

REVIEW OF ENVIRONMENTAL FACTORS

143 lot subdivision, to create 140 residential lots, 3 residual lots,
associated roads, drainage and subdivision works

at

Polo Flat Road, Cooma

Lots 2 and 4 in DP1285072

May 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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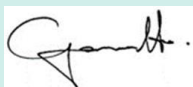
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1	18/10/2022	V1	N/A - V01 draft for statutory notification	N/A
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3	07/03/2023	V3	NSW LAHC Planner update to new format	All sections
4	20/03/2023	V4	Formatting and amendments by <i>Stantec</i>	All sections
5	17/04/2023	V5	Review by LAHC Planner and Executive Planner	All sections
6	05/05/2023	V6	Review by LAHC Planner following revised <i>Stantec</i> plans	Section 2.2, 2.11, 2.12, 7.3, 7.7, 8.1
7	09/05/2023	V7	NSW LAHC Executive Planner amendments	All sections

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1 Executive Summary

The subject site is located at Polo Flat Road, Cooma, NSW 2630, and contains two lots legally described as Lots 2 and 4 in Deposited Plan DP1285072.

The Polo Flat Road development is a new proposed residential subdivision within Cooma, NSW. The aim of the project is to develop approximately 26.4 hectares of undeveloped agricultural land into two precincts (Precinct 2 & Precinct 3) containing primarily low-density residential developments, as well as some medium-density developments, seniors living facilities, and public open space.

This assessment relates to subdivision and associated works relating to the northern Precinct 2 (Lot 2), being the subdivision of one lot into 143 lots comprised of 140 residential lots, 3 residual lots, and associated roads and subdivision works. Two of the residual lots will accommodate the provision of stormwater detention basins and the third residual lot is identified for use as a future public park. Proposed works will also include roadworks, drainage, sewer and earthworks on the neighbouring Lot 3 to the south.

Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* contains relevant controls relating to residential development undertaken by NSW Land and Housing Corporation (LAHC). Section 42 (2)(b) permits “subdivision of land and subdivision works” where the development is permitted on the land under another environmental planning instrument. The development being assessed comprises subdivision works which are permissible under Clause 2.6 of *Cooma-Monaro Local Environmental Plan 2013 (CLEP)*. The proposed subdivision is therefore permitted to be undertaken by LAHC without consent under the Housing SEPP.

Clause 2.109 (1) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits development for the purpose of a road or road infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land.

This Review of Environmental Factors (REF) demonstrates the following:

- analysis of the relevant policy associated with the proposed activity establishes that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity is unlikely to have any significant adverse impact on the environment;
- the proposed activity will not have an adverse effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the proposed activity is a development which responds to a clear community need and is the product of a carefully considered design phase;
- the site planning and design of the proposed activity adequately address the applicable regional and local environmental planning and development controls of Snowy Monaro Regional Council;
- the requirement for separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts have been identified through the report.

Owners and occupiers of adjoining land were notified and an information session was held by the LAHC for community members to attend. Submissions were generally supportive and have been considered. Written notice was provided to Council and additional consultation has been undertaken with Transport for NSW (TfNSW), Essential Energy and the NSW Rural Fire Service (RFS).

The proposal is compliant with relevant State and local legislation and policy, and the proposed development aligns with the overall objectives of the land use zoning. The development will have an overall positive socio-economic impact for the region, achieved through job creation during construction of the subdivision and the provision of future dwellings. The subdivision will also play an important role in meeting the housing needs of the region as identified by the South East and Tablelands Regional Plan 2036 (DP&I, 2015).

The entirety of site has been mapped as containing terrestrial biodiversity, bushfire prone land, and vulnerable groundwater. These are addressed respectively at **Sections 7.3, 7.6 and 7.7**. A fauna and flora assessment has found that no threatened species will be impacted on Lot 2. Mitigation measures have been imposed for the protection of threatened species on Lot 3 during the earthworks and bushfire protection works associated with Lot 2 / Precinct 2.

The application is also accompanied by supporting documents in the Appendices and are discussed in **Section 7** to address traffic, acoustic and contamination as well as landscaping and stormwater requirements. These documents support the undertaking of the proposed development. It is considered that the proposed activity, carried out in accordance with the environmental mitigation measures outlined in the REF, is unlikely to result in any significant and long term negative impacts on the environment and can proceed subject to the implementation of the Identified Requirements of the Activity Determination.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving a 143 lot subdivision comprised of 140 residential lots, 3 residual lots for 2 detention basins and a park reserve, and the construction of associated roads, footpaths, drainage and landscaping.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP.

This REF has been prepared by *Stantec* on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

A Statement of Compliance certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

2.1 Background

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to the proposed subdivision of land located at Polo Flat Road, Cooma, legally described as Lots 2 and 4 in Deposited Plan 1285072. This REF has been prepared by *Stantec*, on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

The intent of the project is to develop approximately 26.4 hectares of vacant rural land into two precincts (Precinct 2 & Precinct 3) providing for low-density residential lots, super-lots for future seniors living housing, 'tenure-blind' social and key worker housing and public open space. LAHC is undertaking development on Lot 2 as 'development permitted without consent' subject to Part 5 of the EP&A Act and the Housing SEPP 2021. Lot 3 / Precinct 3 is under the ownership of the Merrimans Local Aboriginal Land Council (LALC) at the time of this assessment and a Development Application has been lodged with Snowy Monaro Regional Council for a land subdivision of 1 lot into 151 lots. At this time no development is proposed on the most northern Lot 1 / Precinct 1 which is also owned by the LALC. A precinct plan is provided at **Figure 1**.

This assessment is specifically for the subdivision of Precinct 2. The works being considered in this assessment include subdivision to create 140 residential lots, 3 residual lots, associated roads, drainage and subdivision works as well as works for access, drainage, sewer, bushfire protection measures and earthworks being undertaken on Lot 3 for the benefit of Lot 2.

¹ Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.



Figure 1 – Precinct Plan

2.2 Subdivision

LAHC is proposing a 143 lot subdivision, comprising 140 residential lots ranging in size from 502m² – 1,155m², including one lot for future seniors living housing by LAHC (that is 3,270m²); one residual lot for the creation of a park, as well as two drainage reserve lots to be dedicated to Snowy Monaro Regional Council (Lots X1 and X3). Social and key worker housing will be provided as part of the 140 residential lots, and are not specifically identified on the plans as they are ‘tenure-blind’ (being co-located with other dwellings so as to be indistinguishable). The proposed seniors housing development and provision / embellishment of the public park will be undertaken and assessed separately and do not form part of this assessment. The subdivision layout is pictured at **Figure 2 - 3** as well as **Appendix A**.



Figure 2 – Subdivision layout of Precinct 2



Figure 3 – Subdivision lot numbering of Precinct 2

2.3 Tree Removal and Earthworks

A total of 29 of various *Cupressus* species (Trees No. 4 to No. 32) on the north boundary are to be removed to accommodate proposed drainage and sewer works. A total of 20 of various species, including *Malus sp*, *Quercus sp*, *Populus sp*, and *Prunus sp*, on the western verge of Polo Flat Road are to be removed to accommodate proposed driveways, and drainage and sewer works.

The Cut and Fill Plan for the proposed development can be seen in the Civil Plans (**Appendix A**). This indicates that the bulk earthworks required over the site are as follows:

- Cut: 42,616.839m³
- Fill: 41,713.388m³
- Material to be Disposed: 903.451m³

2.4 Roads and Access

Road layout and description

The site will be connected to the existing road network through a proposed intersection between Polo Flat Road and proposed Road 01. Proposed road 01 is a collector road and will provide access to the site from Polo Flat Road. The remaining lots are serviced by Road 07; which is a mixture of Local A Road, Local B Road and Collector Road along its length, and Roads 08 and 09, being an Access Road.

The collector road will have a 20m road reserve with a 10m carriageway, the local road will have either a 18m road reserve with a 10m carriageway or a 15m road reserve with a 7m carriageway, and the access roads will have a 12m road reserve with a 6m carriageway.

Design of the road layout has been informed by the Transport Impact Assessment (**Appendix L**). Further details around road layout and design can be found in the Civil Plans (**Appendix A**) and at **Figure 3** above.

Emergency access

An emergency fire access road will be provided from the western end of Road 01, through the future Precinct 3, to Polo Flat Road. This road will provide clear RFS access to the area as well as provide residents on the western side of Precinct 2 an emergency exit route, if needed.

Pedestrian access

A 1.2m wide pedestrian footpath will extend selectively throughout the site, including along the southern side of Roads 01 and 07, the eastern side of Road 08 connecting Road 01 and X1, surrounding the C Lots, along the eastern side of Road 10, and along the southern side of the park in X2. Pedestrian access into the precinct will be via a footpath at the intersection of Polo Flat Road and Road 01.

2.5 Retaining Walls

Retaining walls are required to manage the undulating topography of the site where residential lots and infrastructure are proposed. These will be implemented as part of the subdivision works (as opposed to by future individual landowners' post-subdivision), for the following reasons:

- To ensure appropriate structural qualities can be achieved,
- To allow greater amenity to residents through more level lots,
- To allow consistency of retaining wall design throughout the residential footprint, and
- To minimise cost to future residents and assessment requirements for Council.

As shown on the Civil Plans (refer plans at **Appendix A**), benching of lots involving the installation of retaining structures will be undertaken. These will be provided to C, D and E lots. Side and / or rear retaining walls will be provided to 40-50 lots ranging in height from 0.34m to 1.8m high and where a wall is required to be greater than 1m in height, the design will be stepped as shown in the typical section plan within the Landscape Plans (**Appendix B**).



Figure 4 – Typical retaining wall elevations

2.6 Stormwater

Stormwater drainage will primarily be directed to the two stormwater detention basins in proposed Lots X1 and X3. These have a surface area of 1800m² and 1567m² respectively and will slow stormwater flows before transmitting them to the existing stormwater network at flow rates below the maximum required by Council.

Stormwater from the residential lots will be conveyed to the detention basins via the proposed roads, grass swales, and/or inter-allotment drainage (IAD) systems. Stormwater will further be managed by residential development controls for individual lots, including building footprint limitations, permeable materials for hardstand areas, significant landscaped areas, and rainwater tanks. The stormwater management strategy has otherwise been modelled in exclusion of these elements, to ensure maximisation of capacity.

For further details, see the stormwater concept plan within the Civil Plans (**Appendix A**).

2.7 Utilities

The site will be fully serviced with water, electricity, sewer, gas, and telecommunications. For further details refer to the relevant sections within the Civil Plans (**Appendix A**).

2.8 Landscaping and Public Amenity

Street trees will be planted throughout the subdivision, utilising advanced specimens at the time of planting. This will use a selection of suitable endemic and suitable other trees in accordance with the Cooma Monaro Shire DCP, Chapter 4.

Due to the proposed drainage and sewer works, a total of 29 existing trees will need to be removed along the northern boundary of Precinct 2 and 20 existing trees will need to be removed along the western verge of Polo Flat Road.

Landscape amenity on private land will be preserved and promoted through requirements for front and rear yard landscaping.

The 3 open space/water detention sites (proposed lots X1, X2, and X3) will each be embellished with new trees to provide additional landscape amenity and promote biodiversity.

2.9 Land Titling

The proposal is for a Torrens title subdivision of 1 lot into 143 lots. All resultant lots will be created under Torrens title.

2.10 Land Dedication

It is intended that the 2 stormwater management lots and park, being lots X1 - X3, be dedicated to Council. Proposed lots X1 and X3 are designed to be low maintenance with the detention basins occupying the majority of the lot area and appropriate planting will be installed to minimise exposed grass areas that require

excessive ongoing maintenance. Proposed lot X2, being the future public park, will provide recreational space for the incoming community that is expected to be highly utilised by residents. The proposed park comprises an area of 2,976m² and is located centrally within the site. Embellishment and installation of equipment/furniture will be undertaken following dedication of the land to Council and subject to any required assessment / approvals.

2.11 Bushfire Management

Bushfire risk for the site is being managed through the implementation of an APZ along the north-western boundary of the site, as well as a temporary variable width (19m to 50m) APZ over Precinct 3, off the southern boundary with Precinct 2. These APZ areas are shown at **Figure 5** below. Additionally, a temporary fire trail is proposed over Precinct 3 to service Precinct 2 until such a time that Precinct 3 is developed and a plan of subdivision registered with NSW Land Registry Services.

