phalaris, Cocksfoot and Paspalum) and escapes from horticulture or silviculture (e.g. Cotoneaster, Radiata Pine).</p> <p>Invasion of remnants by feral animals, resulting in the loss or modification of habitat.</p>	The proposed development is sited within an area identified as potentially containing Bioregions. However the site is a highly disturbed grazing pasture which does not contain any relevant habitat. In this regard it is considered unlikely that the proposed development will result in any of the species key threatening processes.

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			<p>Disturbance and clearance of remnants during road, rail and infrastructure maintenance and upgrades.</p> <p>Harvesting of firewood (either living or standing dead trees and material on the ground), resulting in the loss of habitat for a range of hollow-nesting, bark-dependant and ground-living fauna species.</p> <p>Collection of on-ground woody debris in the guise of 'cleaning-up'.</p>	
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As can be seen from the above table three species could be potentially impacted by the proposal. Due to the lack of any EEC vegetation it was deemed unnecessary to include the Snow gum EEC in any further assessment. The threatened species website maintained by the Department of Environment, Climate Change and Water lists certain actions which need to be taken to recovery a particular threatened species. These actions are summarised below for the species identified above as potentially impacted by the proposal.

Species	Listed recovery actions	Impacted by proposal?	Suggested resolution
Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)	<p>A targeted strategy for managing this species is being developed by OEH under the Saving Our Species program. In the interim the following should be considered:</p> <ul style="list-style-type: none"> • Ensure known breeding habitat is protected from wildfire and hazard reduction burns • Ensure that impacts to known or likely breeding and foraging habitat are avoided, mitigated or offset as part of development applications and approvals • Ensure that forestry management and planning practices avoid and minimises impacts to breeding and foraging habitat • Landholders undertaking private native forestry activities should adequately protect and buffer known or likely Gang-gang Cockatoo habitat • Conduct surveys and research on the locations of key breeding sites, and measure the breeding ecology and success of the Gang-gang Cockatoo • Identify key breeding and foraging 	The proposed development is consistent with the interim recovery actions.	Nil

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	habitat on private lands and work with landholders to secure and manage these areas, including the use of stewardship and incentive agreements		
Hooded Robin (<i>Melanodryas cucullata cucullata</i>)	<p>A targeted strategy for managing this species has been developed by OEH under the Saving Our Species program. The following actions listed can be used by stakeholders, where applicable to guide management at a site:</p> <ul style="list-style-type: none"> • Measure the abundance and impact of noisy miners on species populations and habitat, and implement appropriate management actions with demonstrated effectiveness to reduce the impacts of noisy miners if/where required. The preferred method for managing aggressive honeyeater impacts is through habitat modification (e.g. reduce the amount of edge and establish a structurally complex understorey). • Undertake revegetation, using a diverse mix of locally appropriate native species, focussing on expanding and connecting areas of existing habitat. Where appropriate, establish new habitat patches in areas where native vegetation cover is lacking. Target the productive lower parts of the landscape, especially areas adjacent to streams (which may provide important drought refuges). To maximise these benefits, riparian plantings should be at least 50m wide. • Conduct targeted research into identifying different practical methods for restoring the structure and function of the ground layer in degraded habitat, including soil biota and its functionality. • Encourage the retention of woody ground debris. Raise public awareness of the impact of firewood collection, 	The proposed development is consistent with the current control actions.	Nil

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	<p>cleaning up, and fuel reduction burns on this critical resource. Promote the retention of large old trees that have the potential to contribute woody ground debris via the shedding of limbs.</p> <ul style="list-style-type: none"> • Ensure populations remain connected by avoiding gaps greater than 100m between habitat patches and along linear remnants. Eliminate gaps through revegetation (either corridors or stepping stone plantings), focusing on important movement pathways. • Targeting of weeds that are significantly compromising habitat values (e.g. invasive perennial grasses) and restore native vegetation. Care should be taken to avoid widespread removal of beneficial exotic woody vegetation without replacement and avoid non-target impacts of herbicides. 		
Diamond Firetail (<i>Stagonopleura guttata</i>)	<p>A targeted strategy for managing this species has been developed by OEH under the Saving Our Species program. The following actions listed can be used by stakeholders, where applicable to guide management at a site:</p> <ul style="list-style-type: none"> • Protect and maintain areas of high quality habitat, which includes open forest, woodland, mallee and grasslands with a diverse ground layer dominated by a mixture of grass species which seed at different times of year (providing a year round food supply) and provides scattered shrubs for shelter. Areas with access to water, especially riparian areas, are particularly important. Where possible negotiate conservation agreements with landholders, agreements should preferably be funded and in perpetuity. • Undertake revegetation, using a diverse mix of locally appropriate native species, which will produce high quality habitat. 	The proposed development is consistent with the current control actions.	Nil

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	<p>Revegetation should focus on expanding areas of existing habitat, connecting isolated habitat patches (either through corridor or stepping stone plantings) or establishing additional habitat patches in landscapes with already existing, although insufficient, patches of suitable habitat. Areas with access to water, especially riparian areas, are particularly important, although care should be taken to ensure that riparian revegetation programs are sufficiently wide (minimum 50m wide), and that the composition of the ground and understorey is managed.</p> <ul style="list-style-type: none">• Undertake control of invasive exotic plant species that compete with native grasses, so as to increase the prevalence and diversity of food plants, in suitable habitat.• Exclude grazing from suitable habitat, or reduce grazing intensity and regularity so that a diverse grass sward and scattered shrub layer is maintained, and seeding grasses are present throughout the year.• Remove introduced fruit or berry producing plants (for example blackberry, hawthorn, cotoneaster, privet) that provide a food supply for nest predators such as pied currawongs.• Retain mistletoe and scattered patches of dense shrubs for nesting habitat, particularly in areas close to water.		
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Having considered the species potentially impacted by the proposal, the nature of these impacts and what might be done to minimise or eliminate them the five part test can now be applied to these species as required by Section 7.3.

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The application of the five part test to these species is shown below:

Five Part Test	Potentially impacted species		
	Gang-gang Cockatoo	Hooded Robin	Diamond Firetail
<i>(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</i>	While the proposed development will be occurring within the areas identified as potentially containing this species the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	While the proposed development will be occurring within the areas identified as potentially containing this species the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.	While the proposed development will be occurring within the areas identified as potentially containing this species the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not adversely affect the life cycle of the species or the continued existence of the species.
<i>(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i> <i>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i>	Not Applicable	Not Applicable	Not Applicable
<i>In (b)(ii) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i> <i>is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i>	Not Applicable	Not Applicable	Not Applicable
<i>(c) in relation to the habitat of a threatened species or ecological community:</i> <i>(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i>	Minimal vegetation removal, primarily consisting of APZ creation which will remove only low quality pasture grasses, young regrowth trees and weeds.	Minimal vegetation removal, primarily consisting of APZ creation which will remove only low quality pasture grasses, young regrowth trees and weeds.	Minimal vegetation removal, primarily consisting of APZ creation which will remove only low quality pasture grasses, young regrowth trees and weeds.
<i>In (c)(ii) in relation to the habitat of a threatened species or ecological community:</i> <i>whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</i>	The habitat of the Gang-gang Cockatoo will not become fragmented or isolated as a result of the proposed development as the development will take place within previously disturbed modified grassland for pasture, historically cleared for grazing.	No known areas of habitat will become fragmented or isolated as a result of the proposed development as the development will take place within previously disturbed modified grassland for pasture, historically cleared for grazing.	The habitat of the Gang-gang Cockatoo will not become fragmented or isolated as a result of the proposed development as the development will take place within previously disturbed modified grassland for pasture, historically cleared for grazing.

