

Statement of Environmental Effects

Polo Flat Road Cooma

50522046



Prepared for
Merrimans Local Aboriginal Land Council

23 December 2022



**New South Wales
Aboriginal Land Council**



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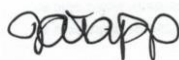
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Executive Summary

Cardno, now Stantec, has been engaged by the Merrimans Local Aboriginal Land Council (LAHC) to prepare a Statement of Environmental Effects for land described as Polo Flat Road, Cooma, being Lot 3 in DP1285072.

The subject site consists of approximately 14.05 ha of vacant land zoned R2 Low Density Residential located in East Cooma.

The proposed development involves the subdivision into one hundred and fifty-one (151) residential lots, one (1) public reserve lot and a drainage reserve lot and includes the construction and dedication of the proposed public roads. Precinct 3 forms part of a larger masterplanned greenfield residential subdivision, comprising 26.4 hectares of undeveloped R2 zoned land on the fringe of the Cooma township currently being used for agricultural purposes. The site, once developed, will provide low-density residential development, as well as future seniors living housing, social and key worker housing and public recreation. Precinct 2 has been assessed separately under Part 5 of the Environmental Planning and Assessment Act. This assessment supports the Development Application (DA) submission for Precinct 3.

This SEE has considered the various characteristics of the site and provides an assessment of the proposed development in accordance with the matters for consideration in Section 4.15 of the Environmental Planning & Assessment Act, as well as the provisions of the *Cooma-Monaro Local Environmental Plan 2013* and the *Cooma-Monaro Shire Development Control Plan 2014*.

The site contains a drainage depression within the north-western corner, is identified as being bush fire prone containing Vegetation Category 3 and is identified as having groundwater vulnerability. A bushfire assessment has been undertaken and is discussed in **Section 4.2.8**. A Flood Study prepared by Snowy-Monaro Regional Council shows the site is affected by flooding which is addressed at **Section 4.2.9**.

The proposed development will involve the removal of small areas of native vegetation and trees. A Biodiversity Development Assessment Report has been prepared for the site as discussed in **Section 4.2.5**. The BDAR finds that the proposed impact is to be referred to the Minister for the Environment as a Matter of National Environmental Significance under the Commonwealth Environment Protection and Biodiversity Conservation Act and will potentially require offsetting under the NSW Biodiversity Conservation Act.

The proposal is compliant with relevant State and local legislation and policy, and the development aligns with the overall objectives of the land use zoning.

The development will have positive socio-economic impacts for the region, achieved through job creation during construction of the subdivision and future new 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 application is also accompanied by supporting documents which support the undertaking of the proposed development and on this basis Council's approval is sought.

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1 The Site

1.1 Site and Surrounds

The subject site constitutes the second stage of a three-precinct development expansion for the locality, and is identified as Precinct 3. The overall development will incorporate the subject site (Lot 3) and the lot to the northeast (Lot 2).

The site is 14.05 ha in size and is legally identified as Lot 3 in DP1285072. The site is located to the north east of Cooma Town Centre, between the Monaro Highway to the northwest and Yareen Road to the southeast.

Vegetation on the site is predominantly grassland. A number of shrubs are located at the western extent of the site as well as street trees located along the Monaro highway road reserve. Topographically, there is a high point/ridgeline along the eastern boundary and the site slopes away from this point to the north, south, and west. The detailed survey undertaken by ACT Survey dated 26 April 2022 shows that there is an existing overland flow path located within the north-western part of the Precinct 3 development area.

Access to the site is currently available through 'Precinct 2' to the north, or through the electrical substation to the west, from the Monaro Highway and via the access road to the transmission lines.

Polo Flat Road is classified as a regional road by Transport for NSW and intersects with Monaro Highway, a classified State road, to the north and Numeralla Rd/Yareen Rd identified as regional roads, to the south.

The surrounding area is characterised by residential development to the south and rural land to the north, east and west. Other surrounding development includes the Polo Flat industrial area located approximately 1km to the south, Monaro High School 1km to the west, Cooma Race Club (thoroughbred racing) to the east and Cooma airport 17km to the southeast. An electrical substation adjoins the site to the west, with another located on the opposite side of the Monaro Highway, adjacent to the Memorial Drive Park. An electrical transmission line runs in an east west direction along the site's southern boundary to Polo Flat Road. The historic Cooma Monaro Railway runs in an east west direction beyond the transmission lines. Cooma town centre is located approximately 3km to the southwest of the site.

Neighbouring residential development comprises low density detached dwellings, of varying age and scale. Recent development has occurred around Monaro Avenue and the eastern end of Thurrung Street in East Cooma immediately south of the site, and to the north of the site along the southern side of Yallakool Road.

The adjoining site to the northeast (Lot 2 / Precinct 2) is owned by Crown Land NSW, to be acquired by Land and Housing Corporation (LAHC) in early 2023. Precinct 2 will be delivered via a separate and concurrent approval pathway under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Cooma is a regional centre providing business, retail and entertainment uses. It serves a significantly larger population during peak tourist times, particularly the winter ski season. Cooma also contains major social infrastructure such as schools, hospital, library, supermarkets, banks as well as other supporting services.



Figure 1-1 Aerial image of the site (Source: Metro Map 2020)