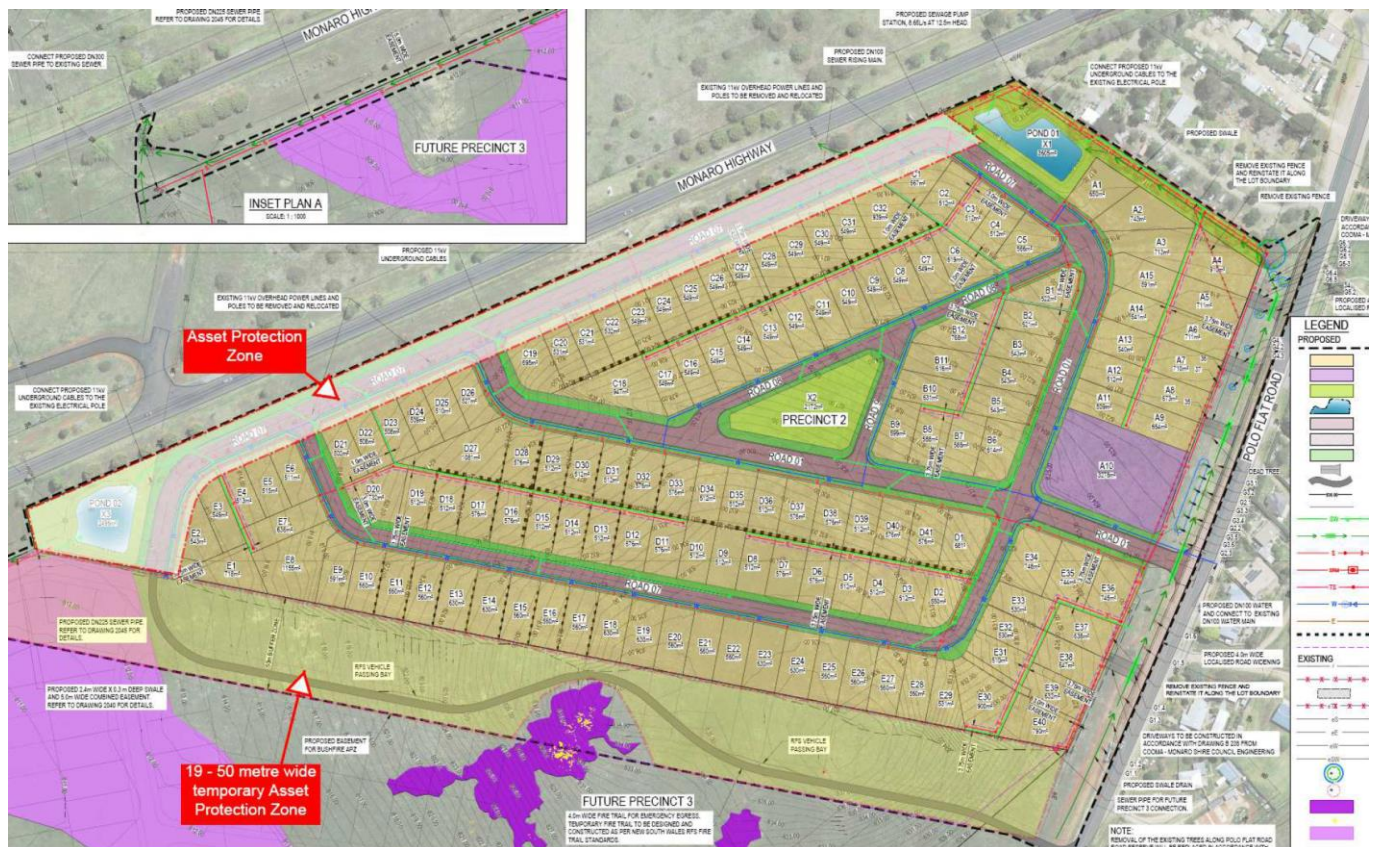


Figure 5 – APZ mapping (Bushfire Protection Assessment report)

2.12 Supporting Documentation

The proposal is detailed in the following plans, drawings and specialist reports and supporting information:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Civil Plans – Appendix A				
Cover Sheet and Locality Plan for Development Application	50522046-C-2000	F	April 2023	Cardno, now Stantec
Proposed Lot Development Layout Lot Layout Details	304000923-SK-C-1000	-	31/03/2023	Cardno, now Stantec
Site Plan and Drawing Schedule	50522046-C-2001	G	17/04/2023	Cardno, now Stantec
General Notes and Legend	50522046-C-2002	F	17/04/2023	Cardno, now Stantec
General Arrangement Plan	50522046-C-2005	F	17/04/2023	Cardno, now Stantec
Existing Zoning Plan	50522046-C-2010	F	17/04/2023	Cardno, now Stantec
Bushfire Asset Protection Plan	50522046-C-2011	F	17/04/2023	Cardno, now Stantec
Road Hierarchy Plan	50522046-C-2012	F	17/04/2023	Cardno, now Stantec
Typical Road Cross Sections Sheet 1 of 2	50522046-C-2015	F	17/04/2023	Cardno, now Stantec
Typical Road Cross Sections Sheet 2 of 2	50522046-C-2016	F	17/04/2023	Cardno, now Stantec
Road Long Sections Road 01	50522046-C-2020	F	17/04/2023	Cardno, now Stantec
Road Long Sections Road 07 Sheet 1 of 2	50522046-C-2021	F	17/04/2023	Cardno, now Stantec
Road Long Sections Road 07 Sheet 2 of 2	50522046-C-2022	F	17/04/2023	Cardno, now Stantec
Road Long Sections Road 08 And Road 09	50522046-C-2023	F	17/04/2023	Cardno, now Stantec
Active Travel Plan	50522046-C-2030	F	17/04/2023	Cardno, now Stantec
Isopach	50522046-C-2032	F	17/04/2023	Cardno, now Stantec
Retaining Wall Plan	50522046-C-2034	B	27/10/2022	Cardno, now Stantec
Typical Cut/Fil Sections Sheet 1 of 4	50522046-C-2035	G	17/04/2023	Cardno, now Stantec
Typical Cut/Fil Sections Sheet 2 of 4	50522046-C-2036	G	17/04/2023	Cardno, now Stantec
Typical Cut/Fil Sections Sheet 3 of 4	50522046-C-2037	C	17/04/2023	Cardno, now Stantec
Typical Cut/Fil Sections Sheet 4 of 4	50522046-C-2038	C	17/04/2023	Cardno, now Stantec
Concept Stormwater Plan and Water Sensitive Urban Design Outcome Plan	50522046-C-2040	F	17/04/2023	Cardno, now Stantec
Water Sensitive Urban Design Outcome Plan and Water Quality Table	50522046-C-2041	F	17/04/2023	Cardno, now Stantec

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Water Sensitive Urban Design Spel Ecoceptor - Series 4000 Sheet 1 of 2	50522046-C-2042	F	17/04/2023	Cardno, now Stantec
Water Sensitive Urban Design Spel Ecoceptor - Series 8000 Sheet 2 of 2	50522046-C-2043	F	17/04/2023	Cardno, now Stantec
Concept Sewer Plan	50522046-C-2045	F	17/04/2023	Cardno, now Stantec
Concept Sewer Plan Sewer Calculations Table	50522046-C-2046	F	17/04/2023	Cardno, now Stantec
Concept Water Plan	50522046-C-2050	F	17/04/2023	Cardno, now Stantec
Water Demand Calculation	50522046-C-2051	F	17/04/2023	Cardno, now Stantec
Concept Services Plan	50522046-C-2055	F	17/04/2023	Cardno, now Stantec
Soil and Water Management Plan	50522046-C-2060	F	17/04/2023	Cardno, now Stantec
Vehicle Turning Path Analysis Sheet 1 of 2	50522046-C-2065	F	17/04/2023	Cardno, now Stantec
Vehicle Turning Path Analysis Sheet 2 of 2	50522046-C-2066	F	17/04/2023	Cardno, now Stantec
Landscape Plans – Appendix B				
Cover Sheet and Drawing List	L000	8	09/11/2022	Cardno, now Stantec
Overall Masterplan	L001	8	09/11/2022	Cardno, now Stantec
Masterplan Precinct 2	L002	8	09/11/2022	Cardno, now Stantec
Retaining Wall Plan and Sections – Precinct 2	L004	8	09/11/2022	Cardno, now Stantec
Indicative Plant Species and Materiality Palette	L005	8	09/11/2022	Cardno, now Stantec
Survey Plan – Appendix D				
Site Survey Plan	2022042601	B	04/10/2022	ACT Survey
Specialist Reports				
Bushfire Protection Assessment – Appendix F	B223901	4	01/05/2023	Australian Bushfire Protection Planners
Detailed Site Investigation – Appendix G	P22105_DSI Cooma_20221011	R02	11/10/2022	Lanterra Consulting
Flora and Fauna Assessment – Appendix H	2022-033	1.0	13/10/2022	Eco Planning
Geotechnical Investigation Report – Appendix K	KA/C13054	-	11/10/2022	ACT Geotechnical Engineers
Aboriginal Due Diligence Assessment – Appendix E	129-163		October 2022	Lantern Heritage
Lot and Deposited Plan Titling History – Appendix I	-	-	-	Land and Housing Corporation
Traffic Noise Assessment Report – Appendix L	-	-	11/10/2022	Todoroski Air Sciences
Transport Impact Assessment – Appendix M	50522046	03	21/10/2022	Cardno, now Stantec
Tree Assessment – Appendix N	-	B	17/10/2022	Enviro Links Design

3 Existing Site & Locality

3.1 Site Description

Precinct 2 (the site) is approximately 12.61 ha in size, comprising Lots 2 and 4 in DP1285072 and including an area of road reserve around the perimeter of Lot 4. The site occupies land located at the northern perimeter of the urban area of Cooma and is flanked by a 500m frontage to the Monaro Highway to the northwest and 280m frontage to Polo Flat Road along its eastern edge.

The site comprises pasture paddocks, used historically for cattle and sheep grazing. A row of 29 exotic trees is located within the site along the north boundary. Although these are fenced within the neighbouring property, they are located within the legal boundary of the subject site. There is also a row of street trees located within the Polo Flat Road and Monaro Highway road reserves. A ridgeline aligns with the southern boundary of the site and the site slopes away from this point to the east, north, and west. The site contains a farm dam at the northern end of the site and an electrical transmission line within and parallel to, the north-western boundary with the Monaro Highway.

The site currently has no existing formal road or pedestrian footpath access. Current access to the site is available via Polo Flat Road, which is classified as a regional road by Transport for NSW and is a B-Double approved route. Polo Flat Road intersects with the Monaro Highway, a classified State road, to the north and Numeralla Road/Yareen Road, classified Regional roads to the south.

Water, electricity, sewer and telephone facilities are available to the site. Deposited Plan 1285072 shows no easements applicable to the site.

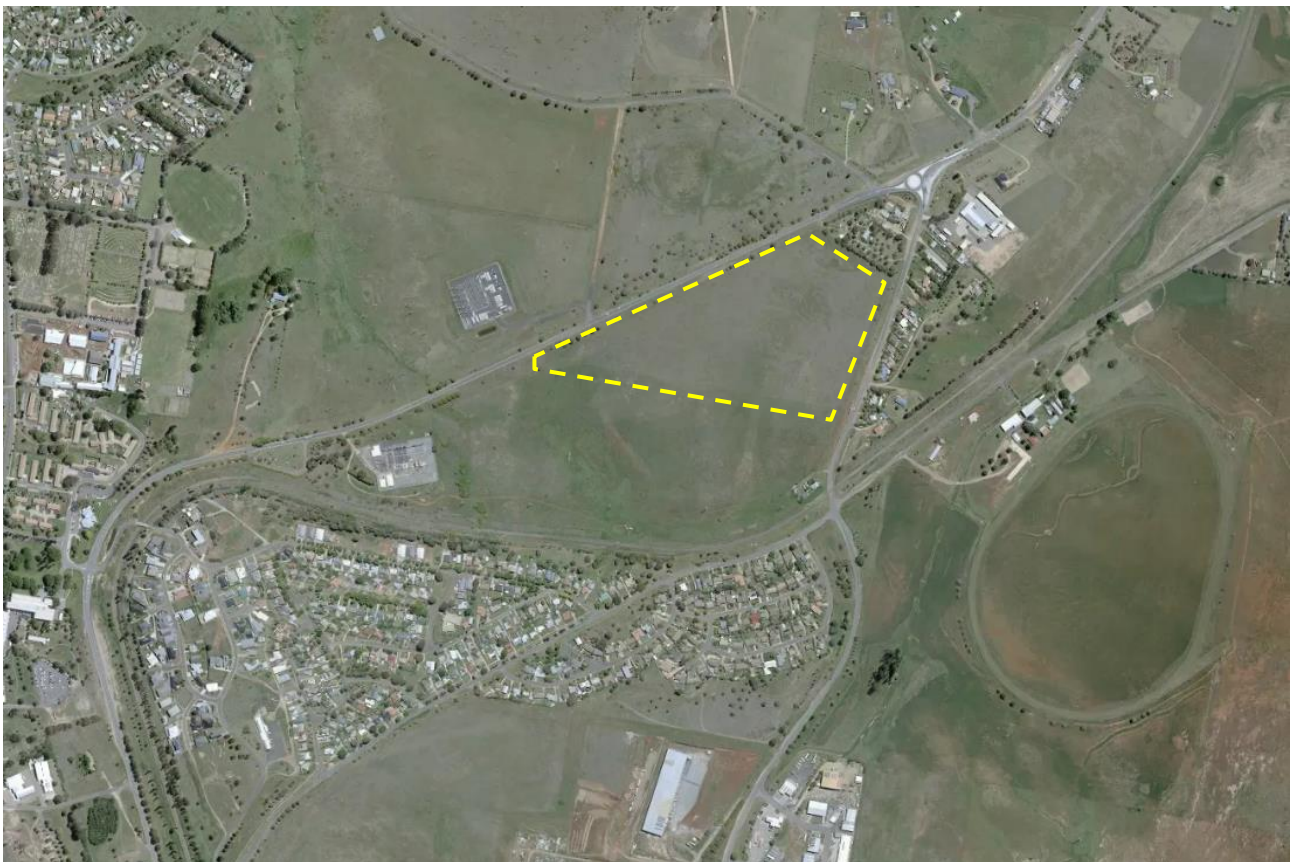


Figure 6 – Location context (Source: NSW Planning Portal)



Figure 7 – Development site as viewed from Polo Flat Road (Source: Google Maps 2020)



Figure 8 – Development site as viewed from the Monaro Highway, looking south-west



Figure 9 –Existing boundary with 4 Polo Flat Road, as viewed from the Monaro Highway



Figure 10 – Existing boundary with 4 Polo Flat Road



Figure 11 – Adjoining development at No.2 Polo Flat Road



Figure 12 – Site analysis plan

3.2 Neighbouring Development and Locality

The surrounding area is characterised by residential development to the west and south-east and rural land to the north and east. Other surrounding development includes Polo Flat industrial area located approximately 1km to the south, Monaro High School 1km to the west, Cooma Race Club to the east and Cooma airport 17km to the south-east. An electrical substation is located to the west, with another located across the Monaro Highway to the north. An electrical transmission line runs in an east west direction to Polo Flat Road. The historic Cooma Monaro Railway runs in an east west direction beyond the transmission lines. Cooma's town centre is located approximately 3km to the south-west. Pockets of residential dwellings are situated along the site's north-eastern boundaries, with the more developed areas of Cooma located to the east and south east of the site. The residential development immediately surrounding the site is generally low density detached dwellings, of varying age and character. Recent development has occurred around Monaro Avenue and the eastern end of Thurrung Street.

The adjoining lot (3/-/DP1285072) to the south-west of the site is incorporated into the master plan as Precinct 3 and will be the second stage of the development, to be developed by Merrimans LALC under a Part 4 Development Application to Snowy Monaro Regional Council.

Cooma is a regional centre providing business, retail and entertainment uses. It services a significantly larger population during peak tourist times, particularly the winter ski season. Cooma supports major social infrastructure including schools, hospital, library, supermarkets, banks and other supporting services. Cooma is the centre for Snowy 2.0 Hydropower Project, a renewable energy facility that attracts staff to the regional town. Given the large number of staff associated with the project, population increase and inadequate housing supply are being experienced.