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Five Part Test	Potentially impacted species		
	Gang-gang Cockatoo	Hooded Robin	Diamond Firetail
<i>In(c)(iii) in relation to the habitat of a threatened species or ecological community: the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</i>	The proposed development does not involve the disturbance of any vegetation that is considered to form core species habitat.	The proposed development does not involve the disturbance of any vegetation that is considered to form core species habitat.	The proposed development does not involve the disturbance of any vegetation that is considered to form core species habitat.
<i>(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</i>	Not applicable – No impact on any declared area of outstanding biodiversity value.	Not applicable – No impact on any declared area of outstanding biodiversity value.	Not applicable – No impact on any declared area of outstanding biodiversity value.
<i>(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</i>	While the proposed development will be occurring within the areas identified as potentially containing Gang-gang Cockatoo the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not constitute or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Rosenberg's Goanna the proposed development does not involve the removal of any key habitat elements, such as termite mounds. As such the proposed development will not constitute or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	While the proposed development will be occurring within the areas identified as potentially containing Diamond Firetail the proposed development does not involve the removal of any significant timbered vegetation. As such the proposed development will not constitute or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Based on the above assessment it is considered unlikely that any threatened species will be significantly impacted upon as a result of the proposed development due to the lack of key habitat elements and the juvenile nature of the majority of the timbered vegetation present on the site (11 paddock trees).

Part 7 of the *Biodiversity Conservation Regulation 2017* (BC Regulation), sets out the criteria whether proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act. Section 7.2 of the BC Regulation details that clearing of native vegetation exceeds the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

The proposed development is located in an area with a minimum lot size of 8ha. As such considering the minimum lot size the biodiversity offsets scheme threshold is 0.5ha. As minimal further clearing is required (minor APZ creation around existing dwelling required) and future impact in proposed building envelopes will not constitute native vegetation clearing, the area of impact is determined to be below the 0.5ha threshold and there is not considered to be a significant impact.

Section 7.3 of the BC Regulation specifies that clearing on land within Biodiversity Values Map will exceed the threshold. The subject site is mapped as containing sensitive regulated land on the Biodiversity Values Map (BVM) in the north east of the site. However the development site is within the mapped areas.

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As such there is no clearing proposed, the thresholds are not exceeded and it is determined that there will not be a significant impact on any threatened species or ecological communities. As such no further assessment or Biodiversity Development Assessment Report is considered to be required.

Any future development on the site will have to be assessed on its merits.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

There are no EPBC Act concerns associated with this site.

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5 Compulsory Consultations and referrals to other bodies (S.79B, 79BA, 91)

Concurrence requirements

Following an amendment to the DA there is no longer any concurrence requirements.

Bushfire consultation

The majority of the site has been identified as being bushfire prone.

As the proposed development is for the purposes of a subdivision of bush fire prone land that could lawfully be used for rural residential purposes the proposed development requires approval under Section 100B of the *Rural Fires Act 1997*. As such the proposed development was referred to the NSW Rural Fire Service. The NSW RFS has granted a bushfire safety authority subject to conditions. The conditions provided by the RFS will be included in any approval of the proposed development.

Integrated development

Some types of development require approvals under multiple Acts before they can commence. Section 91 of the Act lists certain approvals under other Acts which may be obtained as part of the development application process. The table below sets out the approvals under the other Acts which the proposed development requires and which may be obtained through the integrated development process.

Act	Approval required?	Reason	Responsible Authority	Comment on response
Fisheries Management Act 1994	No	No works in or near creek	NSW Trade & Investment - Primary Industries - Fisheries and Aquaculture	-
Heritage Act 1977	No	No state heritage items on site	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Mine Subsidence Compensation Act 1961	No	Area not subject to mine subsidence	NSW Trade & Investment - Mineral Resources and Energy	-
Mining Act 1992	No	No mining involved in proposal	NSW Trade & Investment - Mineral Resources and Energy	-
National Parks and Wildlife Act 1974	No	No aboriginal objects affected by proposal	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Petroleum (Onshore) Act 1991	No	Proposal does not involve petroleum	NSW Trade & Investment - Mineral Resources and Energy	-
Protection of Environment Operations Act 1997	No	No environmental licences/approvals required	NSW Department of Premier and Cabinet - Office of Environment and Heritage	-
Roads Act 1993	No	No works in road reserve	NSW Trade & Investment - Primary Industries - Crown Land Division	-
Rural Fires Act 1997	Yes	Proposal is a subdivision of bush fire prone land	Department of Attorney General and Justice - NSW Rural Fire Service	The subject application was referred to the NSW RFS as it is a subdivision of bush fire prone land. The conditions provided by the RFS will be included in any approval of the proposed development.
Water Management Act 2000	No	No works within 40m of creek. No aquifer interference.	NSW Trade & Investment - Primary Industries - Office of Water	-

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6 Provision of any Environmental Planning Instruments (S79C(1)(a)(i))

The following State Environmental Planning Policies apply in Cooma-Monaro. Their applicability to the proposed development is summarised in the table below:

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP (Sydney Drinking Water Catchment) 2011	Published: 21.1.11 Commences: 1.3.11 Abstract: Replaces the Regional Environmental Plan which applied to the Sydney Drinking Water Catchment. (see file EP/CAT/8 for further info)	No
SEPP (Affordable Rental Housing) 2009	Published: 31.07.09 Abstract: Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.	No
SEPP (Exempt and Complying Development Codes) 2008	Gazetted: 12.12.08; commences 27.02.09 Abstract: Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have state-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979 .	No
SEPP (Rural Lands) 2008	Published: 09.05.08 Abstract: The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4	Yes
SEPP (Infrastructure) 2007	Gazetted: 21.12.07; commences 1.1.08 Abstract: Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here .	No
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Gazetted: 16.02.07 Abstract: This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establish appropriate planning controls to encourage ecologically sustainable development.	No
SEPP (Major Development) 2005	Gazetted: 01.08.05 Abstract: Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.	No
SEPP (Building Sustainability Index: BASIX) 2004	Gazetted: 25.06.04 Abstract: This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.	No
SEPP (Housing for Seniors or People with a Disability) 2004	Gazetted: 31.03.04 Abstract: Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07	No
SEPP No. 65 - Design Quality of Residential Flat Development	Gazetted: 26.07.02 Abstract: Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages	No
SEPP No. 64 - Advertising and Signage	Gazetted: 16.03.01 Abstract: Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August%2B2007%2Bto permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications	No

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State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP No. 62 - Sustainable Aquaculture	Gazetted: 25.08.00 Abstract: Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks	No
SEPP No. 55 - Remediation of Land	Gazetted: 28.08.98 Abstract: Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines	No
SEPP No. 44 - Koala Habitat Protection	Gazetted: 06.01.95 Abstract: Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat	No
SEPP No. 36 - Manufactured Home Estates	Gazetted: 16.07.93 Abstract: Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy	No
SEPP No. 33 - Hazardous and Offensive Development	Gazetted: 13.03.92 Abstract: Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.	No
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Gazetted: 15.11.91 Abstract: States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.	No
SEPP No. 30 - Intensive Agriculture	Gazetted: 08.12.89 Abstract: Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	No
SEPP No. 21 - Caravan Parks	Gazetted: 24.04.92 Abstract: Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	No

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State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP No. 15 - Rural Land-Sharing Communities	Gazetted: 09.04.98 Abstract: Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.	No

As can be seen from the above table, SEPP (Rural Lands) 2008 applies to the proposal. The requirements of this SEPP for the proposed development are outlined below.