Figure 1-2 Precinct 3 as viewed from the south

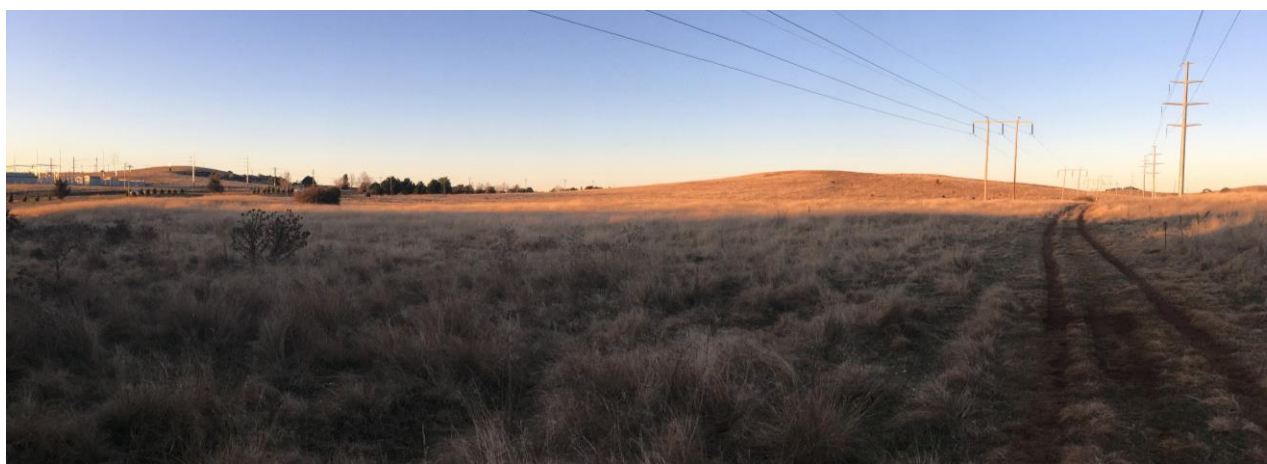


Figure 1-3 Precinct 3 as viewed from the west



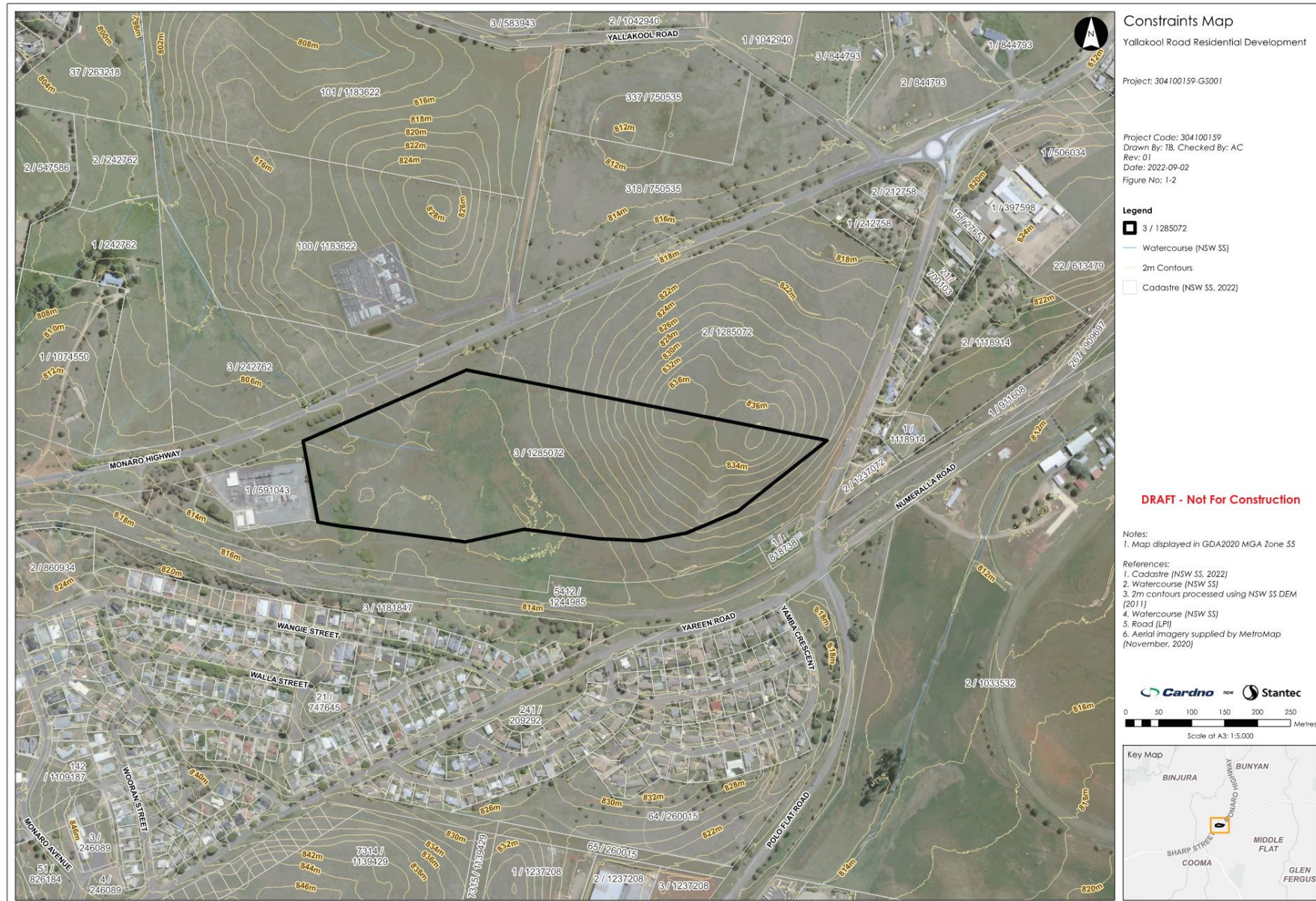
Figure 1-4 Precinct 3 as viewed from the Monaro Highway



Figure 1-5 Surrounding new development in Cooma East



Figure 1-6 Adjoining Precinct 2 site as viewed from the Monaro Highway, looking south-west



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Figure 1-7 Constraints Map (Cardno 2022)

1.2 Constraints

A review of online mapping and Councils Section 10.7 Planning Certificate (1894/22) indicates that the land is not significantly constrained. Snowy Monaro Regional Council (SMRC) has **no record** that the land is affected by the following: wetlands, drinking water catchment area, land acquisition, contaminated land, land slip/geotechnical constraints. There is no item of environmental heritage situated on or near the site and the land is not located in an environmental conservation area. The site is not reserved for acquisition, nor affected by any road widening.

The entirety of the site has been identified as being bushfire prone containing Vegetation Category 3 and is also identified as 'Groundwater Vulnerable' as well as containing a drainage depression from within the site draining towards the western end of the Monaro highway. A bushfire assessment has been undertaken and is discussed in **Section 4.2.8**. A Flood Study prepared by Snowy-Monaro Regional Council shows the site is affected by flooding which is addressed at **Section 4.2.9**.

The site contains easements for overhead powerlines, sewer and transmission lines. A temporary easement is being created along the northern border of this site, along the boundary with Lots 2 to allow for access, servicing and asset protection zones to the proposed subdivision of Lots 2 and 4 DP1285072. Details of the proposed easements accompany this application.

