



Planning Proposal - Lot 101 DP 1183622 - Yallakool Road, Cooma

Proposal Title : **Planning Proposal - Lot 101 DP 1183622 - Yallakool Road, Cooma**

Proposal Summary : **The planning proposal seeks to reduce the minimum lot size on a 20.68 hectare Lot 101 DP 1183622 at Yallakool Road, Cooma from 4,000sq.m to 1,800sq.m to provide between 56 to 61 dwellings.**

PP Number : **PP_2015_COOMA_004_00** Dop File No : **15/15639**

Proposal Details

Date Planning Proposal Received : **28-Oct-2015** LGA covered : **Cooma-Monaro**

Region : **Southern** RPA : **Cooma-Monaro Shire Council**

State Electorate : **MONARO** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Yallakool Road**

Suburb : City : **Cooma** Postcode : **2630**

Land Parcel : **Lot 101 DP 1183622**

DoP Planning Officer Contact Details

Contact Name : **George Curtis**

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RPA Contact Details

Contact Name : **Mark Adams**

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DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

Contact Number : **0242249468**

Contact Email : **deanne.frankel@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	23
Gross Floor Area :	0	No of Jobs Created :	70

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :	<p>Council has prepared the planning proposal in response to an application from the landowner to amend the minimum lot size of the site from 4,000 sq.metres to 1,800 sq.metres that was received on 1 September 2015.</p> <p>Council is also considering a development application lodged by the landowner for a 38 lot subdivision of the site. The planning proposal indicates that the application is currently undergoing amendment to address specific design issues that have arisen through the assessment process.</p> <p>The planning proposal indicates that the planning process would facilitate an increase in the potential lot yield from 38 in the current DA to between 56-61 in the potential design, representing an increase of about 50-60%.</p>
External Supporting Notes :	<p>Council has prepared the planning proposal in response to an application from the landowner to amend the minimum lot size of the site from 4,000 sq.metres to 1,800 sq.metres that was received on 1 September 2015.</p> <p>Council is also considering a development application lodged by the landowner for a 38 lot subdivision of the site. The planning proposal indicates that the application is currently undergoing amendment to address specific design issues that have arisen through the assessment process.</p> <p>The planning proposal indicates that the planning process would facilitate an increase in the potential lot yield from 38 in the current DA to between 56-61 in the potential design, representing an increase of about 50-60%.</p>

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The stated aim of the planning proposal is to facilitate a higher lot yield on the site which will make development of the site more feasible, given that a significant extension to infrastructure is required to adequately service the development. Furthermore it states that the planning proposal will provide an appropriate transition in lot sizes between the urban area of Cooma and the rural residential and rural areas on the opposite side of Yallakool Road. It is considered that the statement of the objectives provided is adequate and meets**

the requirements of Part 1 of the Department's guide to preparation of planning proposals.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions provided is to amend the Minimum Lot Size Map sheet (LSZ_013D) of the Cooma-Monaro LEP 2013 to show a lot size of 1,800 sq.m on Lot 101 DP 1183622. The explanation of provisions provided is considered to be adequate and meets the requirements of Part 2 of the Department's guide to preparation of planning proposals**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Infrastructure) 2007**
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered : **Although not identified by Council, it is considered that the SEPP 55 Remediation of Land may be relevant to the proposal because the subject land has been used for agricultural/rural purposes in the past and a residential land use is proposed. It is also considered that Section 117 Direction 2.1 Environment Protection Zones is relevant to the planning proposal because the subject site contains environmentally sensitive areas identified in the Terrestrial Biodiversity Map of the Cooma-Monaro LEP 2013.**

Council accepted the Minister's delegations for LEP plan making in April 2014. Council has not requested the Minister's plan making functions be delegated to it for the current planning proposal. It is, however, considered appropriate to grant delegations to Council for the planning proposal because it is a local matter of local significance and is consistent with Council's Cooma Strategic Direction 2011-2030 document.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The planning proposal has not identified any inconsistencies with its local strategy (Cooma Strategic Direction 2011-2031), SEPPs or Section 117 Directions. The following comments are provided in relation to Council's assessment of these documents.**

SEPP 55- Remediation of Land.

The SEPP 55 requires the issue of contamination to be considered whenever a planning authority considers a development or rezoning proposal where the new use may increase risk from contamination, if it is present. The planning proposal does not, however, consider the potential for the land to be contaminated as a result of previous agricultural use of the land (namely grazing and dairying).