State Environmental Planning Policy (Rural Lands) 2008

Clause 10 of the Rural Lands SEPP applies to the proposed subdivision and reads as follows:

10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
 - (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
 - (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

Comment: The proposed development will be a rural residential subdivision in an area dominated by other rural residential subdivisions. The new lots to be created will be at the minimum lot size (2ha) permissible under Clause 4.1B for lot averaging. Most other lots in the vicinity are larger than 2ha however this lot size is permitted in the area and will facilitate a rural residential lifestyle which is the dominant form of land use in the area. As such no incompatibilities with adjoining land uses is foreseen.

Cooma Monaro Local Environmental Plan 2013

The existing lots are zoned R5 – Large Lot Residential under the provisions of CMLEP 2013. Subdivision requires development consent under the provisions of clause 2.6 of CMLEP 2013.

Clause 2.3(2) requires the Council to consider the objectives of R5 zones in relation to the proposed development. The objectives are as follows:

Zone R5 Large Lot Residential

1 Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

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- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote an innovative and flexible approach to rural residential development.

Comment: The proposed subdivision is considered to be in context with the rural residential nature of the locality and is unlikely to result in any incompatibilities with the surrounding land uses. While the proposed development is likely to result in an increased demand for the supply of utilities within the locality any foreseeable increase is considered to be reasonable in nature. As such the proposed development is consistent with the objectives of R5 zones.

While the proposed subdivision of the site is not permissible under the provisions of CI4.1, the provisions of CI4.1B may enable the proposed development.

4.1B Subdivision using average lot sizes

- (1) The objectives of this clause are to facilitate alternative subdivision controls that:
- (a) Facilitate a subdivision design that takes into consideration the values and constraints on the land and achieves the best environmental and agricultural outcomes possible, and
 - (b) Limit the subdivision of land in certain circumstances where the lots created are proposed to be used for residential accommodation.
- (2) This clause applies to land in the following zones (other than land identified as "Area A" on the Lot Size Map):
- (a) Zone RU1 Primary Production,
 - (b) Zone R5 Large Lot Residential,
 - (c) Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies if:
- (a) the total number of lots created from the subdivision will not exceed the number of lots that could be created under clause 4.1 (3), and
 - (b) for land in Zone RU1 Primary Production, each lot created by the subdivision will have an area of at least 20 hectares, and
 - (c) for land in Zone E4 Environmental Living, each lot created by the subdivision will have an area of at least 10 hectares, and
 - (d) for land in Zone R5 Large Lot Residential, each lot created by the subdivision will have an area of at least 2 hectares.
- (4) Development consent must not be granted for the subdivision of a resulting lot unless the consent authority is satisfied that:
- (a) the lots to be created will not be used for the purpose of residential accommodation, and
 - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.
- (5) In this clause, resulting lot means a lot created under this clause being land in Zone RU1 Primary Production or Zone E4 Environmental Living.

Comment: The provisions of CI4.1 outline that the size of any lot resulting from the subdivision of land is not to be less than the minimum size shown on the Lot Size Map. In accordance with CI4.1B, development consent may be granted for the subdivision of R5 zoned land if the total number of lots created from the subdivision will not exceed the number of lots that could be created under CI4.1 and each lot will have an area of at least 2ha. As the total area of the site is approximately 95.4ha and Lot Size Map – Sheet LSZ_013 & 006 indicates a minimum lot size of 8ha the total number of lots that could be created under CI4.1 is eleven (11), each with an area approximately 8.6ha. As the proposed subdivision is proposing a total of eleven (11) allotments all with an area greater than 2ha it complies with the provisions of CI4.1B.

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Clause 5.10: Sheet HER_013 & 006 has specified that the site contains a heritage conservation area. As the site contains "Heritage" the provisions of Cl5.10 must be taken into consideration when assessing this application. These provisions are listed below.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Cooma-Monaro,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) the development is in a cemetery or burial ground and the proposed development:*
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) the development is exempt development.*

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(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*

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- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment: Heritage area C9 known as 'Geological site – Snake Creek' is within the land to be subdivided. As such the development needs consent as CI5.10(2)(f)(i) applies. However as the heritage area will not be impacted by the subdivision it is highly unlikely that there will be any adverse impact arising from the proposal. It has been recommended that as part of the proposal building envelopes be included on each lot to ensure no future development has the potential to impact the conservation area. All building envelopes and subdivision works are proposed to be further than 40m from the creek.

Clause 6.1 concerns earthworks and applies to the site as road construction is proposed for the development. The proposed development will involve some minor earthworks, mainly excavation. It is noted that a condition of consent will be that erosion control measures are implemented.

Clause 6.2 of the CMLEP 2013 ensures that the proposed development complies with flood planning objectives.

6.2 Flood planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) This clause applies to land at or below the flood planning level.*
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) is compatible with the flood hazard of the land, and*
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) incorporates appropriate measures to manage risk to life from flood, and*
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

As the proposed development site is within the flood planning level the provisions of Clause 6.2 of the CMLEP 2013 must be taken into consideration. The applicant has provided certified flood data/information from a qualified engineer (Dwgs 1710-P20SWMP1 & 1710-P21SWMP2) indicating the development will achieve levels above the 1in100 flood levels and a statement that the overall development will not impact on the stormwater regime of the catchment area. As such, subject to conditions, the proposed development complies with the objectives of flood planning.

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Clause 6.3: Sheet *BIO_013 & 006* has identified areas along the eastern slopes of the site contain "Biodiversity". As the site contains "Biodiversity" the provisions of Cl6.3 must be taken into consideration when assessing this application. These provisions are listed below.

6.3 Terrestrial biodiversity

- (1) *The objective of this clause is to maintain terrestrial biodiversity by:*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as "Biodiversity" on the [Terrestrial Biodiversity Map](#).*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - (a) *whether the development is likely to have:*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

While the proposed development will occur within the land identified as containing "Biodiversity" it is considered that the proposed development is unlikely to have any adverse impact on the native fauna and flora of the site and will not fragment the biodiversity structure of the land as any future development resulting from the proposed subdivision will not occur within the areas identified as containing "Biodiversity" due to the implementation of proposed building envelopes and conditions of consent.

Clause 6.6: Sheet *CL1_013 & 006* shows that the site is partly affected by Riparian Land along the Eastern boundary. As such Cl6.6 must be taken into consideration when assessing this application. These provisions are listed below.