Vegetation

The site contains native groundcovers and nearby street trees. A Biodiversity Development Assessment Report (BDAR) assessment has been prepared for the site, and is discussed in detail in **Section 3.6**.

The majority of the subject land was dominated by the exotic grass *Eragrostis curvula* (African Lovegrass). Approximately 0.7 ha were identified to form part of the PCT 'Wallaby Grass - Red-grass - Tall Speargrass - Kangaroo Grass dry tussock grassland' (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. *L. albicans* var. *tricolor* and Natural Temperate Grassland are protected as threatened entities under the EPBC Act. These will be impacted by the proposed total clearing of the site as part of the development.

Surveys for the Striped Legless Lizard have not yet been completed. If a population of this species is found to be present within the subject land, the BDAR assessment of impacts will be amended to reflect the results.

1.3 Local and Regional Housing Context

Housing affordability and the availability of diverse forms of 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 low-medium income earners. While some of these affordability and availability issues are likely to be attributed to the Snowy 2.0 renewable energy project, it is important they are addressed comprehensively in a strategic nature.

Increasing supply and diversity in housing is unlikely to be a 'silver bullet' for these issues. Although strategically greater supply should 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.

The definition of housing stress is generally accepted as households 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 than 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 Regional Council recorded the highest price growth in regional NSW. Additionally, there is a well reported shortage of rental housing, for both permanent residents and itinerant 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, 95% of these were 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 on the 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 right 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 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 and broader market intelligence and research by LAHC has confirmed housing demand to be a range of mid-range lot typologies to meet the market, and support delivery of fit for purpose social and affordable housing.

2 Development

2.1 Background

The Polo Flat Road development is a new proposed residential subdivision within Cooma, NSW. Development of Lot 2 / Precinct 2 will be undertaken by the Land and Housing Corporation (LAHC), while Lot 3 / Precinct 3 will be owned and managed by Merrimans Local Aboriginal Land Council (LALC), with LAHC currently acting for Merrimans to achieve planning approval for the Development Application.

This application is specifically for the subdivision of Precinct 3 (Lot 3) as depicted in **Figure 2-1** and **Appendix A**. Stage 3 proposes the creation of 151 residential lots; one (1) public reserve lot and a drainage reserve lot with associated landscaping, construction and dedicated public roads and subdivision works.



Figure 2-1 Precinct Plan

2.2 Vegetation Removal and Earthworks

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

- > Cut: 45,763.112m³
- > Fill: 51,342.759m³
- > Material to be imported: 5,579.648m³

Vegetation in the form of grasses and ground cover will be removed across the site. Thirteen shrubs on the western edge of Precinct 3 are proposed to be removed as discussed at **Section 4.2.5**, to accommodate drainage and road works. No tree removal within the Monaro Highway road reserve is proposed, nor along the substation boundary.

2.3 Roads and Access

2.3.1 Road layout and description

The site will be connected to the existing road network through a proposed intersection with Polo Flat Road and proposed Road 07A. Proposed Road 07A is a collector road and will provide access to the site from Polo Flat Road, as well as connect to the proposed Road 07 in Precinct 2. The remaining lots within Precinct 3 will be serviced by local road typologies.

The collector road will have a 20m road reserve with a 10m carriageway, while the local roads will have a 15m road reserve with a 7m carriageway.

2.3.2 Pedestrian access

A 1.2m wide pedestrian footpath will be installed throughout the site as follows:

- > northern side of Road 07A,
- > southern side of Road 06,
- > western side of Roads 03, 04, and 05, and
- > the entirety of Road 02.

2.4 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 by the developer (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,
- > 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. Retaining walls will be provided to 12 lots within the F sub-precinct, ranging in height from 0.14m to 1.2m high.



Figure 2-2 Typical retaining wall elevations

2.5 Stormwater

Stormwater drainage will primarily be directed to the stormwater detention basin on the western side of Precinct 3. This has a surface area of 2,445m² and will detain stormwater flows before discharging to the existing stormwater network at flow rates below the maximum required by Council. The proposed swale along the southern verge of Road 02 is 5m wide and 1m deep. The swale was designed to carry to 4.33m³/s peak flow from the existing upstream catchment during 1 in 100 year storm event. The proposed swale west of Pond 3 is 6.4m wide and 0.9m deep. The swale was designed to carry up to 6.35m³/s from the existing upstream catchment during a 1 in 100 year storm event.

Stormwater from the residential lots will be conveyed to the detention basins via the proposed roads, grass swales, and interallotment drainage (IAD) systems.

Where lots are graded towards their rear, interallotment drainage will be installed with an easement established within the respective lot. The stormwater easements shall be either 2m wide when stormwater is the only service, or 3m wide when it is combined with an interallotment sewer system.

Future dwellings on individual lots will manage stormwater through residential development controls, which may include 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.

Stormwater runoff from the Precinct 3 development will be captured by the proposed drainage network and discharged to the proposed Pond 03 prior to discharging to the existing DN1200 stormwater culvert under Monaro Highway. For further details, see the stormwater concept plan within the Civil Plans (**Appendix A**).

2.6 Utilities

The site will be fully serviced with water, electricity, sewer, gas, and telecommunications. Where the sewer infrastructure is to be installed within residential lots, a 3m easement shall be established over the utility to protect it and allow Council access in the future if required.

2.7 Landscaping and Public Amenity

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

The two (2) public reserve/drainage reserve lots will each be planted with new trees to provide additional landscape amenity and promote biodiversity connections.

2.8 Subdivision

The proposed development will comprise 151 residential lots ranging in size from 510 - 910m², associated roads and subdivision works, as well as one (1) public reserve lot and one (1) drainage reserve lot with incorporated greenspace.

The subdivision layout is pictured at **Figure 2-3** as well as **Appendix A**.



Figure 2-3 Subdivision layout of Precinct 3

2.9 Land Titling

The proposal is for a Torrens title subdivision. All resultant lots will be created under Torrens title.

2.10 Land Dedication

Upon completion of civil and embellishment works and registration of subdivision, it is intended that the public reserve and drainage reserve lots be dedicated to Council.

The proposed detention basin area is designed to be low maintenance with the detention basin and swales occupying the majority of the lot area and appropriate planting will be installed to minimise exposed grass areas minimising ongoing maintenance.