4 Zoning and Permissibility

Established in 2001 under the *Housing Act 2001 (NSW)*, LAHC is a statutory body under the portfolio and direction of the Minister for Housing.

Clause 2.109(1) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits development for the purpose of a road or road infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land.

Chapter 2 of the Housing SEPP applies to affordable housing. Clause 42 (2)(b) permits “subdivision of land and subdivision works” without consent where the development is permitted on the land under another environmental planning instrument. Subdivision is permissible under Clause 2.6 of *Cooma-Monaro Local Environmental Plan 2013 (CMLEP 2013)*.

Clause 42(4) provides that this development may be carried out by or on behalf of a relevant authority without development consent. Clause 13A of the Housing SEPP defines LAHC as a relevant authority for the purpose of Chapter 2.

The site is zoned R2 Low Density Residential (**Figure 13**) under *Cooma-Monaro LEP 2013*. The following development is permitted with consent:

Bed and breakfast accommodation; Boarding houses; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Home occupations (sex services); Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Seniors housing; Signage; Tank-based aquaculture; Water supply systems

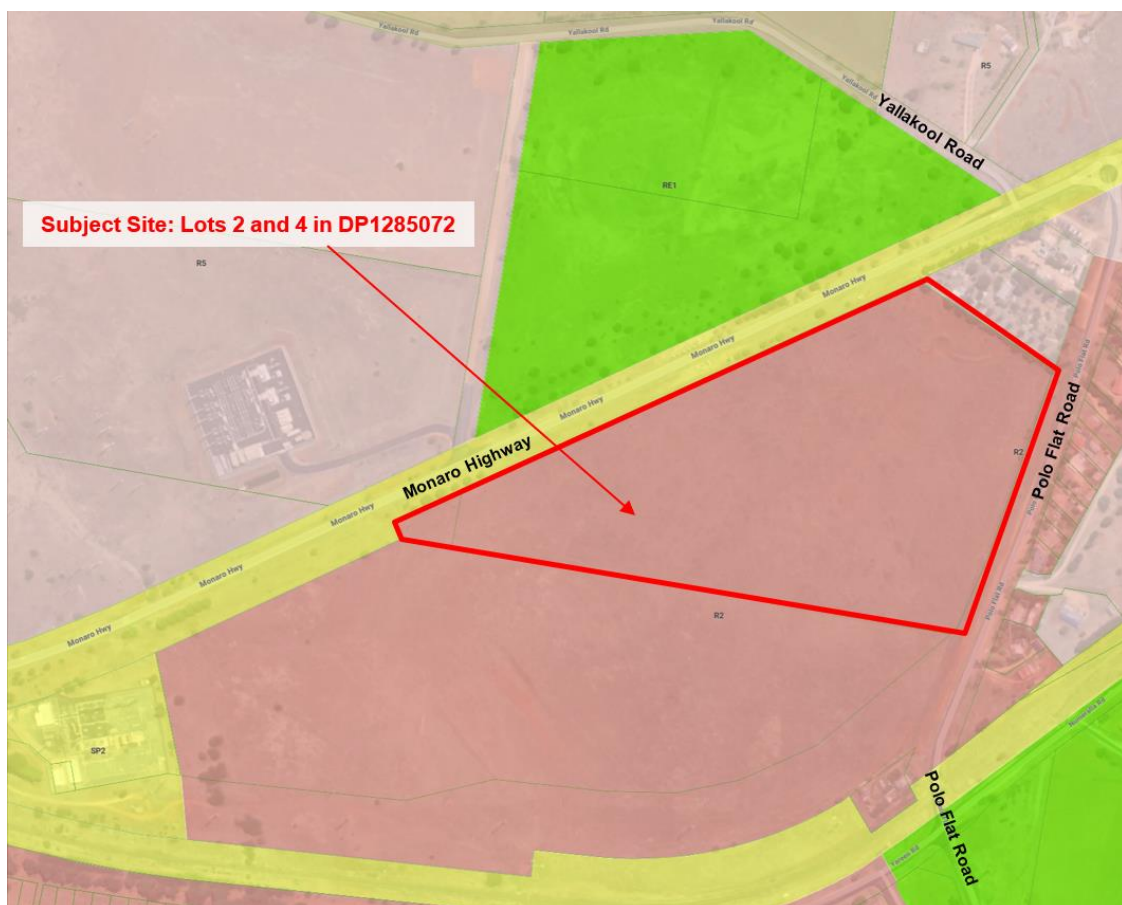


Figure 13 – Zoning map (Mecone maps)

The relevant objectives of the R2 zone, as set out in Cooma-Monaro LEP 2013 are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To integrate new development with the established settlement pattern and character.*

The proposed residential subdivision will provide a variety of lot sizes to permit the development of a range of residential land uses, including dwelling houses, dual occupancies, attached dwellings, semi-detached dwellings and multi dwelling housing. As a result, the development provides for the housing needs of the community within a low-density environment.

The proposed subdivision does not preclude the development of other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed subdivision layout is in keeping with the established settlement pattern and character of Cooma East to the south, as well as the broader Cooma urban area.

Overall, the proposal is permissible and is consistent with the objectives of the prevailing R2 land use zone.

5 Planning and Design Framework

5.1 Commonwealth Legislation

5.1.1 Environmental Protection & Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the national Commonwealth environment and heritage legislation. The EPBC Act identifies Matters of National Environmental Significance (MNES) that trigger a referral to the Commonwealth Government. The EPBC Act requires approval from the Commonwealth Department of the Climate Change, Energy, the Environment and Water (DCEEW) for any action that has, will have or is likely to have a significant impact on the listed matters of MNES, which are:

- World Heritage properties
- National Heritage places
- Wetlands of international importance (listed under the Ramsar Convention)
- Great Barrier Reef Marine Park
- Commonwealth Marine Park
- Listed threatened species and ecological communities
- Migratory species protected under international agreements
- Nuclear actions (including uranium mining)
- A water resource, in relation to coal seam gas development and large coal mining development.

The accompanying Flora and Fauna Assessment prepared by *Eco Planning 2022* (**Appendix H**) found no threatened species within the study area for Precinct 2. A likelihood of occurrence indicated that *Leucochrysum albicans* var. *tricolor* was the most likely to occur within the study area, as a population of approximately 100 plants occurs immediately to the south of the study area. Five (5) additional threatened species – two plants, two birds, and one reptile – were also found to have a moderate or greater likelihood of occurring within the study area. For both the Biodiversity Conservation Act and EPBC Act ‘significant impact assessments’ were completed for each threatened species (where required), and it was found that the proposed development would not have a significant impact on any species in Lot 2.

A Biodiversity Development Assessment Report (BDAR) was prepared for the adjoining development at Lot 3 to the south and included an investigation of Lot 2. The majority of Lot 3 was dominated by exotic grass. Approximately 0.7 ha were identified to form part of the PCT 1289, assessed as being in “moderate” state. In addition to the native vegetation communities, 1,184 *Leucochrysum albicans* var. *tricolor* plants were identified, as well as the potential for the Striped Legless Lizard. These species were not found in Lot 2. *Leucochrysum albicans* var. *tricolor* and Natural Temperate Grassland are protected as threatened entities under the EPBC Act. The location of these threatened species does impact on the Precinct 2 development given that they are located in proximity to the fire trail and APZ over Precinct 3 that benefit Precinct 2. Mitigation of impacts are discussed at **Section 7.3**.

5.1.2 Native Title Act 1993

The *Native Title Act 1993*, as amended, provides protection and recognition for native title. Native title recognises the traditional rights of Aboriginal and Torres Strait Islanders to land and waters. The National

Native Title Tribunal (NNTT) was established to mediate native title claims made under this Act. Three registers are maintained by the NNTT, as follows:

- National Native Title Register;
- Register of Native Title Claims; and
- Register of Indigenous Land Use Agreements.

At the time of the assessment of this Activity, no land claims are applicable to the development site.

5.2 State Legislation

5.2.1 Environmental Planning and Assessment Act 1979

Duty to consider environmental impact [Section 5.5]

Section 5.5(1) states that, *for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.*

Table 1 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
Sub-section 3 Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

Decision of determining authority in relation to certain activities

In accordance with Section 5.7 of Part 5 of the EP&A Act, further consideration of whether the proposed activity is, or is not likely to significantly affect the environment is required following the choice of the final design. If a likely significant impact is determined as an outcome by this REF, an EIS may be required.

(1) A determining authority shall not carry out an activity, or grant an approval in relation to an activity, being an activity that is a prescribed activity, an activity of a prescribed kind or an activity that is likely to significantly affect the environment, unless (a) the determining authority has obtained or been furnished with and has examined and considered an environmental impact statement in respect of the activity.

This REF will be assessed under Division 5.1 of Part 5 of the EP&A Act, with LAHC as the determining authority. As the determining authority, under Division 5.1 of Part 5 of the EP&A Act, LAHC is required to “take into account to the fullest extent possible all matters affecting or likely to affect the environment”.

Potential environmental effects are addressed in **Sections 4, 5 and 7** of this REF. Discussion of the proposal in relation to Section 171 of the EP&A Regulation, which specifically deals with confirming that impacts have been assessed and determined to be not significant has been included in **Section 5.2.6** below.

5.2.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species. A Flora and Fauna Assessment has been undertaken and is discussed at **Section 7.3**, which found that no significant impacts would come about due to the proposed development, and that entry in the NSW Biodiversity Offsets Scheme would not be required. Therefore, the proposed activity is unlikely to significantly affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary.

5.2.3 National Parks & Wildlife Act 1974

The National Parks & Wildlife Act 1974 (NP&W Act) manages:

- Conservation of nature
- Conservation of objects, places and features of cultural value
- Public appreciation, understanding and enjoyment of nature and cultural heritage
- Land reserved under this Act.

The ecological related aspects of the NP&W Act are not applicable to the proposed subdivision as the land is not within a Park, Reserve or Area designated under Part 4 of the Act. Further, a Flora and Fauna assessment has been carried out by *Eco Planning 2022* (**Appendix H**) and supports this REF.

The National Parks and Wildlife Act 1974 (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

An Aboriginal Due Diligence (ADD) Assessment was prepared by Lantern Heritage (**Appendix E**). The assessment found that the archaeological potential of the study area is low-moderate, with some areas of very low archaeological potential on the eroded soils of the hill slopes. Based on the results of the survey, proposed works at Polo Flat Road, Cooma, are unlikely to harm Aboriginal artefacts.

The colluvial deposit at the base of the slope in Precinct 3 retains the highest archaeological potential of any portion of the study area and representatives from Merriman's LALC believe there is some potential to harm Aboriginal artefacts in this area.

Recommendations from the ADD Assessment are included as mitigation measures, together with the inclusion of an 'unexpected finds' protocol.

5.2.4 Roads Act 1993

The *Roads Act 1993* (Roads Act) provides the regulatory framework for the use, operation, opening and closing of roads in New South Wales, the functions of Government road authorities such as Transport for NSW and to regulate activities on public roads. Public roads can be opened by the following entities and methods:

- Any person, by registration of a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road.
- RMS or Councils, by notice published in the Gazette dedicating land as a public road.

- The Minister, by notice published in the Gazette dedicating land by them as a public road.
- The Governor, by proclamation dedicating any land held by a public authority as a public road.
- Land acquired for the purposes of widening an existing road under division 3 of part 12 of the Act.

The subdivision will open a network of local access roads connecting with Polo Flat Road at the eastern boundary. Subject to Schedule 2 Clause 5 of the Roads Act 1993, the savings, transitional and other provisions provides that a Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road. Therefore, no Section 138 Road Opening Permit is required and LAHC will ensure that all proposed works within the public road and footway shall be designed and constructed to Council's standards and specifications.

5.2.5 Contaminated Lands Management Act 1997

The Contaminated Land Management Act 1997 establishes a process for the Environmental Protection Agency (EPA) to identify, investigate, and remediate land that is considered to be contaminated significantly enough to require regulation. The EPA holds a register of known contaminated sites throughout NSW. A search of this list conducted on 15 March 2023 has confirmed the site is not included on the list as containing significant contaminants.

The Section 10.7 Planning Certificates have not identified the sites as potentially contaminated and the standard recommended identified requirement requires implementation of management measures in the event of unexpected finds of contamination during construction works.

Further investigation works were commissioned by LAHC as described below.

- Preliminary site investigation (PSI) across the site was undertaken by *Lanterra Consulting* in 2022 (as reported in the Detailed Site Investigation report **Appendix G**) which identified that further investigation was required to assess the risk of contamination from the following areas of environmental concern (AECs):
 - AEC 1 – Potential use of pesticides across the site given its agricultural history and geology of the area dominated by volcanic rocks with the potential to produce soils rich in iron and other metals.
 - AEC 2 – Swales and drainage channels across the site could be receiving contaminated loads and as preferential pathways to transport and accumulate contaminants on- and off-site posing a potential risk to human and environmental health.
 - AEC 3 – An agricultural dam located in the northern section of the site that could be receiving potentially contaminated loads which could pose a risk to human health and/or the environment.
 - AEC 4 – A disturbed area located in the southern section of the site that appeared to have been levelled. The purpose of this levelled area was unclear during the PSI and further assessment was recommended.
- A Detailed Site Investigation was undertaken by *Lanterra Consulting* in October 2022 (**Appendix G**). Based on the results of the investigation and the current setting of the site, the following was concluded:
 - Soil across the site does not show indications that it has been impacted by historical or current activities.
 - No further soil investigations are considered necessary from a contamination perspective.
 - Considering that the heavy metal concentrations in dam's water are potentially influenced by the geology of the area, the ANZG (2018) exceedance of copper is unlikely to be impacting freshwater aquatic ecosystems across the site and its surrounding.

The assessment finds that the site is currently suitable for the land uses permitted under the R2 Low Density Residential zoning from a contamination perspective, including the proposed residential development.

5.2.6 Environmental Planning and Assessment Regulation 2021

Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in Error! Reference source not found. below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

The proposed development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts during construction are expected to be minor, and will be offset by positive social outcomes of the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at **Section 5.2.7** of this report.