6.6 Riparian land and watercourses

- (1) *The objective of this clause is to protect and maintain the following:*
 - (a) *water quality within watercourses,*
 - (b) *the stability of the bed and banks of watercourses,*
 - (c) *aquatic and riparian habitats,*
 - (d) *ecological processes within watercourses and riparian areas.*
- (2) *This clause applies to all of the following:*
 - (a) *land identified as "Riparian Land" on the [Riparian Land Map](#).*
 - (b) *all land that is within 40 metres of the top of the bank of a watercourse.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - (a) *whether or not the development is likely to have any adverse impact on the following:*
 - (i) *the water quality and flows within the watercourse,*
 - (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*
 - (iii) *the stability of the bed and banks of the watercourse,*
 - (iv) *the free passage of fish and other aquatic organisms within or along the watercourse,*
 - (v) *any future rehabilitation of the watercourse and riparian areas, and*

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*(b) whether or not the development is likely to increase water extraction from the watercourse, and
(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The site is partly affected by Riparian Land along the eastern side of proposed development area as Snake Creek dissects lots 213 and 156 through the middle. As such a Minor Water Buffer of 40m from the top of the watercourse bank applies to that section of the site. The development is a subdivision with no road works or building envelopes (future works) proposed within 40m of the watercourse. As such it is highly unlikely that any impacts will be incurred to water quality, ecosystems or stability of the watercourse as a result of the proposed development.

Clause 6.10 of CMLEP 2013 requires consideration in relation to the essential services provided to the development. It reads as follows:

6.10 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Comment: The proposed developments new lots will be required to be serviced by rain water tanks as a condition of consent for any future development. The developer will be required to arrange for the supply of electricity and telephone services to the site as conditions of consent and in accordance with DCP requirements. The new lots will rely upon on-site effluent disposal and a report in this regard was considered and accepted by Council's Health and Building Surveyor as part of the DA assessment.

Vehicular access can be achieved from Towrang Vale Road and the intention is to extend and upgrade this road and a new road is proposed off Towrang Vale Road to service lots 1, 8, 9, 10 and 11. This will need to be in accordance with DCP requirements.

Overall CMLEP 2013 comment: The proposed subdivision meets the requirements of CMLEP 2013.

6 Provision of any proposed Environmental Planning Instruments (S.79C(1)(a)(ii))

The Department of Planning has directed in Circular PS 08-013 issued on 13 November 2008 that for the purposes of this subsection Council is only required to consider proposed environmental planning instruments which have been publicly exhibited within the last three years.

In accordance with the above direction, there are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

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7 Provision of any Development Control Plan (S.79C(1)(a)(iii))

Cooma-Monaro Development Control Plan 2014

In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	Response
2 General Development Controls	
2.1 Streetscape	<i>Complies</i>
2.2 Building height and bulk	<i>N/A</i>
2.3 Building Setbacks	<i>Complies- R5 setback requirements met for existing buildings</i>
2.4 Crime and Safety	<i>N/A</i>
2.5 Vehicular access and roads	<i>Complies- Access via frontage to Towrang Vale Rd and proposed extensions/new road.</i>
2.6 Stormwater	<i>Complies</i>
2.7 Energy efficiency	<i>N/A</i>
2.8 Erosion and sediment control	<i>Complies- erosion and sediment control measures required to be included on any approval as conditions of consent.</i>
2.9 Landscaping	<i>N/A</i>
2.10 Off-street parking and delivery vehicle facilities	<i>Complies- Adequate space on site</i>
2.11 Infrastructure and Easements	<i>Complies</i>
4. Requirements for Subdivision	
4.1 Land (torrens title) subdivision	<i>Complies- access via existing and proposed road frontage, adequate space for future buildings and open space</i>
8 Public Notification Requirements	
8.2 Prescriptive Requirements	<i>14 days, adjoining neighbours (Also advertised in paper for 14 days).</i>

The proposal has also been examined in detail against the provisions of Council's relevant Development Control Plan (Section 4.15(3A)(c) of the Act) and has been found to achieve an acceptable level of compliance.

7.1 Variations to Development Standards

Nil

8 Provision of any Planning Agreement (S.79C(1)(a)(iiia))

There are no planning agreements in place in relation to the proposed development.

9 Provision of the Regulations (S.79C(1)(a)(iv))

This subsection refers to clauses 92-94A of the Regulations. None of these clauses directly apply to the proposal.

10 Impacts of the Development – Environmental, Social & Economic

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(S.79C(1)(b))

Context and setting	<i>The proposed subdivision is considered to be in context with the adjoining rural residential land uses.</i>
Access, transport and traffic	<i>The applicant proposes to construct a new access road to service the proposed lots 1, 8, 9, 10 and 11. And an upgrade and extension (new road) to Towrang Vale Road will service lots 2-7. While future development upon the site is considered likely to generate additional traffic within the locality, this is considered unlikely to result in any significant impacts subject to the required roadworks being completed.</i>
Natural and other land resources	<i>The proposed development is considered unlikely to result in any significant impacts upon any natural or other land resources within the locality.</i>
Water supply and potential impacts on surface and ground water	<i>The use of rainwater tanks is proposed to service the any future use of the site. A site and soil report has identified future effluent disposal upon the site as unlikely to impact upon any watercourses or the water table within the locality.</i>
Soils	<i>Outside of any required road works, the proposed development is considered unlikely to result in any significant processes of soil disturbance. It should be noted that the area is mapped as having a low potential for containing Naturally Occurring Asbestos (NOA). This information is provided on 10.7 Planning Certificates issued for the site.</i>
Air quality, pollution and microclimate impacts (eg odour)	<i>The proposed development is considered unlikely to result in any significant impacts upon air quality within the locality.</i>
Flora and fauna	<i>Due to the degraded nature of the site it is considered unlikely that the proposed development would impact upon any threatened flora or fauna species within the locality.</i>
Waste facilities and controls	<i>The applicant proposes the use of an OSSM to service any future development upon the site. A report identifying the site as suitable for such purposes accompanied this application. Council's Health and Building Officer has agreed the land is suitable for this use subject to conditions of consent.</i>
Safety, security and crime prevention	<i>The proposed development is considered unlikely to result in any significant crime or security issues within the locality.</i>
Site and internal design issues	<i>None known</i>
Impacts during construction	<i>There will be some impacts to public road access during proposed road construction/upgrades. However this should be temporary and result in overall better access for the area.</i>
Impacts on aboriginal heritage	<i>An Aboriginal Heritage Information Management System (AHIMS) Basic Search found no records of Aboriginal sites or places in or near the subject site. Council is not aware of any additional information that would suggest the presence of items or places of Aboriginal Heritage on the site. However at the request of OEH an Aboriginal Due Diligence Assessment was requested and provided by the applicant. The report was undertaken by Dr Julie Dibden and no sites of significance were discovered.</i>

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11 Suitability of the Site (S.79C(1)(c))

Natural Hazards	A portion of the site has been identified as being bush fire prone land. As the proposed development is for the purposes of a subdivision of bush fire prone land that could lawfully be used for rural residential purposes the proposed development requires approval under Section 100B of the <i>Rural Fires Act 1997</i> . As such the proposed development was referred to the NSW Rural Fire Service. The NSW RFS has granted a bushfire safety authority subject to conditions. The conditions provided by the RFS will be included in any approval of the proposed development.
Potential contamination	The site is mapped as potentially containing naturally occurring asbestos.
Availability of utility services	Nil Certain conditions of consent will ensure that services that all essential utility services for any future development can be accommodated for.
Potential land use conflicts with surrounding development	Due to the occurrence of similarly sized rural-residential lots within the surrounding area it is considered unlikely that the proposed development will create land use conflicts. It is considered that visual amenity of existing residences may be impacted on by future dwelling development. However due to the suitability and zoning of the land combined with the distances to existing residential development the impact is not considered to be significant.
Effluent disposal	An On Site Sewage Management Report found that all proposed lots have adequate space for on-site disposal.
Topography	The site itself is relatively flat. The topography of the site is suitable for this type of development.
Suitability of the access arrangements	Council's Roads Engineer has determined that the existing access to the site does not meet the standards specified in Appendices 5 and 6 of the DCP and as such as recommended certain conditions of consent that will ensure that access to all proposed lots are in accordance with the standards. The applicant has also proposed these upgrades and new road construction to comply with the standards.