Proposed Lot Z1, being the future public reserve is 4,346m² in size, and will provide recreational space for future residents.

2.11 Bushfire Management

Bushfire risk for the site is being managed through the implementation of a minimum 18m wide APZ along the southern, western, and northern boundaries of the site. Additionally, a 10m wide APZ will be implemented within the south-eastern side of proposed Lot F27. Furthermore, structures within Lots F26, F27, H1-H20, I6, I7, J13, J14, K10-K15, K1-K4, J1-J4, and I1-I3 will be required to be constructed to bushfire construction standard BAL12.5.

2.12 Accompanying Documentation

The development application is accompanied by the following documentation lodged at the time of the original submission or in response to later requests for additional information:

- > Civil Plans by Cardno, now Stantec, dated 9 November 2022;
- > Site Survey by ACT Survey dated 4 October 2022;
- > Landscaping Plans by Cardno, now Stantec, dated 9 November 2022;
- > Biodiversity Development Assessment Report, EcoPlanning, dated 14 December 2022,
- > Bushfire Report by Australian Bushfire Protection Planners dated 5 October 2022;
- > Aboriginal Due Diligence Assessment by Lantern Heritage dated October 2022;
- > Detailed Site Investigation by Lanterra Consulting dated 11 October 2022;
- > Transport Impact Assessment by Cardno, now Stantec, dated 21 October 2022;
- > Traffic Noise Assessment by Todoroski Air Sciences dated 11 October 2022;
- > Geotechnical Investigation by ACT Geotechnical Engineers dated 11 October 2022;
- > Cost Summary Report dated 23 November 2022,
- > Titling history and proposed easements.

3 Regulatory Framework

3.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the legislative framework for the assessment and approval of the proposed development. Section 1.3 to the EP&A Act specifies the objects of the Act for all development. The objectives applicable to the proposed development include:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (c) To promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed subdivision and residential development will have beneficial impacts to the Snowy Monaro LGA by promoting the social and economic welfare of the community through the creation of additional housing and contributing to the viability of existing and future centres.

The development promotes the orderly and economic use of land by providing housing development in the context of the broader Snowy Monaro region.

3.1.1 Integrated Development

Section 4.46 of the EP&A Act identifies development that would be classified as 'integrated development'. Integrated development is development that requires consent and approval from additional legislation beyond the EP&A Act.

Additional NSW Legislation that applies to this development, requiring concurrence from government agencies, includes:

- > Roads Act 1993
- > Rural Fires Act 1997
- > Water Management Act 2000

An assessment against the above Acts and other relevant legislation is provided below.

3.2 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 proposed subdivision will provide a network of local access roads connecting with Polo Flat Road at the eastern boundary. For any works within Polo Flat Road, an approval will be obtained via a Section 138 Application to Council.

The impacts of the proposal on the local road network are discussed in the traffic assessment.

3.3 NSW Bushfire Legislation

Section 4.46 of the EP&A Act requires a bushfire assessment of residential development proposals on bushfire prone land following the process and methodology set out within Section 100B of the *Rural Fires Act*

1997 (RF Act), Clause 44 of the *Rural Fires Regulation 2008* (RF Regulation) and the NSW Rural Fire Service (RFS) document *Planning for Bushfire Protection 2006* (PBP).

The proposed subdivision site is located within bushfire prone land and as such is affected by this legislation. Consequently, this application will trigger the integrated development requirements under Section 4.46 of the EP&A Act and will require concurrence from the NSW RFS. The proposal considers the threat of bushfire in its subdivision design, appropriately managing the threat from bushfire through the use of APZs and perimeter roads. Further discussion regarding the bushfire threat and associated mitigation measures is addressed in the accompanying Bushfire Protection Assessment, as outlined at **Section 4.2.8**.

3.4 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.

An Aboriginal Due Diligence (ADD) Assessment has been prepared by Lantern Heritage. The assessment found that archaeological potential of the study area is low to moderate, and the proposed works are unlikely to harm Aboriginal artefacts.

The report recommends that:

- > the proposed works across the study area may proceed with caution; and
- > monitoring should be carried out by a representative of Merriman's LALC, during works that disturb the ground surface in the area of the colluvial deposit at the base of the slope in Precinct 3, as a way of mitigating any potential harm to Aboriginal cultural heritage values.

3.5 Water Management Act 2000

The Water Management Act 2000 (WM Act) regulates certain activities in, on or under waterfront land.

The detailed survey undertaken by ACT Survey dated 26 April 2022 shows an existing overland flow path / natural watercourse located within the north-western part of the Precinct 3 development area. This application involves the carrying out of works within 40m of this drainage depression, including the realignment of the overland flow path. Therefore, this application is considered Integrated Development under Section 4.46 of the EP&A Act.

As discussed in greater detail at **Section 2.22.5**, stormwater runoff from the existing catchment upstream and within Precinct 3 flows towards this natural watercourse prior to discharging to the existing DN1200 stormwater culvert under Monaro Highway north of the site.

A new swale or catch drain was designed from south of Road 2 to west of Pond 03 to capture runoff from the existing catchment upstream of Precinct 3. The proposed swale will discharge to the existing DN1200 stormwater culvert under Monaro Highway.

3.6 Flora and Fauna

The *Environment Protection and Biodiversity Conservation (EPBC) Act* and the *Biodiversity Conservation (BC) Act* are the leading pieces of biodiversity legislation at the Federal and NSW levels respectively. The vegetation on site, as described in **Section 1.2** comprises a mixture of native and exotic grasses, all of which requires clearing.

3.6.1 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act establishes a process for assessing the environmental impact of activities and developments where Matter of National Environmental Significance (MNES) may be affected.

The vegetation zones within the site are:

- Vegetation Zone 1 – Moderate condition PCT 1289
- Vegetation Zone 2 – Degraded PCT 1289, and
- Vegetation Zone 3 – Exotic grassland.

Under the EPBC Act, TECs must satisfy both the key diagnostic characteristics (to be considered part of the TEC) and the minimum condition thresholds (to be considered of high enough quality) to be protected by Commonwealth legislation. Only vegetation zone 1 met both the key diagnostic characteristics and minimum condition thresholds to be protected by the EPBC Act.