Table 2 Compliance with Section 171 of the EPA Regulations 2021

Guidelines concerning the impact of an activity on the environment.	Relevant?	Impact		
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No - This means guidelines in force under Section 171, not guidelines such as the <i>Seniors Living Urban Design Guidelines</i> that are in force under other legislation or instruments			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021			
Factors to be taken into account concerning the impact of an activity on the environment.	Relevant?	Impact		
	Yes/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Y		x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y		x	
(e) effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	Y		x	
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	Y	x		
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	Y	x		
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y		x	
(j) risk to the safety of the environment;	Y	x		
(k) reduction in the range of beneficial uses of the environment;	Y	x		
(l) pollution of the environment;	Y		x	
(m) environmental problems associated with the disposal of waste;	Y		x	

(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y	x		
(o) cumulative environmental effect with other existing or likely future activities.	Y		X	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y		x	
(r) other relevant environmental factors.	Y		x	

Note 1: A significant impact triggers the preparation of an Environmental Impact Statement.

Note 2: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

5.2.7 Strategic Planning Framework

Local and Regional Housing Context

Housing affordability and the availability of diverse housing is becoming increasingly scarce across the Snowy Monaro Region. It is emerging that towns and villages located along the corridor from Canberra to Jindabyne are becoming less affordable and this is putting pressure on people on low-medium incomes in particular. While some of these affordability and availability issues are likely to be attributed to Snowy 2.0, it is important they are addressed comprehensively in a strategic nature.

Increasing supply and diversity in housing is unlikely to be the ‘silver bullet’ solution for these issues. Although an increase in supply could be pursued to renew housing quality and provide supply for population growth, both affordable housing and affordable rental housing will be required to address emerging housing stress issues.

The definition of ‘housing stress’ used by a number of State Governments across Australia is households in prescribed income brackets spending more than 30% of their gross household income on either rent or mortgage repayments. The Cooma rental market is of significant concern with 38.8% of rental households in Cooma experiencing rental stress in December 2019. The region also has a higher percentage of people on very low incomes experiencing housing stress compared to the rest of NSW.

A report by Domain in April 2022 revealed that house prices in regional NSW had climbed at a faster rate than those in Sydney over the past year. At 63%, the Snowy Monaro LGA recorded the highest price growth in regional NSW. Additionally, there is a well reported shortage of rental housing, for both permanent residents and itinerate workers.

In 2018, data shows that 18,730 people used Airbnb and HomeAway platforms to book short term rental accommodation (STRA) in the Snowy River Region, with 95% of these booking entire homes. Of the Jindabyne properties listed on Airbnb, 69% are reserved for less than 90 days per year, and 95% were booked for less than 180 days. There is data to show that the strong demand for investment properties in Jindabyne has fuelled an increase in property and rental prices. As property prices have increased, so have rental prices and increasingly long-term rental stock is being taken off the market in preference of STRA.

A media release by Land and Housing Corporation (9 February 2022) states that “in the last 12 months the need for priority housing in Cooma has increased six-fold and rents across all housing types have increased by about 25 percent”.

The NSW Government has committed to delivering more housing options across the spectrum in regional NSW through a new state-wide Memorandum of Understanding (MOU) between Land and Housing Corporation (LAHC) and Crown Lands. This historic MOU will allow identification of Crown Land that could be better

utilised to deliver housing where it is needed most in regional areas and will have widespread benefits for the community. The subject site in Cooma is the first community to benefit from this MOU that brings to life the NSW Government's 'Housing 2041' and 'Crown Land 2031' strategies to deliver better housing options in NSW.

Consultation with local real estate agents confirms housing demand. A small to mid-range lot typology with frontages less than 12m was suggested to be the most appropriate for the market.

South East and Tablelands Regional Plan 2036

The 'South East and Tablelands Regional Plan 2036' (SETRP) sets the strategic framework for the region for the next 20 years. The regional plan is currently undergoing a 5-year review to extend the plan to 2041 and to reset priorities. The finalisation of the SETRP 2041 has not been released at the time of this report.

Tourism accounts for 27 per cent of the South East and Tablelands total economic contribution. Cooma is a strategic centre providing business, retail and entertainment uses. It services a significantly larger population during peak tourist times, particularly the winter ski season. The population of Snowy Monaro is also ageing, with 27 per cent of the population predicted to be over 65 years by 2036.

Priorities within the Snowy Monaro region include, to:

- Recognise Cooma as a strategic centre, particularly in the winter months when the population swells.
- Promote well planned, efficient and sustainable development that complements the area's natural and cultural values.
- Increase housing in Cooma, Jindabyne and Bombala.
- Support the unique character of the area's village and rural lifestyle.
- Enhance the variety of housing options to cater for an ageing population.
- Leverage the area's access and proximity to Canberra to create new opportunities for housing.

An overview of opportunities of how the redevelopment project can relate to the regional plan objectives is undertaken below.

Table 3 Alignment to the relevant objectives of the SETRP 2036

Regional Plan Objective	Response
Direction 3: Develop the Snowy Mountains into Australia's premier year-round alpine destination	The provision of housing will contribute to the ability to meet the demand of both tourism and local accommodation.
Direction 8: Protect important agricultural land & Direction 14: Protect important environmental assets	By locating development in proximity to the existing town centre, this prevents wider spread fragmentation of land and assists in protecting agricultural land and environmental assets.
Direction 9: Grow tourism in the region	The provision of housing has the potential to benefit the needs of both residents and visitors.
Direction 17: Mitigate and adapt to climate change	Opportunity for incorporation of energy efficient building, carbon neutral development as well as sustainable living. Ancillary retail, recreational and civic uses can be provided, creating an efficient area and reducing the necessity for travel.
Direction 24: Deliver greater housing supply and choice	Greater housing choice close to existing centres is needed to accommodate for the decrease in average household size. Planning will need to cater for a rise in the number of single person households, a decrease in the number of occupants in each household, affordable housing, the needs of tourists and an ageing population.

Regional Plan Objective	Response
Direction 27: Deliver more opportunities for affordable housing	Social, key worker and seniors living will be provided in the future residential development. Additionally, the provision of a mixture of housing typologies and lot sizes within proposed residential zones provides a range of diversity and affordability.

Draft South East and Tablelands Regional Plan 2041

The first SETRP was released in 2017. The Draft SETRP 2041 is the first 5-year review of the 2036 SETRP and was on public exhibition until 23 September 2022 and then re-exhibited from December 2022 to January 2023. Specific to the region, the plan focuses on several drivers of change, opportunities and relevant policies, including:

- providing affordable housing for a growing population in regional NSW
- the need to protect the region's environmental significance and values
- the need for strategic guidance on the growth and enhancement of local and strategic centres, in addition to the planning of the Snowy Mountains Special Activation Precinct (SAP)

The draft SETRP forecasts a population increase of 2,810 people within the SMRC LGA. The draft SETRP recognises the impacts of the Snowy Hydro Scheme, and the SAP. Planning and investment in and around Jindabyne as part of the Snowy Mountains SAP will benefit Cooma and help to grow Jindabyne as a residential and tourist hub. This will increase demand for residential, business and health services, skills training and other support sectors in Cooma. A nominated priority for Cooma as a strategic centre is to stimulate the rate of development, diversity and availability of housing and temporary accommodation within Cooma and surrounding villages.

The proposed development meets several of the regional plan objectives, specifically relevant to this proposal, *Objective 18: Plan for more affordable, low-cost and social housing*.

Snowy Monaro Draft Settlements Strategy

The Snowy Monaro Draft Settlements Strategy (SMDSS) was exhibited from October 2020 to February 2021 and seeks to provide a strategic land use planning framework for all towns and villages across the Snowy Monaro region. The document is split into 12 sections; Part 4 focusses on the local context of Cooma, and Part 11 establishes a strategy for housing supply.

Part 4 - Cooma

The main growth scenario shows Cooma growing by approximately 2,600 people by 2041. Based on an expected average household size of 2.3 people per dwelling, this is the equivalent of approximately 1,130 additional dwellings needed by 2041.

The subject site is located within the "East Cooma" area, identified in the SMDSS as the R2 Low Density Residential area predominantly located to the north of Yareen Road. This area has approximately 30 undeveloped lots and lots with subdivision potential.

Biodiversity, bushfire, and flood are identified as constraints to development within Cooma and have been identified and addressed in this report.

Part 11 – Housing Strategy

The main SMRC growth scenario shows the region growing by approximately 4,300 people by 2041. It is anticipated most of the development will occur within or around the five main settlements of Cooma, Jindabyne, Bombala, Berridale, and Michelago identified in Snowy Monaro's LSPS. Cooma has a central location with established transport links through the region and to higher-order service centres such as

Canberra. Recognising Cooma as the service centre for Snowy 2.0 will help provide for growth in employment and service provision in the town and will likely result in a population increase. Housing supply must be provided in a manner which responds to the needs of these workers while also providing the lifestyle aspects associated with public housing.

Housing affordability and the availability of diverse housing is becoming increasingly scarce across the Snowy Monaro Region. Increasing supply and diversity in housing is unlikely to be a 'silver bullet' for these issues. Although greater supply could be pursued to renew housing quality and provide supply for population growth, affordable housing supply and affordable rental housing will be required to address emerging housing stress issues.

Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. Council's LSPS was adopted in May 2020. The LSPS objectives for Cooma include:

- Provide for future suburban land release areas to support growth,
- Retention as the dominant service and administration town in the region,
- Avoiding potential land use conflict with rural areas and protect the fragmentation of agricultural land, and
- Clearly identify and protect surrounding High Environmental Value lands by encouraging infill development and controlling further expansion of residential and industrial lands.

The provision of housing helps meet the objectives of this strategy. Locating this development in proximity to the existing urban area and utilising appropriately zoned land helps to protect high environmental value and agricultural lands, and reflects a commitment to infrastructure servicing.

Snowy Monaro Destination Management Plan 2019

Tourism is an economic driver, generating jobs and contributing lifestyle benefits to communities. Tourism is the most important sector of the regional economy.

The provision of accommodation is one of the plan's seven areas of focus. Accommodation across the region is varied in terms of standard and diversity, and in some parts of the region there are insufficient guest beds in peak periods. In Jindabyne and the ski fields there is a shortage of worker accommodation with the situation being exacerbated as private homes previously available as permanent rentals are brought into the tourism market via the share economy.

The provision of housing that can be used for the resident market should have a positive impact on the tourism market as well.

Snowy Monaro 2018 - 2022 Regional Economic Development Strategy

The Economic Development Strategy identifies that the shortage of housing is a risk to both accommodation and industry. Shortage of rental accommodation and a limited stock of housing is a barrier to attracting families and workers to the region and puts pressure on rental stock for local residents.

Growing the population is one of the four strategy elements of this plan. Opportunities exist in attracting and retaining families and workers by offering a diverse and accessible supply of housing as well as seniors living opportunities.

5.2.8 State Environmental Planning Policy (Housing) 2021

Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 4** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

Table 4 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Not applicable as the proposed development does not involve the erection of buildings under this assessment process.
(b) all buildings will have a height of not more than 9m, and	
(c) the development will result in 60 dwellings or less on a single site, and	The proposed development involves the subdivision of land and associated works.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Notwithstanding, it is anticipated that the proposed future development will be compliant with the height, density and car parking controls listed (as applicable)..
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	The proposed development is the subdivision of land and associated works, which are permissible under the LEP.
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	No demolition is proposed. Complies.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	None of these exclusions apply to the proposed subdivision.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	The proposed development will be undertaken by or on behalf of LAHC.
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections -	N/A – no formal concurrence was required from agencies. NSW LAHC sought a Bushfire Safety Authority from the NSW Rural Fire

Provision	Compliance
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Service and informal correspondence with TfNSW was undertaken prior to the notification of the activity.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	
(6) In this section- Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Residential development has the same meaning as in the Housing Act 2001, section 8.	This REF has assessed the proposed subdivision as being residential development as defined by the Housing Act 2001.
43 Requirements for carrying out residential development -	LAHC is bound to undertake public notification and consider any submissions made in respect to residential development.
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	<p>LAHC sought advice from Snowy Monaro Regional Council on 19 October 2022 regarding the scope of notification.</p> <p>Snowy Monaro Regional Council accepted the scope of notification on 19 October 2022.</p> <p>The notification letters, scope of notification and submission responses from Government agencies is contained in Appendix J.</p> <p>Seniors Living Policy: Urban Design Guidelines has been considered at Table 5.</p> <p>Good Design for Social Housing has been considered at Table 6.</p> <p>LAHC’s Design Requirements relates to the provision of dwellings and will be considered when dwellings are provided.</p>
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	
(b) give written notice of the intention to carry out the development to –	
(i) the council, and	
(ii) the person or persons nominated by the council, and	
(iii) the occupiers of adjoining land, and	
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	
(f) If he relevant authority is the Land and Housing Corporation – consider the relevant provisions of –	
(i) Good Design for Social Housing, published by the Land and Housing Corporation in September Design, and	
(ii) Land and Housing Corporation Design Requirements, published by the Land and Housing Corporation in February 2023, and	
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	

5.2.9 Seniors Living Policy: Urban Design Guidelines for Infill Development

Clause 43(d) of the Housing SEPP requires LAHC to “take into account the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, March 2004, published on the Department’s website, to the extent to which it is not inconsistent with this Division”.

The overarching goal of the policy is to ensure that a high level of urban design is achieved through the safeguarding of pre-existing character and increased housing diversity. The standards embedded in the policy establish guidelines for achieving good quality design and development. No construction of physical structures is being undertaken as part of this proposal, however **Table 5** relays the objectives of the Seniors Living Policy and demonstrates that the development as the ability to meet the applicable objectives.