12 Public Submissions (S.79C(1)(d))

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of Chapter 8 of the Cooma-Monaro Development Control Plan 2014. The public exhibition period was 14 days and the period for receiving submissions closed on 02/05/2018.

Following the close of the submission period a total of nine (9) submissions were received. Of these submissions, nine (9) were objecting to the proposal. Following the close of submission period a further submission of objection was received. Although outside the notification period the objections are still considered.

Following an initial assessment the applicant has made amendments to the original proposal. The amended plans were placed on public exhibition for a further period of 14 days and the period for receiving submissions closed on 21/08/2018. A further two (2) submissions were received, with both (2) raising objections.

The issues raised in the objections received are summarised below and a response provided:

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Submission	Response
Bushfire and Ecology Reports only specific to specific area of Stage 1.	Amended plans result in only Stage 1 being sought for approval. Submitted plans originally referred to Rural Fire Service (RFS), Office of Water, and Office of Environment & Heritage (OEH). OEH agreed stage 1 does not exceed new biodiversity thresholds providing clarification of building envelopes provided (provided by applicant on 7 August 2018). As such it is considered for the assessment of land to be impacted by the development the submitted Prescribed Ecological Actions Report is sufficient. RFS has provided General Terms of Approval.
Local Heritage Conservation area needs to be considered.	No works proposed within 40m of creek and implementation of Building envelopes and conditions of consent ensures future development will not impact on conservation area.
A weeds and Pest Management Plan should be required to ensure weeds issues are not transferred to new or adjoining land owners.	A standard condition of consent requires a weed clearance certificate be issued for the site prior to subdivision certificate being issued. This ensures the responsibility of managing weeds does not fall to new land owners.
Existing roads unsuitable standard to support proposed subdivision and a Traffic Impact Statement should be required to assess increases in traffic.	Councils Engineers and Assessing Officers have determined that proposed road construction and upgrades will meet Council standards required for the additional 10 lots, subject to conditions of consent.
A Visual Impact Assessment should be required.	Due to the amended DA resulting in a much smaller development at this stage it is not considered an assessment is required as the site is impacted grazing land and its zoning under the LEP is suitable for the type of development proposed. Additionally the prevalence of similar developments in the area indicates a similar visual outlook to what already exists.
Evidence that the provision of essential services, namely electricity is being provided.	Standard conditions of consent ensures that provisioning letters for electricity and telephone are to be provided to Council prior to release of subdivision certificate.
Current school bus stop at corner of Towrang Vale Road and Dry Plains Road is unsuitable due to congestion and a designated bus stop and shelter be provided and turning circle to	Although the subdivision may result in additional children using the school bus stop this issue is more a matter for the Traffic Committee and Council to consider as

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deal with increased use as a result of subdivision.	required upgrades for the area. A condition requiring the developer undertake these upgrades could be considered too onerous to be included in any consent.
Why weren't all residents of Towrang Vale Road notified of Development Application?	Notification was in accordance with DCP and additional advertisement in the paper.
Will water supply for proposed development from Towrang Vale Road common bore or additional bore?	No. In accordance with the DCP 2014, water for future development is to be provided by rain water tanks. Any application for new bores will be assessed and issued by Water NSW.
The size of proposed lots is not in keeping with existing surrounding development.	Under the LEP lot averaging clause 4.1B, lots are permitted to be minimum of 2ha. Lots proposed range from 2-3.37ha, although smaller in size than some of the surrounding allotments they do meet LEP requirements.
No information on caveats for development re: a. Building materials b. Further subdivision c. Type of property permitted	Council does not normally impose covenants on subdivisions of this type and location; this is typically at the developer's discretion. All future development must comply with Councils LEP and DCP requirements.
Will the additional lots require Council to provide town water and sewer? And what will the impact of rainwater harvesting and OSSM systems have on rainwater runoff and the environment.	Council will not be providing water or sewer connections to the area. Reports submitted show no adverse effects from OSSM or water harvesting. Please refer to Council's 4.15 Assessment for detailed information.
Will the costs required to upgrades of power / road / infrastructure be borne by neighbours?	No. All costs are to be borne by developer.

13 Public Interest (S.79C(1)(e))

Impact on public infrastructure	There will be some impacts to public road access during proposed road construction/upgrades. However this should be temporary and result in overall better road standards and access for the area.
Disabled Access	Not Applicable
Federal or State government policies	Nil
Planning studies, strategies or guidelines	Nil
Management Plans	Nil
Restrictions on the title and/or easements upon the land	Bushfire prone land

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Credible research findings applicable to the proposal	Nil
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14 Other Matters

Developer Contributions	Conditions requiring road upgrades to be conditioned in lieu of Section 94 contributions.
Property Vegetation Plan (PVP)	Nil
Crown Land	Nil
Approvals under other Acts	Roads Act 1993
Explanation of certain conditions to be imposed	Nil
Enforcement of conditions	In the event of non-compliance with any condition of consent Council staff may be required to instigate enforcement actions.
Internal Referrals	The proposed development was referred to the following internal Council officers. Their comments have also been summarised below:

Officer	Issues raised	Addressed by	Conditions recommended?
Health and Building Surveyor	Nil	-	88b restricting type of OSSM system on new lots, standard conditions
Roads and Stormwater Engineer	Suitability of existing public road and access.	Conditions	Upgrade existing access road and dedicate new roads and portion to Council.
Water and Wastewater Engineer	Not Consulted	-	-
Property Manager	Not Consulted	-	-

15 Conclusion

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCPs, Codes and Policies.

In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed in the attached Draft Determination.

Timothy
Town Planner

25 May 2018

The General Manager
Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

ATTENTION: MS SHARON THOMPSON

Dear Sharon,

**OBJECTION TO DA 10.2018.1222.1
PROPOSED 11 LOT SUBDIVISION
TOWRANG ROAD, COOMA**

We refer to the abovementioned DA and I thank you for extending an opportunity to review and provide comment on the proposed subdivision.

has sought our advice with a view to ensuring that any development is environmentally sound, and sympathetic to amenity and the rural character of the Dairymans Plains area.

On our review, it is apparent that there is insufficient detail accompanying the application. Although the application is a Concept Development Application, including the first stage of the proposal, the absence of such information leaves Council (and the community) unable to properly consider the proposal in its physical and environmental context.

In particular, Council is not able to properly consider whether any future application to carry out the development will be consistent with the Concept DA under s83D(2) of the EP&A Act, 1979; relevantly:

83D Status of concept development applications and consents
(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

To that end, the onus is on the applicant to provide the following items as required by the EP&A Act 1979, and Cooma-Monaro Development Control Plan.