As this area of Natural Temperate Grassland is considered of “Moderate” or “High” conservation value to the survival of the TEC and the patch of Natural Temperate Grassland within the subject land is >0.1 ha, the proposed impact is to be referred to the Minister for the Environment as an MNES. Similarly, on the basis that a population of *L. albicans* var. *tricolor* would be completely cleared within the subject land, a referral is recommended. Referral to the Commonwealth Government is being undertaken by the proponent concurrently with this DA.

An assessment of the Striped Legless Lizard has not yet been completed as the results of targeted survey are still pending. Results from this survey are expected in February 2023.

3.6.2 Biodiversity Conservation Act 2016

The BC Act places restrictions upon impacts to threatened species and ecological communities, primarily through administering the Biodiversity Offsets Scheme (BOS) for certain development with significant impacts.

Compulsory entry into the BOS is determined by whether or not a development or activity is likely to significantly affect threatened species. 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.

7.2 Development or activity “likely to significantly affect threatened species”

(1) For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

As the subject land has a minimum lot size of 500 m², under the SMLEP, the maximum allowable clearing of native vegetation, without requiring entry into the BOS is 0.25 ha. An approximate area of 0.7 ha of native vegetation will be cleared, and therefore the proposed development exceeds the clearing threshold for the property. A BDAR has been prepared for the site following steps for the Biodiversity Assessment Method (BAM) under the BC Act.

The proposed development triggers the clearing threshold for entry into the BOS.

Vegetation zone 1 has been deemed a CEEC under the EPBC Act and requires offsetting if its VI score is >15. The VI score of VZ1 was found to be 56, and it will, therefore, require offsetting under the proposed development.

A total of 17 ecosystem credits are required to offset the impacts of the proposed development on PCT 1289.

3.6.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC) contains the former State Environmental Planning Policy (Koala Habitat Protection) 2021. This aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 of SEPP BC applies to local government areas listed under Schedule 2. SMRC is listed under Schedule 2 and therefore the 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 accompanying Bushfire Assessment Report.

3.7 State Environmental Planning Policy Planning Systems 2021

The proposal is not captured by Schedule 6 of the SEPP PS, as it does not comprise 'General Development' of over \$30million, as referenced in the accompanying Cost Summary Report which confirms that the value of the development is \$17.6 million, and will therefore not require referral to the Joint Regional Planning Panel for determination pursuant to Part 2.4 'Regional Development' of State Environmental Planning Policy Planning Systems 2021 (SEPP PS).

3.8 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 SEPP RH* provides a State-wide approach to the remediation of contaminated land, with the aim of promoting the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Chapter 4, Clause 4.6 of SEPP RH provides guidelines to be considered by the consent authority when determining development applications.

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site Investigation (PSI) was prepared for the subject site to identify any potential areas of environmental concern (AEC). Based on historical information relating to the site, the following activities have historically occurred at the site and may present potential sources of contamination:

- > AEC 1 – Potential contamination across the site due to the agricultural use of the land and nature of the underlying geology could pose a risk for the human health and the environment.
- > AEC 2 – Swale and drainage observed within the site which could have received potentially contaminated material (e.g. surface water or soil) from an upgradient source.
- > AEC 3 – Agricultural dam could be acting as a receiver of contaminants from upgradient sources and remain dissolved in water or accumulated in the sediment.

A Detailed Site Investigation (DSI) was undertaken by Lanterra Consulting in October 2022. 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 residential development and public recreation.

3.9 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)* outlines the planning approval pathways and controls for the delivery of infrastructure.

3.9.1 Development with frontage to classified road

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

- (2)(a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (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.*

The site has frontage to the Monaro Highway, which is a classified Road. The site has been designed to incorporate vehicular access from Polo Flat Road. A perimeter road is sited between the proposed development and the Monaro Highway to provide a level of acoustic and visual separation. Landscaping has been provided for, and mitigation measures have been recommended for future residential development to enhance residential amenity.

The provisions of this clause are therefore considered to be satisfied.

3.9.2 Impact of road noise or vibration on non-road development

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.

Daily traffic volumes for Monaro Highway were obtained from the NSW Road and Maritime Services (RMS) Traffic Volume Viewer (NSW RMS, 2022). The maximum AADT volume for the Monaro Highway is 5,779 vehicles, and the traffic assessment by Todoroski Air Sciences (2022) has conservatively estimated a growth of 20% from the proposed development resulting in an AADT of 6,935 vehicles. The proposed development therefore does not trigger this clause.

3.9.3 Traffic-generating development

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. The development proposes 151 residential lots, therefore, **it is not considered traffic generating development and will not require referral to RMS.**

A Transport Impact Assessment has been undertaken which considers the impact of both Precincts 2 and 3. This TIA concludes that the additional load will be readily managed within the capacity of the existing road network.

3.10 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Pending compliance with specific provisions, Part 3 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) permits:

- (a) *the erection of a new 1 or 2 storey dwelling house and any attached development,*
- (b) *the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,*
- (c) *the erection of detached development and the alteration of, or an addition to, any detached development.*

It is intended that future development of residential dwellings may meet the criteria to be undertaken via the Complying Development pathway.

3.11 Cooma-Monaro Local Environmental Plan 2013

3.11.1 Subdivision – Consent Requirements

Clause 2.6 of the LEP requires that development consent is required for subdivision. This application seeks consent for the proposed subdivision of Precinct 3 /Lot 3.

3.11.2 Land Use Zoning

The LEP zones the subject site as part R2 – *Low Density Residential* (refer to Land Use Zoning Map at **Figure 3-1**).



Figure 3-1 Land use zoning map (NSW Planning Portal)

The objectives of the R2 land use zone 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 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 proposal 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 area.

Overall, it is considered that the proposal is in accordance with the objectives of the R2 zoning.

3.11.3 Minimum Subdivision Lot Size

Clause 4.1 of the SMLEP prescribes the minimum lot size controls governing the proposed subdivision. The subject site has a prescribed minimum lot size of 500m² (see **Figure 3-2**). The proposed subdivision provides a range of lot sizes, with all lots equal to or exceeding 500m². The subdivision is compliant with Clause 4.1 of the LEP.



Figure 3-2 Minimum lot size map (NSW Planning Portal)

3.11.4 Earthworks

Clause 6.1 of the LEP states that development consent is required for earthworks. Stormwater, drainage and erosion and sediment control plans have been provided demonstrating that the works can be undertaken with no detrimental effect on drainage patterns and soil stability in the locality of the development, waterways, drinking water catchments or environmentally sensitive areas.