Table 5 Compliance with relevant objectives of Seniors Living Policy: Urban Design Guideline for Infill Development

Objective	Compliance
Site Planning	
<p>Objectives</p> <p><i>To minimise the impacts of new development on neighbourhood character</i></p> <p><i>To retain existing natural features of the site that contribute to neighbourhood character</i></p> <p><i>To provide high levels of amenity for new dwellings 'to maximise deep soil and open space for mature tree planting</i></p> <p><i>To minimise the physical and visual dominance of car parking, garaging and vehicular circulation</i></p> <p><i>To provide housing choice through a range of dwelling sizes</i></p>	<p>The proposed subdivision is located in a rural / residential transition area located on the periphery of the existing urban area. The subdivision has been designed to minimise impacts via setbacks to the Monaro Highway and the provision of landscaping. Visual impact is discussed in more detail at Section 7.1.</p> <p>The site comprises grazing pasture with very few natural features. The subdivision layout has been designed in response to the site's topography in the layout of the road and other infrastructure and the placement of detention basins. The detention basins will be integrated with vegetated open space in line with the landscaping plans.</p> <p>With the exception of roads, footpaths and the natural geology, there is minimal impediment to the availability of deep soil area for tree planting. This will be addressed further during the approval stage for dwelling provision.</p> <p>Parking requirements will be addressed during the approval stage for dwelling approval and construction. The future development of dwellings on this subdivision will be capable of providing garages on each lot.</p> <p>The subdivision provides a range of lot sizes which in turn allows opportunity for the future provision of a range of dwelling sizes.</p>
Impacts on Streetscape	
<p>Objectives</p> <p><i>To minimise impacts on the existing streetscape and enhance its desirable characteristics</i></p> <p><i>To ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape</i></p>	<p>This assessment is for subdivision works, not the provision of dwellings. The subdivision has been designed to minimise impacts through the provision of setbacks from the Monaro Highway and the provision of landscaping. Visual impact is discussed in more detail at Section 7.1. Dwellings will be assessed during the dwelling approval stage.</p> <p>Future development of housing will need to comply with the provisions of Cooma-Monaro Local Environmental Plan 2013, Cooma-Monaro Shire Development Control Plan 2014 or the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as relevant.</p>

Objective	Compliance
<i>To provide a high-level activation and passive surveillance to the street</i>	Roads and footpaths have been provided and designed to provide opportunity for active transportation which will contribute to activity on the street networks. Additionally, a public park and public open space will be provided, and these have been designed to have street frontages to increase passive surveillance to these spaces.
Impacts on Neighbours	
Objectives <i>To minimise impacts on the privacy and amenity of existing neighbouring dwellings</i> <i>To minimise overshadowing of existing dwellings and private open space by new dwellings</i> <i>To retain neighbours' views and outlook to existing mature planting tree canopy</i> <i>To reduce the apparent bulk of development and its impact on neighbouring properties</i> <i>To provide adequate building separation</i>	<p>Only one neighbour (to the north) shares a boundary with the proposed subdivision. This boundary will contain a detention basin lot and generous sized residential lots and will require the removal of 29 trees along the northern boundary and 20 trees along the western verge of Polo Flat Road. New landscaping and trees are proposed.</p> <p>Privacy, overshadowing and amenity impacts will be assessed during the dwelling approval stage.</p>
Internal Site Amenity	
Objectives <i>To provide quality useable private and communal open spaces for all residents</i> <i>To provide dwellings that have distinct identity and safe entries</i> <i>To provide safe and distinct pedestrian routes to all dwellings and communal facilities</i> <i>To ensure adequate solar access to living areas and private open space</i> <i>To reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development</i>	<p>The subdivision will provide vegetated open space and one residue lot for use as a public park. Internal connectivity has considered walkability and accessibility</p> <p>Future dwellings will be assessed during the dwelling approval stage, and will take account solar access, parking and garaging.</p>

5.2.10 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 6** below.

Table 6 Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
Wellbeing	Healthy environments Good for tenants Quality homes	The layout of the roads and footpaths has considered walkability, connectivity and safety. No dwellings are being provided under this assessment. The design of the dwellings will be assessed during the approval process for the dwellings.
Belonging	Mixed tenure Good shared and public spaces Contribute to local character	The location of social housing has been integrated throughout the subdivision. For discretion, the siting of future public housing is not identified on plans. One residual lot has been provided for the creation of a future public park and playground. No dwellings are being provided under this assessment. The design of the dwellings will be determined and assessed during the approval process for the dwellings.
Value	Whole of lifecycle approach Sustainability and resilience Make every dollar count	No dwellings are being provided under this assessment. The design of the dwellings will be assessed during the approval process for the dwellings.
Collaboration	A good Partner Place making continuous improvement	The project demonstrates cooperation between government agencies and Snowy Monaro Regional Council to provide a quality land subdivision that will assist in the future provision of housing in this regional context currently experiencing an undersupply of both public and private housing.

5.2.11 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements (February 2023)* are required for consideration under the Housing SEPP. The proposed activity involves the subdivision of land only and no dwellings are proposed to be constructed under this activity. Future dwellings post subdivision works will obtain approval via Part 4 NSW EP&A Act development applications to Snowy Monaro Regional Council or via Part 5 of the EP&A Act where undertaken by LAHC and designed in accordance with the standards and controls under the Housing SEPP.

5.2.12 Other State Environmental Planning Policies

Table 7 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
State Environmental Planning Policy Planning Systems 2021	Under Part 2.19(b) of the <i>State Environmental Planning Policy Planning Systems 2021</i> (SEPP PS), development for which development consent is not required, is not declared to be regionally significant development.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 4 of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (SEPP BC) contains the former <i>State Environmental Planning Policy (Koala Habitat Protection) 2021</i> . This aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living

State Environmental Planning Policy	Applicability
	<p>population over their present range and reverse the current trend of koala population decline.</p> <p>Chapter 4 of SEPP BC applies to local government areas listed under Schedule 2. Snow Monaro Regional Council (SMRC) is listed under Schedule 2 and therefore SEPP BC applies to this proposal. The site is located within the Central and Southern Tablelands Koala Management Area. The subject site does not contain any koala habitat, as confirmed by the bushfire report contained in Appendix F and the Flora and Fauna Assessment at Appendix H.</p> <p>Chapter 2 of SEPP BC applies to the clearing of vegetation in non-rural areas, and applies to land zoned R2 Low Density Residential. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of vegetation within the precinct can be included within the REF scope and does not require a permit from Council.</p>
SEPP (Transport and Infrastructure) 2021	<p>Development permitted without consent – general</p> <p>Chapter 2 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (TI SEPP) outlines the planning approval pathways and controls for the delivery of infrastructure.</p> <p>Clause 2.109 (1) permits development for the purpose of a road or road infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land. LAHC is a public authority therefore this clause applies.</p> <p>Clauses 2.73 and 2.74 prescribe circumstances where parks and other public reserves can be provided as development without consent or as exempt development. Clause 2.74 (2) permits recreation areas and recreation facilities (outdoor) to be provided on a dedicated public reserve by or on behalf of a public authority. The provision of the proposed public park, including its embellishment and the installation of any play equipment, outdoor furniture and associated improvements will therefore be undertaken following dedication of the land, under a separate approval pathway.</p> <p>Development with frontage to classified road</p> <p>Under Clause 2.119 the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <p style="padding-left: 40px;">(2)(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p style="padding-left: 40px;">(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of –</p> <p style="padding-left: 80px;">(i) the design of the vehicular access to the land, or</p> <p style="padding-left: 80px;">(ii) the emission of smoke or dust from the development, or</p> <p style="padding-left: 80px;">(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p style="padding-left: 40px;">(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p> <p>The site has frontage to the Monaro Highway, which is a classified road. The subdivision layout plan provides vehicular access from Polo Flat Road. This proposed intersection</p>

State Environmental Planning Policy	Applicability
	<p>has been placed at a high point for best sight lines. A perimeter road has been proposed between the proposed development and the Monaro Highway, to provide separation from the highway. Landscaping has been accommodated and mitigation measures have been recommended for future residential development.</p> <p>The proposed subdivision is permitted without consent under the Housing SEPP therefore this clause does not necessarily apply as development does not require consent and LAHC is not a consent authority. Nonetheless, the provisions of this clause are considered to be satisfied.</p> <p>Impact of road noise or vibration on non-road development</p> <p>Clause 2.120 applies to development that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles.</p> <p>Daily traffic volumes for the Monaro Highway were obtained from the NSW Road and Maritime Services (RMS) Traffic Volume Viewer (<i>NSW RMS, 2022</i>). The maximum AADT volume for the Monaro Highway is 5,779 vehicles, and the traffic assessment by <i>Todoroski Air Sciences 2022 (Appendix L)</i> has conservatively estimated a growth of 20% from the proposed development resulting in an AADT of 6,935 vehicles. This clause therefore does not apply to the proposed development.</p> <p>Traffic-generating development</p> <p>Clause 2.122 applies to development specified in Schedule 3. Subdivision to create “200 or more allotments where the subdivision includes the opening of a public road” requires a referral. As the development will comprise 140 residential lots, it is not defined as ‘traffic generating development’ under Schedule 3 and will not require referral to Transport for NSW. Furthermore, access to the site will not be within 90m of a classified road.</p> <p>This REF assessment is for the subdivision of Precinct 2 only, however, the Transport Impact Assessment (TIA) has been undertaken to consider the impact of both Precincts 2 and 3. The TIA concludes that the additional load will be readily managed within the capacity of the existing road network.</p>

5.3 Local Planning Controls

5.3.1 Cooma-Monaro Local Environmental Plan 2013

Compliance with the relevant provisions / development standards set out in the Cooma-Monaro LEP 2013 is demonstrated in

Table 8 below.

Table 8 Cooma-Monaro Local Environmental Plan 2013

Table 8 Cooma-Monaro Local Environmental Plan 2013			Proposal
Clause			
4.1	Minimum Subdivision Lot Size	(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. The subject site does not have a prescribed minimum lot size.	The lot sizes from Precinct 3 have been adopted into Precinct 2 for consistency. These are also consistent with the minimum lot size generally applied to the R2 zoning. The proposed subdivision provides a range of lot sizes, with all lots equal to or exceeding 500m ² . Complies
6.3	Terrestrial biodiversity	The consent authority must consider the impact on the condition, ecological value and significance of the fauna and flora on the land.	An ecological assessment has been undertaken as part of this REF with the findings considered in Section 7.3 of this report.
6.4	Groundwater Vulnerability	The consent authority must consider any adverse impacts the development may have on groundwater or groundwater systems	The water quality management system will be designed to comply with the current Snowy Monaro Regional Council water quality guidelines. All runoff generated by the development will be managed in accordance with guidelines to limit flows to pre-developed flow rates. These flows will be directed to the existing discharge points across the catchment. Complies.

5.3.2 Cooma-Monaro Shire Development Control Plan 2014 (Amendment 4)

The general controls for all development set out in Cooma-Monaro DCP 2014 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 9 Cooma-Monaro Shire DCP 2014

Table 9 Cooma-Monaro Shire DCP 2014		
Clause	Proposed	Compliance
Construction of roads		
<u>4.1.2.2 Requirements</u> Cul-de-sacs shall have regard to the design principles. Where possible roads should be designed to follow contours of the land. Road construction standards will be required to comply with the tables in Chapter 2 of this DCP.	No cul-de-sacs are proposed. The topography of the site was a key consideration in the layout of the site and placement of the road network. Noted – to be listed in the Identified Requirements.	Complies
<u>4.1.2.3 Road System, Kerb and Guttering in R1, R2, B3, B4, B5 and IN1 Zones</u> Fully serviced subdivisions shall be provided.	The proposed development includes the provision of a sealed road system with drainage and kerb and guttering with safe vehicular and pedestrian access to each allotment.	Complies
<u>4.1.2.6 Street lighting and name signs</u> Street lighting is required.	Street lighting will be provided in accordance with accompanying plans.	Complies

Table 9 Cooma-Monaro Shire DCP 2014

Street name signs are required.	Noted – to be listed in the Identified Requirements.	
4.1.3 Design requirements for lots		
<p><u>4.1.3.2 Requirements</u></p> <p>A minimum of nine (9) of every ten (10) lots must have direct frontage to a public road.</p> <p>Minimum street frontage of 10 metres.</p> <p>Corner lots in subdivisions are to provide a splay corner 3m x 3m.</p>	<p>All lots have frontage to a public road.</p> <p>All lots have a minimum frontage of 12.5m.</p> <p>All corner lots provide splayed corners.</p>	Complies
4.1.5 Provision of open space		
<p>Open space containing a playground must be available within 1,200m of all lots.</p> <p>Playground/s provided must comply with Council's Playgrounds Strategy.</p> <p>Park/s provided should have street frontage and be fronted by houses rather than being located at the rear of houses.</p> <p>Land provided as open space should be dedicated to Council.</p> <p>Open space may also be provided as part of a 'natural' stormwater drainage system or areas of high conservation or environmental values.</p>	<p>All lots will have a playground within 270m within the proposed subdivision site. Additionally, an existing playground is located on the corner of Welgarra and Wangie Streets.</p> <p>Noted.</p> <p>Parks have a street frontage.</p> <p>Land will be dedicated to Council.</p> <p>Open space has been provided as part of the drainage system on the western extent of the site.</p>	Complies
4.1.6 Landscaping and street trees		
<p>Grass cover on verges must be established.</p> <p>1 street tree per lot to be provided, or 2 per corner lot.</p> <p>A basic landscaping plan is required.</p>	<p>An indicative planting schedule has been provided within the landscaping plans. Careful consideration has been given to choosing species which are endemic to the local area.</p> <p>Street trees have been provided within the development at a rate of 1 per lot.</p> <p>Refer to landscape master plan. Provision has also been made for the re-establishment of the tree line along the Monaro Highway.</p>	Complies
4.1.7 Stormwater		
<u>4.1.7.2 On-site detention requirements</u>	Refer to stormwater plans	Complies
<u>4.1.7.3 Interallotment drainage systems</u>	See accompanying stormwater plans showing proposed location and basic design of the system	Complies
<u>4.1.8 Provision for Utility Services</u>	The conceptual engineering plans include indicative layout details for the	Complies

Table 9 Cooma-Monaro Shire DCP 2014

	provision of services within the development.	
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6 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to Snowy Monaro council and to the adjoining occupiers are provided in **Appendix J**.

6.1 Council Notification

A preliminary meeting was held with Council on 11 August 2022 to discuss the project and get feedback on the draft design. Key discussion items are tabulated at **Table 10**.

Table 10 Preliminary Council meeting advice

Issues Raised	LAHC Response
Council questioned the relocation of Seniors Housing.	Four Seniors Housing site options were explored. Option 3 was the preferred site on the basis of gradient, access, and future development configurations.
Council advised noise concern on the development should be addressed.	An acoustic assessment has been prepared.
Council advised that the proposed two water connections are acceptable to Council. Council has no concern on the existing sewer or other services.	Noted.
Further discussion will be required on the proposed sewer pump station design.	<i>Stantec</i> has ensured the design of the sewer pump station complies with Council's requirements and the relevant standards.
Council queried whether deep sewer can be installed to avoid a new sewer pump station.	If the sewer pump station is not used, an 8m deep sewer pipe will be required to service Precinct 2. This is not practical due to the presence of rocks on the site.
Council queried how to construct new sewer from Precinct 2 to Precinct 3 if both subdivisions are not developed at the same time.	Sewer from Precinct 2 in Precinct 3 will be constructed in an easement.
Council advised that access to sewer next to retaining wall will need to be reviewed	All hydraulic assets will be on the high side of retaining structures to prevent unnecessary loading. Mitigation measure has been included.
Preference for Council to be PCA	Noted.
Stormwater / drainage plans were provided to Council	Council provided in-principle support.