Council has advised that the site is unlikely to be contaminated because it is not listed in Council's contaminated land register, and it has no knowledge of any specific potentially contaminating land uses on the site. Council has inspected the site which it has advised contains an existing farm shed which is a very basic frame and metal sheeting structure with a bare earth floor. Next to the shed is a stockyard and race to enable animals to be loaded onto a truck. Council has not identified any evidence of sheep dips or more intensive forms of agriculture on the site. Council is satisfied that extensive agriculture has been the only form of agriculture on the site.

Section 117 Directions:

Direction 3.1 Residential Zones

The planning proposal identifies that the Direction applies because it affects lands within an existing residential zone, notably the site is zoned R5 Large Lot Residential under the Cooma-Monaro LEP 2013. The proposal states that it is consistent with the Direction because it will:

- broaden the choice of building types and locations available in the housing market by providing land with a 1,800 sq.m minimum lot size close to Cooma which is currently not available.
- make more efficient use of existing infrastructure and services by facilitating an increased density of development and population to make more efficient use of the Cooma water supply and sewerage treatment plant and existing road network.
- reduce the consumption of land for housing and associated urban development on the urban fringe by making more efficient use of existing residential zoned land and reducing pressure on non-residential land for rezoning in the short to medium term.
- be of good design via the design provisions contained in Council's development control plan.
- contain a requirement that residential development is not permitted until land is (or arrangements are in place) to adequately service it. The planning proposal indicates that the current clause 6.10 "Essential Services" of the Cooma-Monaro LEP 2013 will be retained which will ensure adequate provision of services prior to any development occurring on the land.
- not contain provisions that will reduce the permissible density of the land. The planning proposal will increase the permissible density on the land by 50-60%.

It is considered that the planning proposal is **CONSISTENT** with this Direction for the reasons provided by Council.

Recommendation: That the Secretary's delegate can be satisfied that the planning proposal is consistent with Section 117 Direction 3.1 Residential Zones.

Direction 3.4 Integrating Land Use and Transport.

The planning proposal identifies that the Direction applies to the planning proposal as it will alter a provision relating to land in a residential zone. The proposal states that there will be negligible difference in the use of public transport and other transport modes between the subject site and other adjoining land that is within the town of Cooma. It is considered that the planning proposal is **CONSISTENT** with the Direction or any inconsistency is of minor significance for the reasons provided in the planning proposal.

Recommendation: That the Secretary's delegate can be satisfied that the planning proposal is consistent with Section 117 Direction 3.4 Integrating Land Use and Transport or any inconsistency is of minor significance.

Direction 2.1 Environment Protection Zones.

Although not identified by Council, it is considered that the Direction is relevant to the planning proposal because it contains an area of 'moderate quality' natural temperate grassland (Temperate Themeda australis Grassland) which is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999. A number of areas of the site are also mapped on the Terrestrial Biodiversity Map of the Cooma-Monaro LEP 2013.

The Direction requires that a planning proposal must include provisions that facilitate

the protection and conservation of environmentally sensitive areas. The planning proposal indicates that larger lots and restrictive building envelopes will avoid impact on important environmental areas as part of the development assessment process. Council has proposed to consult with the Office of Environment and Heritage and the Commonwealth Department of the Environment to ensure that any high conservation areas are suitably protected.

It is unknown whether the proposed provisions will facilitate the protection and conservation of the identified environmentally sensitive areas. There is currently insufficient information available to determine whether the planning proposal is consistent with the Direction. The Secretary's approval will be required if there is any inconsistency.

Recommendation: That Council provide further information concerning the consistency of the planning proposal with Section 117 Direction 2.1 Environment Protection Zones or justifying any inconsistency prior to finalising the planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal provides an aerial photograph/site map, land zoning map, existing and proposed lot size maps and Terrestrial Biodiversity Map. The maps are suitable for public exhibition. Council will need to prepare a draft Lot Size Map that complies with the Department's standard technical requirements for LEP maps during the finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal indicates that a 28 day consultation period is proposed. This includes a notice in local newspapers as well as advertising on Council's website. Adjoining owners will also be directly notified by letter. Agency consultation is also proposed to be undertaken. The proposed community consultation program is considered to be adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal addresses each of the six parts of the Department's guide to preparing planning proposals.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Cooma-Monaro LEP was notified in 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is needed to facilitate a reduction in minimum lot size on the applicable lot size map of the Cooma-Monaro LEP 2013 to enable an increase in density of**

residential lots on the site.