The accompanying Aboriginal Due Diligence Assessment confirms the development is unlikely to disturb any relics. The development is consistent with clause 6.1 Earthworks.

3.11.5 Terrestrial biodiversity

Clause 6.3 of the LEP contains provisions relating to the protection of native fauna and flora and ecological processes. Small areas of the site along the northern boundary are mapped as containing terrestrial biodiversity.

The consent authority must consider whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- (iv) any adverse impact on the habitat elements providing connectivity on the land [...]

The accompanying BDAR has confirmed that these mapped areas contain no native vegetation, the disturbance to the area is not likely to diminish the biodiversity structure, function, and composition of the land and the subject land does not form part of any habitat corridors between patches of native vegetation.

3.11.6 Groundwater vulnerability

Clause 6.4 of the LEP contains provisions relating to the protection of vulnerable groundwater resources from depletion and contamination. The entirety of the site is identified as "Groundwater Vulnerable". It is noted that groundwater was not encountered in any of the test pits during the geotechnical investigation prepared for the site.

There is no onsite wastewater disposal proposed. On site water detention will temporarily store storm water flows in weather events and will not hold water on a permanent basis. The water quality management system will be designed to comply with the current Snowy River Shire Council water quality guidelines. All

runoff generated by the development will be managed in accordance with guidelines to limit flows to predeveloped flow rates. These flows will be directed to the existing discharge points across the catchment.

3.11.7 Essential services

Clause 6.10 of the SMLEP requires that that adequate arrangements have been made for the appropriate supply of water, electricity, sewer, stormwater, and vehicular access.

The engineering and civil design plans at **Appendix A** include indicative layout details for the provision of services within the development.

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

The Cooma-Monaro Shire Development Control Plan 2014 (CMDCP 2014) provides detailed planning guidelines for development within the LGA.

Chapter 4 of the DCP Section 4 of the DCP provides controls specifically applicable to subdivision. The manner in which the proposed development complies with the primary controls and relevant standards contained in Chapter 4 is outlined in this Section.

The following remaining chapters of CDCP 2014 are also applicable to the development and are addressed in relevant sections of this Statement:

- > Section 2.8 Erosion and Sediment Control
- > Section 2.11 Infrastructure and Easements
- > Section 6.1 Bushfire Prone Land
- > Section 6.2 Gateways
- > Section 6.5 Groundwater Vulnerable Land
- > Section 7.1 Biodiversity, Conservation & Tree Removal

Table 3-1 Compliance with provisions of Chapter 4 of the DCP

Requirements	Proposed	Compliance
4.1.2 Construction of roads		
4.1.2.2 Requirements 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 – please condition as required.	Complies
4.1.2.3 Road System, Kerb and Guttering in R1, R2, B3, B4, B5 and IN1 Zones 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
4.1.2.6 Street lighting and name signs Street lighting is required. Street name signs are required.	Street lighting will be provided in accordance with accompanying plans. Noted – please condition as required	Complies
4.1.3 Design requirements for lots		

<p>4.1.3.2 Requirements</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 have splayed corners.</p>	<p>Complies</p>
<p>4.1.5 Provision of open space</p>		
<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 450m once the proposed playground works have been undertaken. Additionally, an existing playground is located on the corner of Welgarra and Wangie Streets, East Cooma, and a playground has been proposed as part of the Precinct 2 works.</p> <p>Future playground can comply with Council's Playgrounds Strategy.</p> <p>Proposed park has two street frontages.</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>	<p>Complies</p>
<p>4.1.6 Landscaping and street trees</p>		
<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 endemic species that are likely to survive.</p> <p>Street trees have been provided within the development at a rate of 1 per lot.</p> <p>Refer to landscaping plan.</p>	<p>Complies</p>
<p>4.1.7 Stormwater</p>		
<p>4.1.7.2 On-site detention requirements</p>	<p>Refer to stormwater plans</p>	<p>Complies</p>
<p>4.1.7.3 Interallotment drainage systems</p> <p>Interallotment drainage systems must be provided where the allotment does not drain directly to a street frontage, watercourse or stormwater channel.</p>	<p>See accompanying stormwater plans showing proposed location and basic design of the system</p>	<p>Complies</p>
<p>4.1.8 Provision for Utility Services</p>	<p>The conceptual engineering plans include indicative layout details for the provision of services within the development.</p>	<p>Complies</p>

3.13 Relevant Strategic Plans

3.13.1 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.

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 ageing, with 27 per cent of the population predicted to be over 65 by 2036.

Priorities within the Snowy Monaro region include to:

- > Recognise Cooma as a strategic centre, particularly in the winter months,
- > 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, and
- > 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 3-2 Alignment to the relevant objectives of the SETRP

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. Supporting 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 in existing centres is needed to cater for the decrease in the 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, more affordable housing, the needs of tourists and an ageing population.
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.

3.13.2 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 is on public exhibition until the 23 September 2022.

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; and
- > 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 as well as the Special Activation Precinct (SAP). Planning and investment in and around Jindabyne as part of the Snowy Mountains SAP will benefit Cooma, by increasing demand for residential, business and health services, skills training and other support sectors. 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 a number of the regional plan objectives, in particular, objective 18 being to plan for more affordable, low-cost and social housing, including accommodation for seasonal and itinerant workers.

3.13.3 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. Part 4 of the document sets out the local context of Cooma, and Part 11 provides strategic planning, setting out where future growth should go and why.

3.13.3.1 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 larger lots with subdivision potential.

3.13.3.2 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 as 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 the Snowy 2.0 project will help provide for growth in employment and service provision in the town, will 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.

3.13.4 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 within appropriately zoned land helps to protect high environmental value and agricultural lands.

3.13.5 Snowy Monaro Destination Management Plan 2019

Tourism is an economic driver, generating jobs and contributing lifestyle benefits to communities, and 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 for rent are brought into the holiday 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.

3.13.6 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 rents for local residents.

Growing the population is one of the four strategy elements of this plan. Opportunities exist in attracting and retaining families and key-workers by offering a diverse and accessible supply of housing as well as better aged care services.