Snowy Monaro Regional Council was formally notified of the development on 27 October 2022, by email. The notification response period formally closed on 16 November 2022 and Council responded to the notification by email dated 25 November 2022. Council's comments are provided at **Appendix J** along with the notification letter to Council and other documentation. Following receipt of comments from Council a meeting was held between LAHC and Council on 8 December 2022 to discuss these comments. The following matters were raised by Council in their email dated 25 November 2022 and LAHC's response is included below.

Matter 1 – *Overall development of the site is supported and aligns with the general growth strategy for Cooma identified in Council's Local Strategic Planning Statement and draft Settlements Strategy. Additional affordable and social housing is also welcomed and supported due to a steady decline in housing affordability and availability seen since 2018.*

LAHC comment: noted.

Matter 2 – *Ensure that any land (including but not limited to open space and stormwater infrastructure) to be dedicated to Council is consistent with Council's Land Dedication Policy. Specifically note that Land dedicated to Council must be for public benefit that is, to be quality open space, accessible and fairly level, centrally located and landscaped to an approved plan, or other purposes as identified within this policy.*

LAHC comment: The dedication of all roads within Precinct 2, Lot X for the future park, lot X1 and X3 for the on-site detention basins, and the associated stormwater, sewer and electrical services within the subdivision will be in accordance with Snowy Monaro Regional Council's Land Dedication Policy. This is reflected in Identified Requirement No.81.

Matter 3 – *The Landscape Plan provides little detail regarding the extent of landscaping and infrastructure associated with the parks and open space areas noting "ALL WORKS ASSOCIATED WITH THE FUTURE PARKS IN BOTH PRECINCTS WILL BE SUBJECT TO FUTURE APPROVAL/S. PRECINCT 2 & 3 OPEN SPACE PARK AND PLAYGROUND AREA WILL NOT BE INCLUDED AS PART OF THIS APPROVAL, BUT WILL BE DELIVERED TO COUNCIL STANDARDS TO FUTURE DETAILS AND APPROVAL." This is of concern to Council staff, all open space provided as part of the development should be delivered in full as part of the development and this should occur as part of the subdivision works. Deferral of this work is not generally considered acceptable.*

LAHC comment: At a meeting on 8 December 2022 LAHC and Council agreed that the delivery of the park will to be undertaken at the completion of development. This is detailed at Identified Requirement No.86 to 87. Delaying the construction of the park until there are some residents living in the subdivision will assist in minimising the potential for vandalism.

Matter 4 – *Consideration should be given to linear open space connections. It is noted the site is remote with limited foot or shared path connections to Cooma or other community facilities. As part of the development consideration should be given to foot and shared path connects from the site to Cooma town centre, Monaro High School and the Cooma Sports Hub (currently under construction).*

LAHC Comment: Council agreed at the meeting on 8 December 2022 that the linear open space connection requirement from the draft recreation strategy is not applicable to the Precinct 2 development.

Residents from Precinct 2 will be able to access the new park / open space within the proposed road and footpath network within the development.

Further Identified Requirement No.88 states that the Land and Housing Corporation must consult with Snowy Monaro Regional Council on the design and construction of new pedestrian and cycle access pathways along the Monaro Highway and/or any other connectivity pathway to the surrounding facilities, schools and town centre.

Matter 5 – *While it is noted the development is proposed to be assessed through a part 5 assessment, it is requested by Council that the development still pay relevant contributions under Council's s7.12 Local*

Infrastructure Contributions Plan. It is understood contributions under s64 of the Local Government Act 1993 for Water and Wastewater infrastructure are still payable as per the relevant Council plans.

LAHC comment: As agreed to with Council, LAHC will pay Section 7.12 development contributions in accordance with the adopted *Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022*. LAHC has calculated the applicable fees and changes are per the *Cooma Monaro Development Serving Plan 2011* and the *Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022*. Land and Housing has also agreed to pay relevant Section 64 charges. The breakdown of the fees are charges are:

Section 64:

- Water: 133 lots (exclusive of the 7 affordable housing lots) x \$7,999.48 per lot = \$1,063,930.84
- Sewer: 133 lots (exclusive of the 7 affordable housing lots) x \$8,419.58 per lot = \$1,119,804.14

Total Section 64 charges: \$2,183,734.98

Section 64 charges are payable prior to the issuing of the Subdivision Certificate as per Identified Requirement No.74.a.

Section 7.12:

- Development costs greater than \$200,000.00 have a contribution rate of 1% under the *Snowy Monaro Section 7.12 Local Infrastructure Contributions Plan 2022*.
- Total development cost of \$13,172,029.22 (after exclusions as per the contributions plan).
- 1% of the cost of works = \$131,720.29.
- Therefore, \$131,720.29 will be paid to Snowy Monaro Regional Council as S.7.12 development contributions.
- Section 7.12 contributions are payable prior to the issuing of the Subdivision Certificate as per Identified Requirement No.74.b.

Matter 6 – Consideration should be given to reconfiguration of lot layout which minimises cut and fill requirements and to maximise solar access to dwellings.

LAHC comment: The existing site slope ranges from 5% to 20%. The lot layout has considered the following design elements:

- Bulk earthwork design will achieve a maximum longitudinal grade of 10%.
- The subdivision pattern and street layout principles follow the natural topography to minimise cut and fill and a strong emphasis to provide lots with opportunities for visual access to the adjacent rolling landscape.
- Retaining walls within the lots are to be built as part of subdivision works to deliver cost-efficient lots and a consistent outcome for future purchasers (“affordability”).
- Typical lot sizes have widths ranging from 15m and lot depths of generally 30m which are suitable and market proven for high volume project home builders’ house designs to be constructed.
- Lots are mostly north-south oriented to maximise solar access. It is expected that dwellings will have a 1.8m side and 6m rear spacing between homes (minimum side setback of 0.9m and rear setback of 3m under Cooma-Monaro Shire Development Control Plan 2014 (Amendment 4) and Complying Development Codes) to ensure a desired level of solar access and cross ventilation to all properties.

Matter 7 – Notwithstanding the findings of the traffic impact assessment (TIA) consideration should be given to upgrading the Numeralla/Polo Flat and Yareen Road intersection. It is noted in the TIA the majority of traffic will travel via this intersection on a regionally classified road. Safety at this intersection is already of concern and additional traffic may lead to further safety concerns, safety improvements including BAL and BARs should be considered to ensure road safety outcomes.

LAHC comment: LAHC notes that Council believes a safety issue currently exists. Given this information, LAHC proposes to undertake a road safety review in conjunction with the detailed design of the Precinct 2 development and consult with Council on any findings. This is detailed at Identified Requirement No.75.

Matter 8 – Driveway access to Polo Flat Road (a regionally classified road) should be avoided and is generally not supported.

LAHC comment: At the meeting on 8 December 2022 Council accepted that the 8 proposed driveway crossings will have minimal impact considering the 16 driveways that were already in existence on the opposite side of Polo Flat Road.

Matter 9 – The use of perimeter roads is supported and should be considered on the Polo Flat Road side of the development.

LAHC comment: At the meeting on 8 December 2022 Council agreed to the proposed driveways off Polo Flat Road and hence no perimeter road is required. Further, the purpose of the perimeter roads along the Monaro Highway is to create physical separation between the road way and the dwelling houses to minimise noise impacts as well as to assist in providing an Asset Protection Zone for bushfire risk management. The design of a perimeter road along the Polo Flat Road is undesirable as it would lead to an unnecessary duplication of road ways and reduce the landscape quality along Polo Flat Road.

6.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, Snowy Monaro Regional Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development. By email dated 18 October 2022, LAHC requested Council to nominate any additional persons or property it considers necessary to be notified of the proposed. Council did not nominate any other agencies for notification, however did concur with a 'Scope of Notification' of properties proposed to be notified in coordination with the LAHC Community Engagement Team. Occupants of adjoining land were notified of the proposed development activity by letter box drops with a newsletter dated October 2022. Hand delivery of the notification newsletters was undertaken by local service 'Cooma Challenge' to the entire highlighted area as depicted in **Figure 14**. The proposal was also published in the local newspaper. Eight submissions were received. Most of the submissions supported the proposal. Key concerns included neighbourhood amenity, affordability, energy efficiency, accessibility, and availability of tradespersons. LAHC has considered and responded to each of the submissions individually.

The neighbourhood amenity by future dwelling construction has been considered in the subdivision lot layout, by designing larger lots that exceed the minimum lot area stipulated under the Cooma-Monaro LEP 2013, grading the sites to allow reasonably level parcels, new street tree planting and the design of a future community park. Access to quality open space within the Precinct is designed and LAHC will be consulting with Council on the design and construction of future pedestrian and cycle access ways outside of the Precinct to connect to existing schools and facilities.

The lots will be marketed and priced in accordance with the relevant sale guide data for the region.

The energy efficiency rates under the NatHERs and BASIX schemes for future dwellings at the Precinct will be dictated by the legislation at the time of design and construction of the individual dwellings. The construction contracts for future private dwellings are expected to be open and available to the construction industry within Cooma should they wish to secure a construction/build contract with the private market. In addition to notifying adjoining occupiers, LAHC conducted an information session on Tuesday 8 November 2022 at the Snowy Monaro Regional Library (corner of Vale St and Commissioner St). This was also attended by 3 LAHC Community Engagement staff, 2 LAHC development / project officers, 2 LAHC Planners and the LAHC Regional Development Director. Approximately 20 people from the community attended, who generally expressed support for the subdivision.

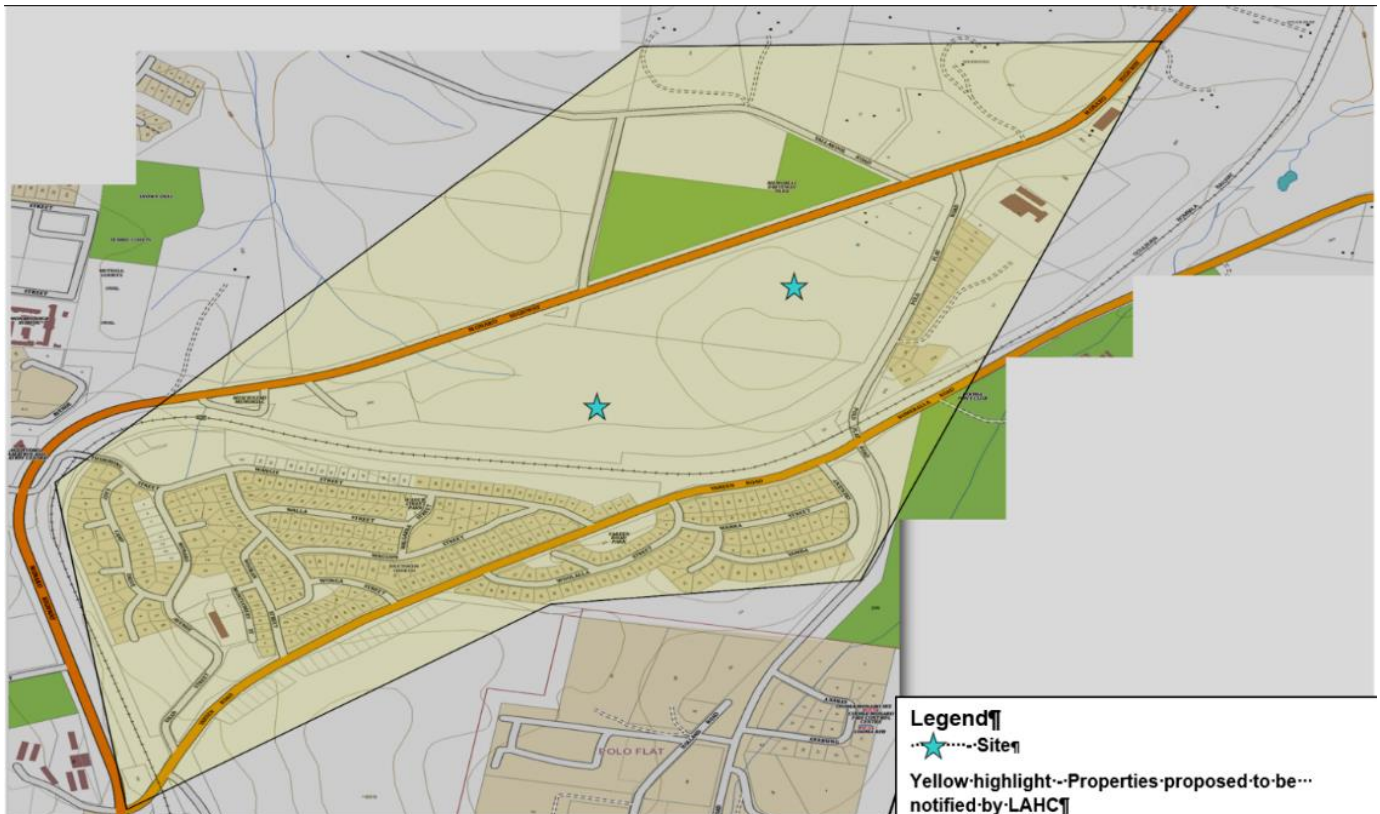


Figure 14 – Map of Properties Notified of the Proposed Development as highlighted in yellow

6.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council or the NSW RFS. The development involves connection to public roads and services and contains existing services and easements that are likely to be impacted by the proposed development. Relevant bodies are to be contacted as detailed below.