To prevent irreversible impacts on the environment, and impacts upon our adjoining landowners, the application ought to address the following (relevant DCP sections in brackets):

1. The Bushfire and Ecological reports only apply to the specific area for the proposed Stage 1 rural residential subdivision. However, for Council to be confident of contextual environmental issues, the impacts of the development on the entire lot subject to the Stage 1 application (Lot 213 DP750524) and in particular, the Ecological Report (especially seasonal variations and assessment under the Biodiversity Conservation Act), need to be properly presented.
2. As the subdivision is for the purpose of residential development on land that is identified as bush fire prone, it must be referred to the Rural Fire Service for a Bush Fire Safety Authority.

3. As the development will require the use of On-Site Sewage Management Systems, a geotechnical report from a suitably qualified professional is requested to determine the suitability of the land for on-site sewage management (Ref Section 4.1.13.2). This needs to consider the potential impacts up the heritage listed natural environment (see items 4 and 7 below).
4. As the land includes a local heritage item, being the Snake Creek Conservation Area, a Natural Heritage Impact Assessment is requested to determine the potential impacts of the development on this area (Ref Section 6.5). This need consideration in the context of item 7 below.
5. The land is apparently heavily infested with weeds as reinforced in the Ecological Report. A Weeds and Pest Management Plan is needed to ensure these consequences aren't transferred to adjoining land owners.

To assess the potential impacts of the development on the visual amenity of the area, the following is required:

6. A statement as to the potential impacts of increased traffic on the development and the surrounding area (Ref Section 4.1.10.2).
7. The building envelopes are less than the prescribed minimum of 1,000m² and some lots do not have an envelope identified at all. The correct building envelopes are required to be identified and this requirement is to be included for all lots in the Concept Plan (Ref Section 4.1.11.2), especially given any heritage, APZ and on-site effluent considerations.
8. A Visual Impact Assessment is strongly advised to considers views from each receptor and assumes completed development state, including dwellings, roads and fencing.

To ensure the development is completed to Councils development standards and in the public interest, the following is also requested:

9. The Concept Plan should identify and include an area dedicated to Council for public open space (Ref Section 4.1.5.2).
10. The application should provide evidence that the development is able to be connected to essential services - particularly electricity (Ref Section 4.1.10.2).
11. The application should include estimated timings for the release of each stage of the project (Ref Section 4.1.10.2).

The above deficiencies ought to be addressed by the application, and the application re-notified to enable proper and constructive comment on the proposal.

Yours faithfully

Dairymans Plain NSW 2630

01.05.2018

To whom it may concern.

Please find my written submission below on Proposed Subdivision - Old Dry Plains Rd Cooma.

Application Number: 10.2018.1222.1

Property Address: Old Dry Plains Rd. Cooma 2630

I have two concerns with the development of 32 blocks in Dairymans Plain.

1. My first concern is the suitability of Towrang Vale road to accommodate any additional blocks with the road width not adequate for vehicles to travel in opposite directions without one or both vehicles having to leave the road surface to pass. Having vehicles leaving a bitumen surface to pass is extremely dangerous and can easily cause accidents. The road is unsuitable in its current form for existing residents and an additional 50-60 cars.
This issue may already been considered but I feel it should be raised as a priority, as Towrang Vale road was formed for a previous subdivision of 14 blocks, with council approval and was far from appropriate.





2. My second concern is the location of the school bus pick up. Currently the school bus stops at the corner of Dry Plains Rd and Towrang Vale Rd with cars parking along the road waiting for the bus to arrive. The intersection becomes congested and unsafe.
My suggestion would be if the subdivision was to go ahead, a designated bus shelter and bus turning circle be included in the road upgrade making it safer for the existing and additional children which will using the service.

To conclude, I am raising these concerns to the Council to consider for the Subdivision to proceed. I am not for or against the proposal, I just want the local residents not to be inconvenienced and for the Council to be thorough in its decision making process and to be made aware that it's decision, will affect local residents of the area and should not be made lightly.

Thank you for taking the time to consider my submission.

29 April 2018

**The General Manager
Cooma Monaro Regional Council
88 Commissioner St
Cooma NSW 2630**

Dear Sir

RE: Development Application 10.2018.1222.1

As a resident of Towrangvale Rd, I have been alerted to this application by other residents of the road.

Firstly I would like to question a couple of points:

1. Why is this referred to as Old Dry Plains Rd when it is clearly stated on the maps that the development is Towrangvale Rd and all access to the lots is via Towrangvale Rd?
2. Why have residents on Towrangvale Rd not been notified of this proposed development directly as it will directly impact on them and their current amenity?
3. Will Towrangvale Rd be upgraded to meet with the increased traffic both during construction and for ongoing residents?
4. Is it intended that water supply will be from the existing Towrangvale Rd common bore for these additional lots?

Secondly I would like to submit objection to this application and future concept development on the following grounds:

1. The size of these lots is not in keeping with surrounding development in Old Dry Plain, Dry Plain, Towrangvale and Old Mill Roads. The lots are half the size or less of most existing properties and are more in keeping with large lot residential than the current rural residential surrounds. Development on lots of this size in this area will completely change the current semi-rural amenity of the Dairymans Plains region. Lots should be no smaller than 3ha in size.
-

-
2. Towrangvale Road struggles to meet the needs of existing residents in its current state as a single lane bitumen road. The increased use from these additional lots and the traffic generated during the building and development phase will pose a high hazard risk of accident to users of the road and damage to the road itself. The road would need to be upgraded to dual lane prior to any development proceeding.
 3. The water supply is not confirmed on these plans and evidence would need to be provided that any additional bore would not impact on the existing water supply for the current properties in Towrangvale Rd.

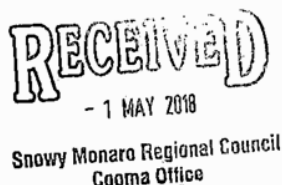
Sincerely,

Monday, 30 April 2018

To Snowy Monaro Regional Council

Re: Application 10.2018.1222.1: Old Dry Plains Road

To whom it may concern,



Please note we oppose the above listed development application for the following reasons:

- We have received no correspondence about this development and believe it impacts on our home. On the list of properties contacted there are 3 properties on Towrang Vale Road listed without lot or house number. Who was the recipient of this correspondence as it was not us?
- The details in the plans linked on the council website have minimal information about impact to the existing properties
- The initial 11 lot subdivision feeds directly off Towrang Vale Road and will impact the flow of traffic for the existing development in the following way:
 - There is the potential for an extra (at a minimum) 22 vehicles driving down the existing Towrang Vale Road, if stage 2 of this development is approved this will potentially increase to 62 as it appears on the plans provided Towrang Vale Road is the main access road not Old Dry Plains Road as indicated on the documentation and application.
 - Towrang Vale Road is currently only 1 lane wide, the edges are already degrading with current traffic volumes. The extra traffic will only degrade this further and faster, what strategies are being put into place to widen and improve the current road? This is not evident on the documentation available.
 - The incorporation of the crown dirt road near property 141 Towrang Vale and down to the bend of lots 5 & 16 will create an unsafe merging lane for the existing development.
 - The lighting of this proposed intersection (as seen on the plan) is non-existent. This will create a potentially dangerous black-spot intersection for the existing residents.
- The documents available do not provide information about water and service provision for the estate. Currently the existing estate on the western side of the development has access to a communal bore, what will the water provisions be proposed for the new development?
- There are multiple roads indicated on the map are these for further development or what is their purpose?
- There is no information on caveats for development re:
 - Building materials
 - Further subdivision of the proposed lots (can they be cut down further)
 - Type of property permitted with the development

Based on the lack of information and the perceived suddenness of the development application and complaints process, we oppose the development and request full and open correspondence and discussion to occur before our support can be given.