4 Section 4.15(1) – Matters for Consideration

4.1 The provisions of:

4.1.1 Any environmental planning instrument

Sections 3 and 4 detail how the proposed development satisfies the provisions of the applicable State and local planning instruments.

The proposed subdivision and associated earthworks for the purpose of residential dwellings is permitted with consent within the R2 low density residential zone and meets the development standards and local provisions within the Cooma Monaro LEP 2013. The development is consistent with and meets the provisions of other state environmental planning instruments.

4.1.2 Any development control plan

Section 3.12 of this Statement details how the proposal complies with the applicable chapters of the Cooma Monaro DCP 2014, namely Chapter 4. The following sections of the DCP are considered in this section.

- > Section 2.8 Erosion and Sediment Control
- > Section 2.11 Infrastructure and Easements
- > Section 6.1 Bushfire Prone Land
- > Section 6.2 Gateways
- > Section 6.5 Groundwater Vulnerable Land
- > Section 7.1 Biodiversity, Conservation & Tree Removal

4.2 Likely Impacts of the Development and Suitability of the Site

4.2.1 Visual Character

Section 6.2 Gateways of CM 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 significant 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 10m 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 1.2m.

The existing visual character surrounding the site reflects an area in transition. This transition includes a number of new interconnected and serviced low density residential subdivisions within the surrounding locality. The proposed development is in keeping with the existing character of the area, with the subdivision reflecting a low density-built form, which will be mainly defined by detached one and two storey residential dwellings.

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 residential sites on the higher sections of the site will enjoy district views across the Cooma area. 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 and providing a visually appealing interface. The lot sizes provided across the site are of sufficient size that parking can be accommodated within each property. A perimeter road on the highway side of the development will provide greater setbacks between the highway and future dwellings, providing 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 within Precinct 2 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.

4.2.2 Traffic and Access

The site currently has no existing formal road or pedestrian footpath access. Parking and traffic impacts have been considered in the design of the road and lot layout. Measures to mitigate these impacts include placing the intersection with Polo Flat Road at an elevated location to optimise sight lines.

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.

4.2.3 Contamination

A preliminary site investigation (PSI) across the site by Lanterra in 2022 as discussed at **Section 3.7**

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.

4.2.4 Geotechnical Investigation

A Geotechnical Investigation was prepared by ACT Geotechnical Engineers (2022) informed the design of the subdivision and accompanies this report.

4.2.5 Flora and Fauna

Thirteen shrubs within the western boundary of Precinct 3 are proposed to be removed to accommodate drainage and road works. These have NOT been identified in the accompanying BDAR as native species.

The majority of the subject land 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. This has been addressed in the accompanying BDAR, as outlined at **Section 3.6** above.

4.2.6 Acoustic

A Traffic Noise Assessment has been undertaken by Todoroski Air Sciences (2022). A screening level test for road traffic noise impacts from the nearby roadways (Monaro Highway and Polo Flat Road) was conducted per the screen tests in the Interim Guideline (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 Monaro Highway Category 2 acoustic mitigation measures would be required. Recommendations have been provided in the report including window, door and façade treatments.

4.2.7 Aboriginal Heritage

An Aboriginal Due Diligence (ADD) Assessment was prepared by Lantern Heritage. 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. The report concludes the proposed works across the study area may proceed with caution.

4.2.8 Bushfire

A Bushfire Protection Assessment (BPA) has been prepared by Australian Bushfire Protection Planners (2022) to ensure the proposed development is compliant with relevant bushfire protection legislation.

Snowy Monaro Bushfire Prone Land Map records the vegetation within the development site and on the land to the northwest, west and south and southeast as Bushfire Prone Vegetation. As such, a bushfire assessment is required following the process and methodology set out within s100B *Rural Fires Act 1997*, Clause 44 of the *Rural Fires Regulation 2008* and the NSW RFS document *Planning for Bushfire Protection 2006* (PBP).

The BPA confirms:

- > With the provision of the Asset Protection Zones as recommended in this 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'.
- > Evacuation from the proposed Precinct 3 site will not be required due to the low level of bushfire risk on the future dwellings/residents; and
- > 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.

Table 1-1 Asset Protection Zone Assessment

Aspect	Vegetation	Slope	Required APZ	Comment
Northwest and west of Lots 11-13; Lots J1 – J4; K1; K11 – K15	Grassland	Upslope to the NW & downslope to the west	10m for level and upslope. 11m for downslope	18m is provided. Complies.
South and southeast of Lots 116 – 117; Lots K10 & K11; Lots J13 & J14; Lots H2 – H20 and Lot F27	Grassland	Upslope	10m for upslope	18m is provided. Complies.

The proposed development, as represented by the subdivision layout, complies with the aim and objectives of Planning for Bushfire Protection 2019.

4.2.9 Flood

A Flood Study prepared by Cooma-Monaro Regional shows the 1% AEP flood depth and levels for the existing overland flow path within Precinct 3 (Lot 3 / DP 1285072). Overland flows from Precinct 3 discharge to the existing swale within the southern verge of the Monaro Highway. Majority of the flooding experienced on Precinct 3 is generated by the existing development to the south.

The proposed development will increase stormwater runoff due to an increase in impervious area. A proposed detention basin has been designed to capture and attenuate the peak runoff from the development prior to discharging to the existing swale within the southern verge of Monaro Highway. Additionally, a new

swale has been designed to direct the flows from the south, around the development, along the western boundary, to the existing swale within the southern verge of Monaro Highway. Therefore, the post-development 1% AEP peak flows from the site will be less than or equivalent to the pre-development level.