Consistency with strategic planning framework :

Cooma Monaro is not covered by any existing regional strategies. It is, however, proposed to be included in the South East Tablelands Regional Growth Plan which is currently being prepared by the Department. As previously discussed, the proposal is consistent with relevant SEPPs and Section 117 Directions.

The planning proposal identifies that it is consistent, in a general sense, with Council's Strategic Direction 2011-2030 document, which states that:

- 'The residential expansion of Cooma will be predominantly on the northern side of Cooma'.
- 'Planning for the northern part of Cooma will be undertaken in the short to medium term. This will include the areas of Yallakool Road, the outer area of Mittagang Road and the northern areas of Cooma in the vicinity of Numerella Road and the Monaro Highway'.

The planning proposal indicates that there is currently no 1,800 sq.m sized vacant residential lots available around Cooma at present and so there is demand for housing of this type in the local area.

Council has advised that the subject site is suitable for higher density of development because it is currently vacant, directly adjoins Cooma and water and sewerage services are able to be provided to the site. Council is currently preparing a Settlement Strategy to consider other areas identified in the Cooma Strategic Directions document as well as areas adjoining the subject site. This will enable any additional areas to be developed in a strategic and coordinated way. A Discussion Paper is expected to be placed on exhibition at the end of the year.

Environmental social economic impacts :

Environmental impacts:

The planning proposal identifies that the site contains an area (1.93ha) of natural temperate grassland (Temperate Themeda australis Grassland) on the south western corner of the site which is listed as a nationally endangered ecological community under the Commonwealth Environment Protection and Biodiversity Protection Act 1999. The site also contains areas of high conservation value that are shown on the Terrestrial Biodiversity Map of the Cooma-Monaro LEP 2013. The planning proposal indicates that impacts on high conservation areas will be minimised via the proposed lot size and suitable subdivision design via the development assessment process. Consultation with the OEH and the Commonwealth Department of the Environment, post Gateway determination, to ensure that high conservation areas are protected, is also proposed by Council.

The planning proposal indicates that the site is identified as groundwater vulnerable in the maps in the Cooma Monaro LEP 2013. Impacts on groundwater are proposed to be minimised via the requirement that the land is connected to sewerage services prior to development. This is a current requirement in accordance with clause 6.10 'Essential Services' of the Cooma-Monaro LEP 2013.

Council has advised that the site is not bushfire prone and is about 750m from the closest mapped bushfire prone land. The site is well outside these areas and the buffers within which the '10/50' bushfire clearing laws apply.

Social and economic impacts:

The proposal identifies that the proposed large lot development will have a dramatic visual impact on the existing landscape in the locality. However, the topography of the site will hide much of the visual impact when viewed from the existing Cooma urban area.

The proposal indicates that reticulated water and sewerage services are not currently available for the site but can be provided subject to upgrades. Council proposes to consult with Essential Energy regarding provision of electricity infrastructure to service the proposed higher density development.

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The proposal states that there are potential impacts on Yallakool Road, particularly the intersection of Yallakool Road and the Monaro Highway. Council proposes to consult with the Roads and Maritime Service post Gateway to determine potential impacts and the need for traffic management measures and upgrades.

The proposal will have a positive social and economic impact by facilitating the provision of up to 61 large (1,800 sq.m) residential lots in Cooma. Lots of this size are currently in limited supply in the local area. The proposal will also support the local economy by supporting jobs in the building, construction and service sector.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Essential Energy
Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services
Transgrid
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cooma-Monaro Shire Council cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Meeting Minutes held on 12 October 2015.pdf	Determination Document	Yes
Council report.pdf	Proposal	Yes
Flora and Fauna Survey - Lot 101 DP 1183622.pdf	Study	Yes
Aboriginal Archaeological Assessment.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
3.4 Integrating Land Use and Transport**

Additional Information : **It is RECOMMENDED that the Acting General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Cooma Monaro LEP 2013 to reduce the minimum lot size on Lot 101 DP 1183622 at Yallakool Road, Cooma from 4,000sq.m to 1,800sq.m should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

**(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'**

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Roads and Maritime Service**
- * Transgrid**
- * Essential Energy**
- * NSW Office of Environment and Heritage**
- * Commonwealth Department of Environment**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 3.1 Residential Zones and 3.4 Integrating Land Use and Transport or any inconsistency is of minor significance.

(b) Council provide additional information to justify consistency of the planning proposal, or justify any inconsistency, with s117 Direction 2.1 Environment Protection Zones prior to the finalisation of the planning proposal.


(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

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Supporting Reasons :

Signature:  _____

Printed Name: Deanne Frankel Date: 12/11/15