Table 11 Notification of Specified Public Authorities

Is consultation required under clauses 2.10 – 2.15 of the Infrastructure SEPP?		Comment
Are the works likely to have a substantial impact on the stormwater management services which are provided by Council?	Yes	Council must be notified.
Are the works likely to generate traffic to an extent that will strain the existing road system in a Local Government Area?	No	The proposed development is not considered Traffic Generating Development, see Section 5.2.12 .
Will the works involve connection to a council owned sewerage system? If so, will this connection have a substantial impact on the capacity of the system?	Yes	Council must be notified.
Will the works involve connection to a Council owned water supply system? If so, will this require the use of a substantial volume of water?	Yes	Requires consultation with Council.
Will the works involve the installation of a temporary structure on, or the enclosing of, a public place which is under local council management or control? If so, will this cause more than a minor or inconsequential disruption to pedestrian or vehicular flow?	No	
Will the works involve more than a minor or inconsequential excavation of a road or adjacent footpath for which council is the roads authority and responsible for maintenance?	No	
Are the works located on flood liable land?	Yes	The site contains areas that are mapped as flood affected.
If so, will the works change flooding patterns to more than a minor extent?	No	Works located on flood liable land consist of drainage and detention basins.
Is there a local heritage item (that is not also a state heritage item) or a heritage conservation area in the study area for the works? If yes, does a heritage assessment indicate that the potential impacts to the item/area are more than minor or inconsequential?	No	
Is consultation with other agencies required under clause 16 of the Infrastructure SEPP?		
Are the works adjacent to a national park, nature reserve or other area reserved under the <i>National Parks and Wildlife Act 1974</i> ?	No	
Are the works adjacent to a declared aquatic reserve under the <i>Fisheries Management Act 1994</i> ?	No	
Are the works in the Sydney Harbour Foreshore Area as defined by the <i>Sydney Harbour Foreshore Authority Act 1998</i> ?	No	
Do the works involve the installation of a fixed or floating structure in or over navigable waters?	No	
Are the works for the purpose of residential accommodation, an educational establishment, a health services facility, a correctional facility or group home in bush fire prone land?	No	This assessment is not for the provision of the listed uses, however, consultation with RFS was undertaken and LAHC has obtained a bushfire safety authority from the RFS.

Transport for NSW

A meeting was held between Stantec and Transport for NSW (TfNSW) on 5 August 2022 regarding stormwater infrastructure. TfNSW provided in-principle support to the proposal. TfNSW was contacted again by email on the 17 January 2023, and it was confirmed that further consultation will be undertaken at subdivision stage, aligning with issue of the Crown Works Certificate.

Essential Energy

Essential Energy (EE) was contacted by email on the 22 March 2022. EE responded by email on the 23 March detailing required distances to be provided from EE infrastructure as follows:

- The 11kV powerlines will require a clearance area of 20m, this will be 10m either side of the centreline of the powerline, based on there being no easement. If an easement exists, development must remain outside the easement area.
- 132kV standard clearance area for this type of construction is 45m or 22m either side of the centreline of the powerline.
- Easements may exist around the substation up to 50m or 60m of the boundary.

EE was contacted again via email on the 16 August 2022 to request comment on the proposed undergrounding of the 11kv powerlines along the Monaro Highway in Precinct 2. No response was received. The proposed residential lots are generally located clear of the above. Identified Requirement no.14 and no.77 require that the design comply and be certified to Essential Energy's specifications.

Rural Fire Service

The RFS was notified of the development by a letter dated 27 October 2022 in accordance with the requirements of Section 100B of the NSW Rural Fires Act 1997. LAHC is required to obtain a Bush Fire Safety Authority for the proposed subdivision of mapped bushfire prone land for a residential purpose. The RFS responded by letter dated 6 January 2023, included at **Appendix J**. The RFS response provided the bushfire safety authority approval for the subdivision works and the bushfire safety requirements made by the NSW RFS will be incorporated into the Identified Requirements no.13, 84 and 85.

7 Review of Environmental Factors

Environmental factors associated with the proposed activity have been considered in accordance with the provisions of the Housing SEPP and discussed in **Section 5.2.8** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below. The proposed activity being assessed under this REF extends only as far as the subdivision works and does not include the provision of individual houses or dwellings.

7.1 Visual Impact

Existing Environment



Figure 15 – Existing environment

The existing visual character surrounding the site reflects that it is an area in transition. The site itself is primarily grassland and is surrounded by low density residential development to the south and west. This transition includes a number of new interconnected and serviced low density residential subdivisions within the surrounding locality including East Cooma and Yallakool Road. The proposed subdivision will facilitate a low-density built form, which will be mainly defined by detached one and two storey residential dwellings. The proposed development is in keeping with the existing character of the residential area.

Section 6.2 - Gateways - of Cooma-Monaro DCP 2014 identifies the land that forms the gateway to Cooma, providing the town's first impression. Although the subject site is not mapped as being within the gateway precinct, the proposed development will be a significant visual feature on arrival to Cooma. Therefore, the provisions of Section 6.2 of the DCP have been considered.

Section 6.2.2 provides performance-based requirements for the Monaro Highway Gateway:

- All development shall provide its full parking requirement on site.
- Freestanding signage is limited to one (1) sign per lot.
- A larger front setback of 10 metres shall be observed for all new buildings.
- Landscaping shall be provided within the front setback.
- If a solid fence is used along the front boundary it shall be no higher than 1.2 metres.

Potential Impacts

Construction - During demolition/construction typical visual impacts associated with earthworks are expected, including stockpiling of materials, erection of construction fencing / hoarding and storage of machinery. All of these impacts are 'temporary' in nature and storage locations will be selected to minimise security and vandalism risk.

Operation - Following the completion of subdivision works, it is expected that the greatest visual impacts will occur from the installation of retaining walls, as well as from the future provision of housing (it is noted that future residential development will be completed subject to separate approval process/es). Surrounding residents and motorists will be the most effected, however landscaping accommodated by street tree planting, embellishment of public spaces and perimeter planting will all contribute to the amelioration of adverse visual impacts.

Mitigation measures

Design principles of the subdivision layout were created to respond to the dominant features of the site, including the frontage to the Monaro Highway, and the topography of the land.

The subdivision and road layout around the lower perimeters have been designed to provide an appropriate interface with the surrounding locality. The plan was designed to prohibit access from the Monaro Highway, while at the same time addressing the Highway to minimise visual impacts. The lot sizes provided across the site are of sufficient size that provision for parking can be provided within each property. A perimeter road on the highway side of the development will provide setbacks between the highway and future dwellings, therefore contributing to greater separation and amenity for both residents and passers-by. This internal road has the effect of creating a vegetated corridor to the southern side of the highway, providing opportunity for landscaping and signage to present a 'gateway' to Cooma, and to soften the visual impact of the proposed development. The detention basin that has been provided between Precincts 2 and 3 has been landscaped to provide a gap and visual relief in the manner in which the residential development addresses the Highway.

The future residential area that will be facilitated by this subdivision will differ visually from the current landscape. However, it is in keeping with the statutory intent for the site and is in compliance with the site-specific policy controls. Landscaping and orientation have been incorporated to address the visual impact.

7.2 Traffic, Parking and Transport

Existing Environment

The site currently has no existing formal road or pedestrian footpath access. Informal access to the site is available via Polo Flat Road, which is classified as a regional road by Transport for NSW. Polo Flat Road intersects with the Monaro Highway, a classified State road, to the north and Numeralla Road/Yareen Road, regional roads to the south. LAHC will be investigating the extension of the existing private operated *Cooma Coaches* bus route to service the proposed subdivision.

Potential Impacts

Construction - The Transport Impact Assessment (TIA) (**Appendix M**) has determined that the estimated construction traffic volumes are not expected to adversely affect the existing road network.

Operation - Parking and traffic impacts have been considered in the design of the road and lot layout. Measures to mitigate these impacts include:

- Intersection with Polo Flat Road has been placed at a high point to maximise the optimum view lines.
- The roads have been designed to accommodate buses and the new development will be serviced with a bus route.

From the analysis completed in the TIA it has been determined that the expected additional traffic from the proposed development will be readily managed within the existing capacity of the existing road network.

Mitigation measures

In terms of construction, a Construction Management Plan (CMP) is required as per Identified Requirement no.19, which will ensure that the development minimise adverse impacts to the existing road network and locality.

7.3 Flora and Fauna

A Flora and Fauna Assessment (FFA) was prepared by *Eco Planning* (2022) (**Appendix H**) to report on the ecological values present within the study area and potential constraints for future development. Specifically, this FFA has considered threatened species, populations, migratory species, and threatened ecological communities listed under *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *NSW Biodiversity Conservation Act 2016* (BC Act).

Existing Environment

A row of 29 trees is presently located within the site along the northern boundary. Although these are fenced within the neighbouring property, they are located within the legal boundary of the subject site. Otherwise, very little native vegetation occurs in the study area. Approximately 80% of the study area was dominated by the exotic grass *Eragrostis curvula*. Some native species were present, being mostly restricted to small patches within an area in the northeast of the study area (VZ1). This small area was approximately 0.68 ha; however, it was still dominated by *Eragrostis curvula*. The native species within VZ1, although not dominant, could be identified as conforming to the Plant Community Types “Wallaby Grass - Red-grass - Tall Speargrass - Kangaroo Grass dry tussock grassland” (PCT 1289). PCT 1289 has the potential to conform to a threatened ecological community (TEC) – Natural Temperate Grassland – however, this TEC was not present within the study area due to the dominance of the exotic grass *Eragrostis curvula*.

The FFA found no threatened species were present within the study area of Lot 2.

A BDAR prepared for the adjoining development at Lot 3 to the south showed the majority of Lot 3 was dominated by exotic grass. Approximately 0.7 ha were identified to form part of the PCT 1289, assessed as being in “moderate” state. In addition to the native vegetation communities, 1,184 *Leucochrysum albicans* var. tricolor plants were identified, as well as the potential for the Striped Legless Lizard. These species were not found in Lot 2. *Leucochrysum albicans* var. tricolor and Natural Temperate Grassland are protected as threatened entities under the EPBC Act.

Potential Impacts

The FFA found no threatened species were present within the study area. Both BC Act and EPBC Act significant impact assessments were completed for each threatened species (where required), and it was found that the proposed development would not have a significant impact on any species. The FFA concludes that no significant impacts would come about due to the proposed development, and that entry in the NSW Biodiversity Offsets Scheme would not be required. Therefore, assessment of these impacts could be adequately assessed via the FFA.

The proposed drainage and sewer works will impact the root zones of 29 existing exotic species of trees along the north boundary of Precinct 2. These trees are proposed to be removed. The accompanying Tree Assessment confirms these trees are various *Cupressus* species, predominantly *Cupressus sempervirens*. The trees are an aging stand, and some have declined and/or are dead, and individually are not of significant landscape value.

The proposed works within Lot 3 (access roads, drainage, sewer, earthworks and bushfire protection Asset Protection Zone management) have the potential to impact the threatened species located by the BDAR

assessment. The fire trail and APZ have been re-designed during the assessment of this activity to mitigate impacts on these threatened species. These measures are outlined below.

Mitigation measures

The mitigation measures recommended in the FFA to minimise the impact of a proposed development on the flora and fauna of the study area are summarised below:

- Prior to felling, trees should be inspected for nesting birds.
- Prepare and establish an Erosion and Sediment Control Plan prior to any works commencing.
- Appropriately treat and dispose of any exotic flora present within the study area.
- Carefully drain the artificial dam under the supervision of a suitably qualified ecologist and relocate any native fauna to a nearby, permanent, waterbody.
- All non-native flora should be disposed of at an appropriate waste management facility.
- An unexpected finds protocol has been included in the mitigation measures and by Identified Requirement no.53.

Additionally, during the assessment of this activity and the preparation of a BDAR for the southern Precinct 3, threatened species were identified on Precinct 3. The threatened species impacted on the design of the proposed fire trail and APZ location on Precinct 3 that benefits and are included in the scope of works for Precinct 2. The location of the threatened species is shown at **Figure 5** in purple and yellow shading. To ensure that the proposed development of Precinct 2 does not adversely impact on these threatened species, the fire trail has been re-designed to swing north of the mapped species and the APZ has been reduced to exclude the mapped area. With these mitigation measures, the Precinct 2 scope of works will not adversely impact on the existing threatened species.

7.4 Heritage (European / Indigenous)

Existing Environment

Searches were undertaken of Local, State and National Heritage registers. These show that no item of European heritage is located on or in close proximity to the site.

Aboriginal Heritage

An Aboriginal Due Diligence (ADD) Assessment was prepared by *Lantern Heritage* (2022) (**Appendix E**). The assessment found that the archaeological potential of the study area is low-moderate, with some areas of very low archaeological potential on the eroded soils of the hill slopes. Based on the results of the survey, proposed works at Polo Flat Road, Cooma, are unlikely to harm Aboriginal artefacts.

The colluvial deposit at the base of the slope in Precinct 3 retains the highest archaeological potential of any portion of the study area and representatives from Merriman's LALC believe there is some potential to harm Aboriginal artefacts in this area.

Recommendations from the ADD Assessment are included as mitigation measures, as well as a 'no-go' area identified within Precinct 3.

Mitigation Measures

Identified Requirement no.52 has been applied should any cultural heritage relics be discovered on the site during excavation / construction that all works must cease and the Department of Planning and Environmental shall be contacted.

Proposed works across the study area, in both Precinct 2 and 3, may proceed with caution as stated in the Aboriginal Due Diligence (ADD) Assessment was prepared by *Lantern Heritage* (2022) (**Appendix E**).

7.5 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Site Investigation Report, prepared by *ACT Geotechnical Engineers* (**Appendix K**) produced the following conclusions:

- The subsurface conditions consist of silty sand topsoil overlying silty sandy clays. The topsoil is present to depths of 0m to .3m. Natural silty clays underlie the topsoil with extremely-to-highly weathered basalt below 0.4m/>1.5m; and
- Groundwater was not encountered in the boreholes, and the soils were mostly dry to moist. Permanent groundwater is not expected within at least 5m depth of the existing ground surface levels. However, temporary, perched seepages could be encountered following rainfall within the more pervious soils.

Contamination

A Detailed Site Investigation was undertaken by *Lanterra Consulting* in October 2022 (**Appendix K**). Based on the results of the investigation and the current setting of the site, *Lanterra* concludes that the site is currently suitable for the land uses permitted under the R2 Low Density Residential zoning from a contamination perspective, including proposed future residential development.

Salinity / Asbestos

A review of the NSW SEED and eSPADE mapping on the 5 September 2022 show the site is not affected by naturally occurring asbestos or salinity.

Mitigation Measures

Identified Requirement no.51 has been recommended to cover the possibility of discovering unexpected site contamination during demolition / construction works. Sediment control measures will be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).