Regards

1/5/18

Dear Sir/Madam,

This document is in response to the proposed development in Towrang Vale Road and Old Dry Plains Rd, Cooma.

Application number: 10.2018.1222.1

The creation of up to 31 additional small acreage lots has the potential to contravene the objectives of the R5 zone in the LEP including preserving scenic quality, increasing demand for public infrastructure and negatively impacting the rural residential setting.

I have several concerns about the proposed development which the available documents do not address.

1. The additional small residential lots have the potential to change the character of the area from rural to something more like a housing estate. This is contrary to the LEP and is likely to result in a general negative impact to many local residents.
2. Potential impact of increased load on the local power distribution systems. Will there need to be changes, upgrades or additional infrastructure added to the network to cater for the additional (up to) 31 lots?
3. Impact of increased traffic on local roads. I have concerns about the increased traffic flow on local roads
 - a. How will the development ensure that additional traffic noise does not affect our peaceful enjoyment of the large lot rural setting?
 - b. How will additional traffic on Old Dry Plains road (unsealed) affect road condition?
 - c. Will the proposed development require an upgrade of the Dry Plains and Old Dry Plains Road intersection? It is currently quite dangerous and increased traffic flow will exacerbate that risk.
 - d. Will additional traffic cause delays at the Monaro Hwy intersections and will there need to be any upgrades to the intersection?
 - e. Will there need to be any additional upgrades to any local roads (including Towrang Vale Rd, Dry Plains Rd and Old Dry Plains Rd) to cope with the additional traffic flow?
4. Will the additional proposed lots require the shire council to provide town water, sewerage and waste removal services in the area? If not, what is the impact on local rainwater runoff from rooftop harvesting? What is the environmental impact of 31 additional domestic wastewater treatment systems?
5. If the development is approved and upgrades to power/road/municipal infrastructure are required, will the costs of implementation be borne by existing residents and landowners?

In accordance with section 147 of the Environmental Planning and Assessment Act 1979, I declare that i have not made any political donations or gifts within the last 2 years, nor any associate.

I would appreciate the opportunity to discuss this submission further if required. My preferred method of contact is either by phone or email.

Reegards.

1

29/04/2018

To Snowy Monaro Regional Council,

We are writing to you on behalf of the Towrang Vale Road residents in relation to the proposed subdivision:

Proposed Development	Stage 1 (11 lots) – Concept Approval for additional 21 lots Integrated
Property Description	Old Dry Plains Road COOMA 2630
Applicant's Name	Cavallo Projects Pty Ltd
Application Number	10.2018.1222.1

We wish to make a formal submission in accordance with *Section 8 – Public Notification Requirements of Snowy Monaro Regional Council Development Control Plan*.

On behalf of the residents of Towrang Vale Road, our main objection is the proposed lot sizes of 2 hectares in the adjacent vicinity of existing lots which have a minimum lot size of 4 hectares ranging up to 9 hectares as per previous subdivision arrangements. These arrangements were made with intention for the lot sizes to be more rural rather than residential, which is the primary factor for why residents of Towrang Vale Road chose to relocate their families to this area.

We believe that the existing Towrang Vale Road subdivision should act as a precedent to the proposed subdivision, and that the lowering of hectare sizes would be detrimental to the Towrang Vale Road residents. We believe that by lowering the hectare size would result in lost visual aspects for the existing residents, and would also result in property devaluation for future resale purposes.

The main area of concern is all proposed 2 hectare lots which are adjacent to existing dwellings, where we strongly believe that the lot size needs reconsidering to a minimum 4 hectare arrangement, as per the adjacent properties. We believe that this would ensure that the existing residents of Towrang Vale Road would maintain property valuations and conserve our idyllic rural aspect.

Other areas of concerns include the sealed road condition, where residents at present are required to pull over whilst another vehicle is passing due to the narrowness and condition of the pavement. We believe that with the proposed 11 lots having access from Towrang Vale Road, the road would deteriorate if not considered as part of upgrades prior to commencement of subdivision.

In conclusion, we wish to highlight our concerns and request that Snowy Monaro Regional Council reconsider the lot sizes adjacent to existing properties and make changes as requested, and not decide to approve the smaller proposed lot sizes in the interest of property developer.

Regards,

The Towrang Vale Road Residents

RECEIVED
01 MAY 2018

Snowy Monaro Regional Council
Cooma Office

2

29/04/2018

Resident 1:

Name: /

Address:

Contact information:

Resident 2:

Name:

Address:

Contact information:

Resident 3:

Name:

Address:

Contact information:

Resident 4:

Name:

Address:

Contact information:

Resident 5:

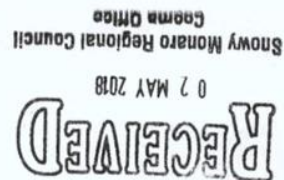
Name:

Address:

Contact information:

1st May 2018

Joseph Vescio – General Manager
Snowy Monaro Regional Council
88 Commissioner St
Cooma
NSW 2630



Dear Sir,

Re: Development Application 10.2018.1222.1 – Old Dry Plains Road

As a resident of Towrang Vale Road, I have been alerted to this application by other residents of the road. Both ourselves and others have not received correspondence pertaining to the proposed subdivision and believe that we should have as we believe this impacts our home.

We oppose the above listed development application for the following reasons:


1. We believe that the proposed development will have a direct impact on our home, as well as our other neighbours.
2. The details on the council's website have minimal information about the impact to existing properties.
3. The initial 11 lot subdivision will feed directly off Towrang Vale Road and will impact the flow of traffic for the existing development in several ways:
4.
 - Towrang Vale Road is currently only a single track lane, until the brow of the hill is reached towards the end of the road and it is already degrading due to the current traffic load. The addition of 11 new lots would mean the potential of at least 22 more vehicles travelling along the road (some households may have more vehicles).
 - The main access to the road is via Towrang Vale Road and NOT Old Dry Plains Road.
 - What plans are in place to prevent the road degrading further (and fixing it), widening it to accommodate the two way traffic and the impact of additional vehicles, also heavy duty ones from those building the development.
 - The crown road near 141 Towrang Vale Road and down to lots 5 & 16 will create an unsafe merging lane for existing residents.
 - The documentation available does not provide information regarding water and service provision for the estate. Currently, the existing estate on the western side of the development has access to a communal bore. What will the water provisions be for the proposed new development?
 - There are multiple roads indicated on the map. Are these for further development or another purpose?
 - There is no information on caveats for development for building materials, further subdivision of the proposed lots (can these be subdivided further) or the type of property permitted.

Continued /2

2

Based on the lack of information and the perceived suddenness of the development application and complaints process, we oppose the development and request full and open correspondence and/or discussion prior to any support being given.