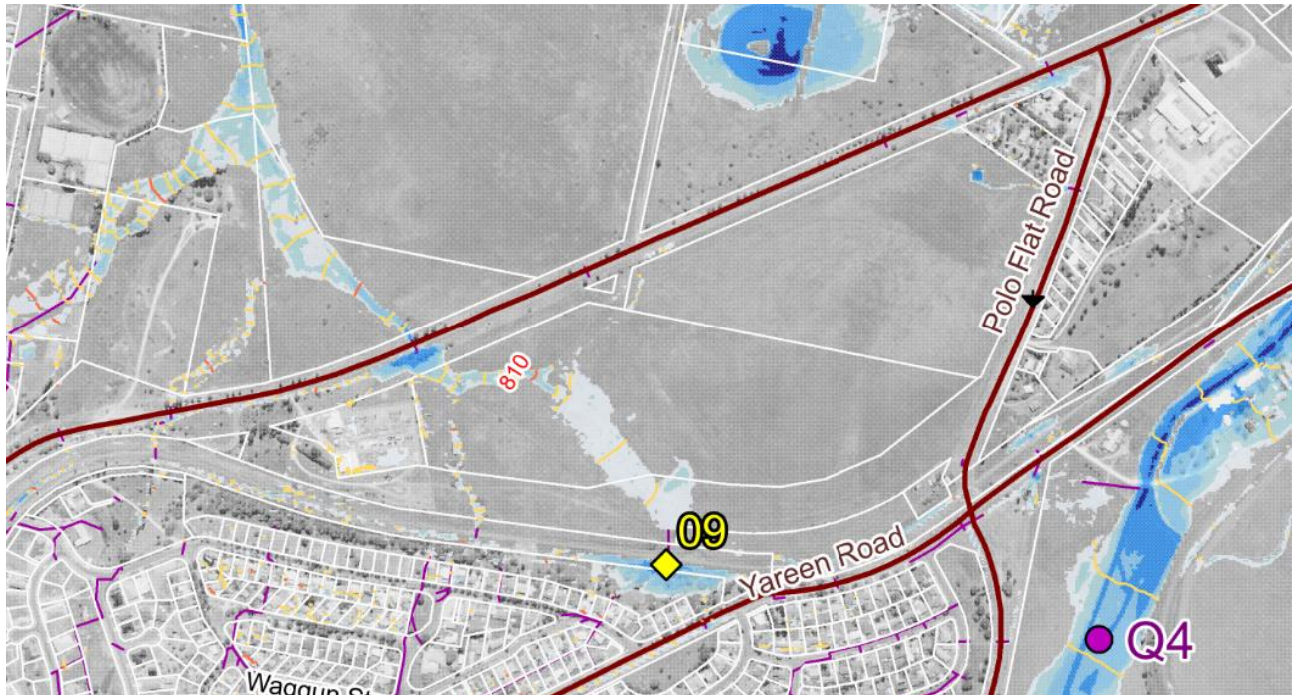


Figure 4-1 1% AEP Design Event - Peak Flood Depth and Levels (Snowy Monaro Regional Council - Flood Study 2020)

4.2.10 Crime and Safety

Crime Prevention through Environmental Design (CPTED) has been recognised as a key concept in reducing the potential for crime in the built environment by facilitating strategies that 'design' out opportunities for criminal behaviour.

CPTED has four main principles:

- > **Surveillance** – the design ensures that the attractiveness of crime targets is reduced by providing opportunities for the effective surveillance of normal space users by others. Surveillance can be categorised into either natural or technical. Natural surveillance refers to clear sightlines between public and private spaces, the minimisation of blind spots and dead ends, attractive landscaping that does not give criminals a place to hide or entrap victims, as well as strategic use of fencing. Technical surveillance refers to the use of lighting in public spaces.
- > **Access Control** – the design employs effective and tactical use of walkways, landscaping and physical locations that funnel pedestrians into designated thoroughfares. This minimises the development of informal pathways by making it clear where people are permitted to go or not go as well as restricting access to high-risk areas (car parks, for example). Clear signage is also a clear component of access control.
- > **Territorial Reinforcement/Ownership** – the design uses symbolic markers or environmental cues to connect people with a familiar sense of space to create a sense of communal ownership. If the public feel as though they have ownership of that space, then they are more likely to gather, return and enjoy that space. This is achieved through clear demarcation of public and private spaces, signage and physical barriers.
- > **Space Management** – the design ensures that the space maintains a certain level of care and upkeep. Popular public spaces are always clean and tidy, while spaces that exhibit signs of blight and decay increases the fear of crime. Space management strategies include site cleanliness and management, along with the rapid repair of vandalism, lighting and decaying structures.

The subdivision has considered the above CTPED principles in the following ways:

Surveillance

The subdivision promotes surveillance opportunities to and from lots, with all lots on site having at least one boundary shared with a public road. Additionally, all the parks have street frontages as well as dwellings oriented to face the parks. This maximises the potential for future residents to survey the street from private space, deterring potential criminal activity.

The footpaths provided through the entire subdivision are predominantly straight, with only gradual curves. The open angles of the footpaths provide generous sightlines along the length of the road, minimising entrapment points and screening opportunities. Additionally, the subdivision will promote a uniform streetscape with setbacks to the internal road consistent on both side of the road. This will minimise any hiding spots due to irregular shaped blocks.

Street lighting is proposed to ensure surveillance can occur after daylight hours, minimising any dark or blind spots. Specific lighting requirements are anticipated as a condition of consent.

Access

The subdivision is not a gated community, with the road and pedestrian facilities fully accessible to the public.

It is expected that the rear yards of future dwellings will be constructed with enclosed fencing and appropriate security measures to enhance resident safety.

Territorial Reinforcement

The proposed boundaries of each lot will enable future residential fencing to occur to define the lot boundaries of each dwelling.

The footpaths are a design element within the subdivision that will assist in delineating public versus private space, acting as a clear demarcation between these spaces.

Space Management

Each lot will be subject to maintenance by future residents. The public space along the road corridor and footpaths will be maintained by Council, which will ensure this space will be tidy and well kept.

Perimeter roads have been integrated throughout the subdivision. Riparian and stormwater management areas will be mass planted consistent with the intentions for rehabilitation and minimal long-term management.

4.3 Suitability of the Site for the Development – Section 4.15(1)(c)

The subject site is zoned R2 Low Density Residential zone and has been designed having regard to the controls and objectives of Cooma Monaro LEP 2013 and DCP 2014 and is considered to be a suitable development for the site.

The application is accompanied by specialist subconsultant investigations which address bushfire, traffic, aboriginal heritage, vegetation removal and contamination. The application is also accompanied by supporting documents to address landscaping and stormwater requirements. Such documents, coupled with the development's suitability for the provision of a residential subdivision, support the undertaking of the proposed development. This Statement of Environmental Effects indicates that the proposed development is a suitable outcome for the site and accordingly council approval is sought.

APPENDIX

A

EXTRACT FROM CIVIL PLANS



now



[illegible]

APPENDIX

B

SITE SURVEY



now