7.6 Drainage / Flood Prone Land / Hydrology/ Water Quality

A Flood Study prepared by Cooma-Monaro Regional Council shows the 1% AEP flood depth and levels for the existing overland flow path and a small basin within Precinct 2 (Lot 2 / DP 1285072). Overland flows from Precinct 2 discharge to the existing swale within the southern verge of the Monaro Highway.

The proposed development will increase stormwater runoff due to an increase in impervious area. Two new detention basins and a new swale have been designed to capture and attenuate the peak runoff from the development prior to discharging to the existing swale within the southern verge of the Monaro Highway. Therefore, the post-development 1% AEP peak flows from the site will be less than or equivalent to the pre-development level.

Water quality impacts of the proposed development have been analysed using MUSIC analysis software and a combination of swales, detention basins and proprietary products have been appropriately designed for the drainage network to achieve the required water quality targets.

Mitigation Measures

Drainage should be provided behind all retaining walls, and subsoil drains should be installed along the upslope sides of access roads. Identified requirements have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

7.7 Bushfire Prone Land

The site is mapped as being Bushfire Prone Land containing bushfire Category 3 Vegetation.

A Bushfire Protection Assessment (BPA) was undertaken by *Australian Bushfire Protection Planners* (**Appendix F**). This report confirms the site contains grassland vegetation, and concludes that:

- With the provision of the Asset Protection Zones as recommended in Section 5 of the BPA report, the proposed lot layout provides a safe development in accordance with Planning for Bushfire Protection 2019;
- Hazard management can be undertaken of the landscape in accordance with the prescriptions of Appendix 4 of Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's – 'Specifications for Asset Protection Zones';
- The design/construction of the proposed residential subdivision adequately addresses the requirements of Planning for Bushfire Protection 2019 in respect to:
 - The provision of setbacks [APZs] from bushfire prone vegetation;
 - Access for fire-fighting operations;
 - Water supplies for fire-fighting operations;
 - Landscape Management;
 - Construction standards to future buildings [non required]; and
 - Emergency management.

Mitigation Measures

A temporary APZ and fire trail access road has been created under the provisions of a Section 88B Instrument (Conveyancing Act 1919) and registered with the NSW Land and Registry Services. This is to benefit the subject site, Precinct 2, to allow the proposed lots in the subdivision to be provided with a suitable and managed APZ and emergency fire trail access road for bushfire protection purposes. This APZ and fire trail over Precinct 3 is only temporary and is required by the Section 88B Instrument terms and Identified Requirements within this Activity Determination to be in place until such a time that a subdivision plan / certificate is registered for the Precinct 3 development. The temporary nature of the APZ and fire trail is to afford Precinct 2 with suitable bushfire protection measures whilst Precinct 3 is undeveloped.

Once Precinct 3 is developed the bushfire risk to Precinct 2 is minimised and the temporary easements could be extinguished. Additionally, during the assessment of this activity and the preparation of a BDAR for the southern Precinct 3, threatened species were identified on Precinct 3. The threatened species impacted on the design of the proposed fire trail and APZ location on Precinct 3 that benefits and are included in the scope of works for Precinct 2. The location of the threatened species is shown at **Figure 16** in purple and yellow shading.

To ensure that the proposed development of Precinct 2 does not adversely impact on these threatened species, the fire trail has been re-designed to swing north of the mapped species and the APZ has been reduced to exclude the mapped area of threatened species. The revised bushfire protection assessment report prepared during the assessment of this activity (**Appendix F**), includes changes to the APZ distances from 50m to 19m in a small pocket over Precinct 3 and bushfire attack level ratings for 5 properties in the "E"

lots along the southern edge of Precinct 2 being increased to either BAL12.5 or BAL19 construction standards, as shown at **Figure 16**. The reduction in the APZ creates an exclusion zone around the threatened species which will avoid adverse impacts of clearing the species. With these mitigation measures, the Precinct 2 scope of works will not adversely impact on the existing threatened species.

The BPA recommendations have been incorporated at Identified Requirement No.1 specialist reports and the NSW RFS required conditions provided in the Bushfire Safety Authority letter have been included at Identified Requirement No.13.

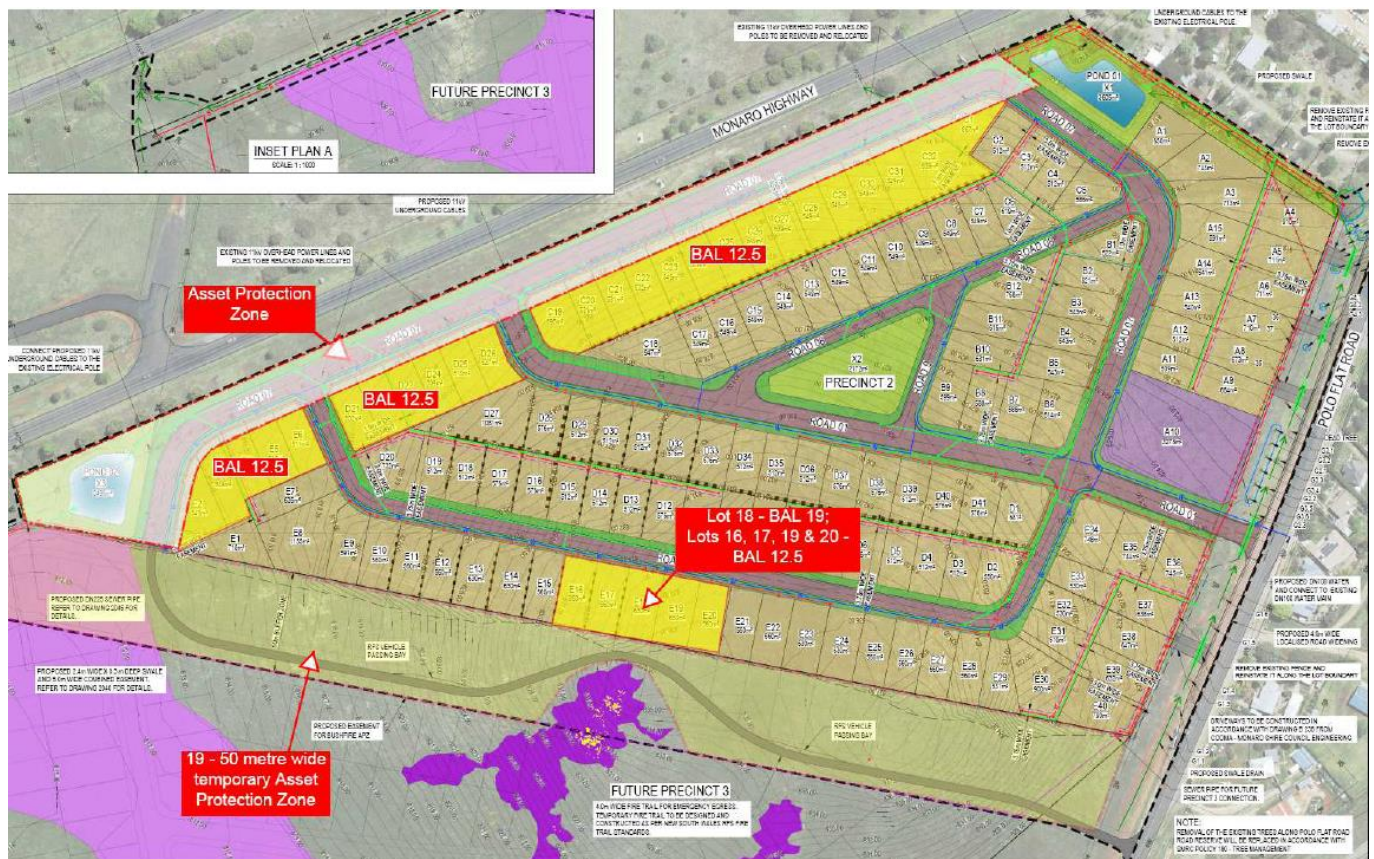


Figure 16 – Bushfire Attack Level ratings and APZs.

7.8 Noise and Vibration

Existing Environment

The site is located between the Monaro Highway and Polo Flat Road, approximately 2.7km from the Cooma town centre and approximately 1km north of the Polo Flat industrial precinct. The acoustic environment at this location would clearly be dominated by traffic along the Monaro Highway, as well as Polo Flat Road which is an approved B-Double route servicing the industrial area. The area surrounding the site is predominately comprised of a mix of residential and rural farmland, with the most sensitive receivers located to the east and south of the site.

A Traffic Noise Assessment has been undertaken by *Todoroski Air Sciences* (2022) (**Appendix L**). A screening level test for road traffic noise impacts from the nearby roadways (Monaro Highway and Polo Flat Road) was conducted as per the screen tests in the Interim Guideline, Development Near Rail Corridors and Busy Roads (NSW Department of Planning, 2008). The screen tests apply only to areas of a development which are

exposed to traffic noise, and which have a direct line-of-sight. The test indicates that for dwellings located along the Monaro Highway, acoustic mitigation measures would be required for residential dwellings. For dwellings along Polo Flat Road, no acoustic treatment is required.

Potential Impacts

Construction - During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours prescribed under former Department of Environment, Energy and Science guidelines and/or in accordance with the local Council requirements.

Occupation - Noise generated when the proposed development is completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

It is expected that future dwellings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia with respect to noise transmission.

Mitigation Measures

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

Dwellings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia and EPA criteria with respect to noise transmission, to be subject to further assessment at dwelling approval stage.

Appropriate Identified Requirements have been applied to ensure compliance with the above mitigation measures.

7.9 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the excavation of the site and, proposed subdivision and earthworks as well as future construction of dwellings.

Mitigation Measures

Appropriate Identified Requirements have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

7.10 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

Construction - Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled.

Occupation - This assessment is for the subdivision works only. There will be no foreseeable ongoing waste management requirements following the completion of this scope of the works. The road layout has been designed and sized appropriately to accommodate access by waste collection vehicles. Future residential waste management will be considered during the design process for the residential dwellings.

Mitigation Measures

Appropriate Identified Requirements are recommended to ensure construction waste is appropriately managed and disposed of and the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

7.11 Resource Use & Availability

The proposed activity is not likely to result in any discernible depletion or degradation of natural resources. The likely materials and resources for road surfacing and concrete associated with the proposed works are expected to involve:

- Asphalt (New roads and road widening) – approximately 16,574m² (assumed 25mm thick) / approximately. 415m³.
- Concrete - Driveways & footpaths – approximately 636.5m² (assumed 300mm avg thickness) and 3427.4m² (assumed 100mm avg thickness) / approximately 540m³.

7.12 Community / Social Effects

As identified throughout this report, it is considered that the proposed development will generate several positive community and social effects.

The proposed development will:

- assist LAHC in meeting its significant, long-standing and continually growing demand for social housing in the Snowy Monaro local government and surrounding areas;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- provide new housing supply and opportunity for the current and future residents of the LGA.

7.13 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Snowy Monaro local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where appropriate;
- the local sourcing of tradespeople and other construction-related professionals, where available; and
- on-going consumption from new/ additional households.

7.14 Cumulative Impact Assessment

A number of other subdivision works have been proposed / approved within the site's vicinity. These are primarily located along the south side of Yallakool Road. Additionally, concept plans have been developed for

the new Cooma Cemetery on Numeralla Road to the site's southeast, and for the Cooma Sports Hub project on Yarra Street to the north of the Precinct.

There is potential for cumulative impacts to occur in the event of concurrent development. This would largely be limited to construction traffic on the local road network and may result in an increase of noise emissions and air quality impacts, particularly during the specific construction phases of each project. However, the severity of these cumulative impacts will be dependent on the number of works that are undertaken at one time and their proximity to the subject site. Cumulative effects in construction are not expected to be significant and will be negligible once construction works have been completed.

The future provision of housing is likely to have a cumulative impact on local traffic. This has been addressed at **Section 7.2**.

8 Conclusion

8.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental features and that there are no key issues that have been identified that require further assessment.

A key environmental constraint that arose during the assessment of the activity was the mapped threatened species over the southern Precinct 3 that is located within the original location of the proposed fire trail and APZ to benefit Precinct 2. During the assessment of the activity, the scope of works over Precinct 3 for the benefit of Precinct 2 have been re-design by relocating the temporary fire trail further north towards the Precinct 2 boundary and reducing the extent of the APZ over Precinct 3 in the locality of the mapped threatened species to essentially create an exclusion zone and avoid the clearing of the threatened species. A positive environmental outcome is achieved by the re-located temporary fire trail and the reduced APZ from the initially proposed 50m run to a 19m run for several of the “E” lots along the southern boundary of the Precinct 2 site. The reduction of the APZ from 50m to 19m does result in a higher Bushfire Attack Level for several properties as shown mapped at **Figure 16** and within **Appendix F**.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. In this regard, it should be noted that following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is considered to be consistent with the relevant objectives and standards set out in the Housing SEPP, Transport and Infrastructure SEPP and Cooma-Monaro LEP 2013.

In addition, and as demonstrated by the assessment undertaken in this REF, the proposed activity will have minor environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, and importantly, will have a number of positive environmental, economic and social effects as the development will introduce new landscaping and trees at the site, add construction stimulus to the area and provide much needed new housing supply and opportunity to the area.

Finally, the proposed development will enable LAHC to meet the increasing demand for social and affordable dwellings in the local area and also the private market. Therefore, the proposed development is considered to be in the public interest.

9 Recommendations

Given the above Review of Environmental Factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements.

APPENDIX A – SUBDIVISION / CIVIL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – SECTION 10.7 PLANNING CERTIFICATES

APPENDIX D – SITE SURVEY

APPENDIX E – ABORIGINAL DUE DILIGENCE ASSESSMENT

APPENDIX F – BUSHFIRE PROTECTION ASSESSMENT

APPENDIX G – CONTAMINATION REPORT

APPENDIX H – FLORA AND FAUNA ASSESSMENT

APPENDIX I – LOT TITLING HISTORY

**APPENDIX J – NOTIFICATION (SCOPE, NEWSLETTER, COUNCIL/RFS NOTIFICATION,
COUNCIL/RFS RESPONSE)**

APPENDIX K – SITE INVESTIGATION (GEOTECHNICAL) REPORT

APPENDIX L – TRAFFIC NOISE ASSESSMENT

APPENDIX M – TRANSPORT IMPACT ASSESSMENT

APPENDIX N – TREE ASSESSMENT