Yours sincerely,



RECEIVED

01 MAY 2018

Snowy Monaro Regional Council
Cooma Office

30 April, 2018

The General Manager
Cooma Monaro Regional Council
88 Commissioner St
Cooma NSW 2630

Dear Sir,

RE: Development Application 10.2018.1222.1

We are residents of Towrang Vale Road, Dairymans Plains. As residents, we were under the impression that we would have received a letter advising us of the proposed development. This courtesy was not afforded to us which is surprising when you consider the impact that this will have on our lives should it go ahead.

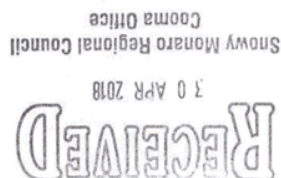
In relation to the above development application, we would like to lodge our objection to the development for the following reasons:

1. Towrang Vale Road is a single lane bitumen road. With the current volume of traffic on the road, residents are often required to leave the roadway when a vehicle is approaching to avoid a collision. If the development goes ahead the amount of traffic on the road will increase substantially which will no doubt create issues for residents.
2. Residents of Towrang Vale Road have a community bore that services all properties that were part of the original subdivision. The water table will be significantly affected should another bore be sunk to service such a large development.
3. The properties that currently make up Towrang Vale Road vary in size with the smallest property being approximately 8 acres. The proposed development consists of smaller acreage properties which are not in keeping with the area as it currently stands.

Should this development go ahead, we expect, at a minimum, that Council will make Towrang Vale Road a two lane road in the hope that the current residents are not overly inconvenienced by the development.

29 April 2018

**The General Manager
Cooma Monaro Regional Council
88 Commissioner St
Cooma NSW 2630**



Dear Sir

RE: Development Application 10.2018.1222.1

As a resident of Towrangvale Rd, I have been alerted to this application by other residents of the road.

Firstly I would like to question a couple of points:

1. Why is this referred to as Old Dry Plains Rd when it is clearly stated on the maps that the development is Towrang Vale Rd and all access to the lots is via Towrang Vale Rd?
2. Why have residents on Towrang Vale Rd not been notified of this proposed development directly as it will directly impact on them and their current amenity?
3. Will Towrang Vale Rd be upgraded to meet with the increased traffic both during construction and for ongoing residents?
4. Is it intended that water supply will be from the existing Towrang Vale Rd common bore for these additional lots?

Secondly I would like to submit objection to this application and future concept development on the following grounds:

1. The size of these lots is not in keeping with surrounding development in Old Dry Plain, Dry Plain, Towrang Vale and Old Mill Roads. The lots are half the size or less of most existing properties and are more in keeping with large lot residential than the current rural residential surrounds. Development on lots of this size in this area will completely change the current semi-rural amenity of the Dairymans Plains region. Lots should be no smaller than 3ha in size.
2. Towrang Vale Road struggles to meet the needs of existing residents in its current state as a single lane bitumen road. The increased use from these additional lots and the traffic generated during the building and development phase will pose a high hazard risk of accident to users of the road and damage to the road itself. The road would need to be upgraded to dual lane prior to any development proceeding.

3. The water supply is not confirmed on these plans and evidence would need to be provided that any additional bore would not impact on the existing water supply for the current properties in Towrang Vale Rd.

Yours Faithfully

Our ref: 115801

25 May 2018

The General Manager
Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

ATTENTION: MS SHARON THOMPSON

Dear Sharon,

**OBJECTION TO DA 10.2018.1222.1
PROPOSED 11 LOT SUBDIVISION
TOWRANG ROAD, COOMA**

We refer to the abovementioned DA and thank you for extending an opportunity to review and provide comment on the proposed subdivision.

act for an adjoining land owner,

Mr Anderson has sought our advice with a view to ensuring that any development is environmentally sound, and sympathetic to his amenity and the rural character of the Dairymans Plains area. . provided a submission to the former proposal, however, on a subsequent review, it is apparent that there is still insufficient detail accompanying the application. The absence of such information leaves Council (and the community) unable to properly consider the proposal in its physical and environmental context.

The onus is on the applicant to provide the following items as required by the EP&A Act 1979, and Cooma-Monaro Development Control Plan. To prevent irreversible impacts on the environment, and impacts upon our adjoining landowners, the application ought to address the following:

1. The land is apparently heavily infested with weeds as reinforced in the Ecological Report. A Weeds and Pest Management Plan is needed to ensure these consequences aren't transferred to adjoining land owners, or on to the residual lot.

Additionally, to assess the potential impacts of the development on the visual amenity of the area, the following is requested:

2. A Visual Impact Assessment is strongly advised to consider views from each receptor and assumes completed development state, including dwellings, roads and fencing.

Should you have any further questions in relation to the application please do not hesitate to contact me on 4948 4322.

The General Manager
Snowy Monaro Council
81 Commissioner St
COOMA NSW 2630

Dear COUNCIL,

RE: Development Application 10.2018.1222.1
Our Property at 210 Old Dry Plains Rd Cooma
Adjoining Properties: LOT 210 DP 1037171, LOT 158 DP 750524, and LOT 169 DP 750524

Our local Rural Fire Services (RFS) attended our property to gauge our exposure to the risk of fire.

RFS advise African Lovegrass, grass fires, represent a real risk. The following adjoining properties have major infestations of African Lovegrass to the boundary with our property: - LOT 210 DP 1037171 - LOT 158 DP 750524 - LOT 169 DP 750524

It was noted there is no setback of the African Lovegrass on these neighbouring properties at our fence line. Nor would there appear to be any ongoing management of weeds. In the event of a grass fire this would prohibit the passage of Fire Trucks and reduce any effective management of a fighting a fire.

The proposed development 10.2018.1222.1 is on land identified as BushFire Prone Land. RFS advise while they are the ones to fight any fires they have no formal input into any advice Council may rely upon when making decisions on any new development. RFS advise this is the sole responsibility of Council.

In relation to the BushFire Hazard Report submitted as part of DA 10.2018.1222.1. The report refers to the grasses as "improved" and "the immediate surrounding land is closely grazed exotic pasture". In both descriptions this is not the case. Rather, both the land subject to the development, and, the adjoining land, are at "infestation levels" of African Love Grass, a known source of dangerous grass fires.

This suggests the writer of this report, we assume Council is relying upon, has not visited the site, or, has no understanding of what he saw, or is seeking to purposely misrepresent the facts to Council.

Further RFS was concerned there was no provision for emergency vehicle passage at the rear of the development to act as access to effectively fight fires. And a twenty meter African Love grass exclusion zone.

We acknowledge Council's approach to rural farming land has been relaxed in regard weed management. However, during its transition to rural/domestic there requires a much greater care for the safety of people and the dwellings they reside in. In the absence of such care Council could be held responsible.

We would appreciate if Council will give its favourable consideration to the following:

1. At a minimum, maintain a 20 meter set-back exclusion zone of African Lovegrass infestations. On the adjoining lots we have notified above. And a weed management plan from these properties.
2. The Bushfire Hazard Report cannot be relied upon for the purposes of safely assessing DA 10.2018.1222.1. We request a further report from an independent objective third party.
3. Consideration to the adoption of our local RFS to a service road at the rear of the proposed development 10.2018.1222.1 for the purposes of safety and fire fighting.