

Planning Proposal

Site: Lot 101 DP 1183622 – Yallakool Road, Cooma

Proposal: Amend Minimum Lot Size

Council has received an application to amend *Cooma-Monaro Local Environmental Plan 2013* and prepare a Planning Proposal. The application was lodged on 1 September 2015.

The following report outlines the Planning Proposal (PP) and addresses the matters required to be included under Section 55 of the *Environmental Planning and Assessment Act, 1979*.

1 Objectives

The PP is seeking to reduce the minimum lot size on Lot 101 DP 1183622 at Yallakool Road, Cooma from 4000m² to 1800m².

The aim of the PP 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. Further to this the PP 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.

2 Proposed Provisions

It is proposed to amend the Minimum Lot Size Map Sheet LSZ_013D of Cooma-Monaro Local Environmental Plan 2013 (CMLEP 2013) to show a lot size of 1800m² on Lot 101 DP 1183622. This particular lot size is already labelled as 'U2' on the Minimum Lot Size maps in CMLEP 2013.

Lot 101 DP 1183622 is not individually shown on the current Map Sheet as it is the result of a recent subdivision caused by the compulsory acquisition of part of the parent lot by Transgrid for the purposes of a new substation development.

The following maps and aerial photo provide the context of the site and the proposed change to CMLEP 2013.

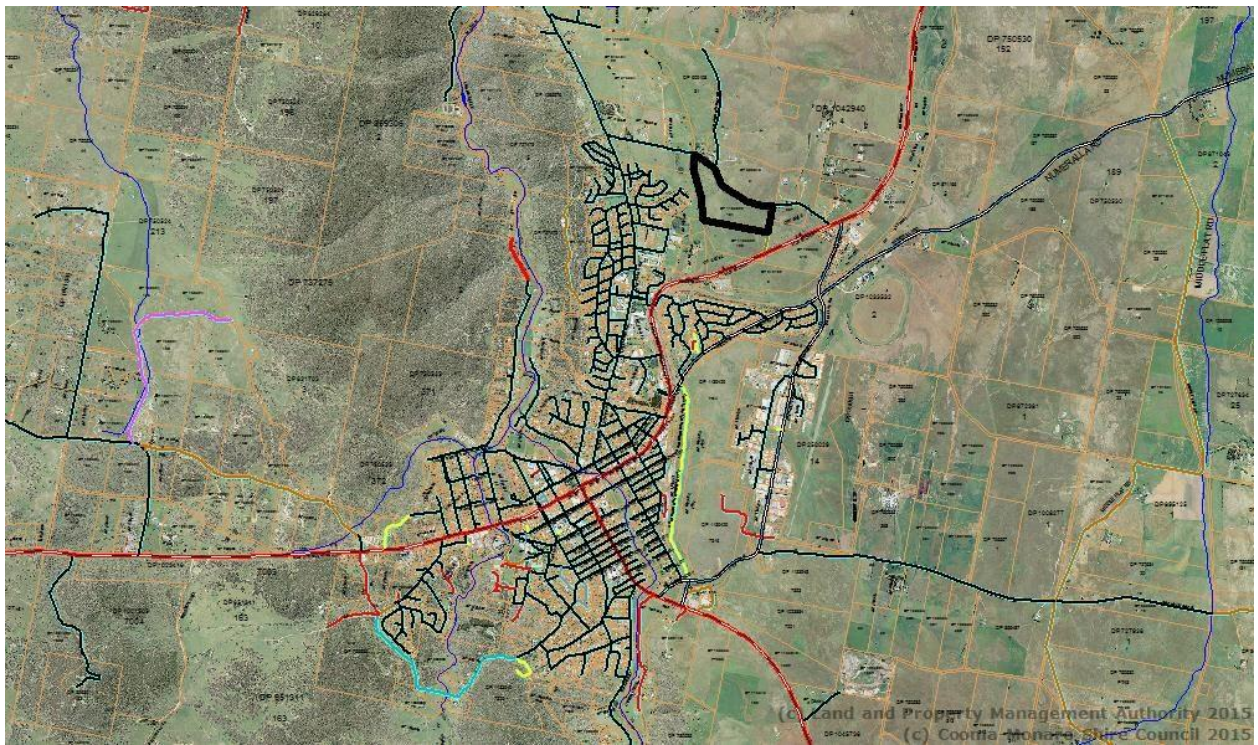


Figure 1: Map showing the location of the site relative to the town of Cooma.

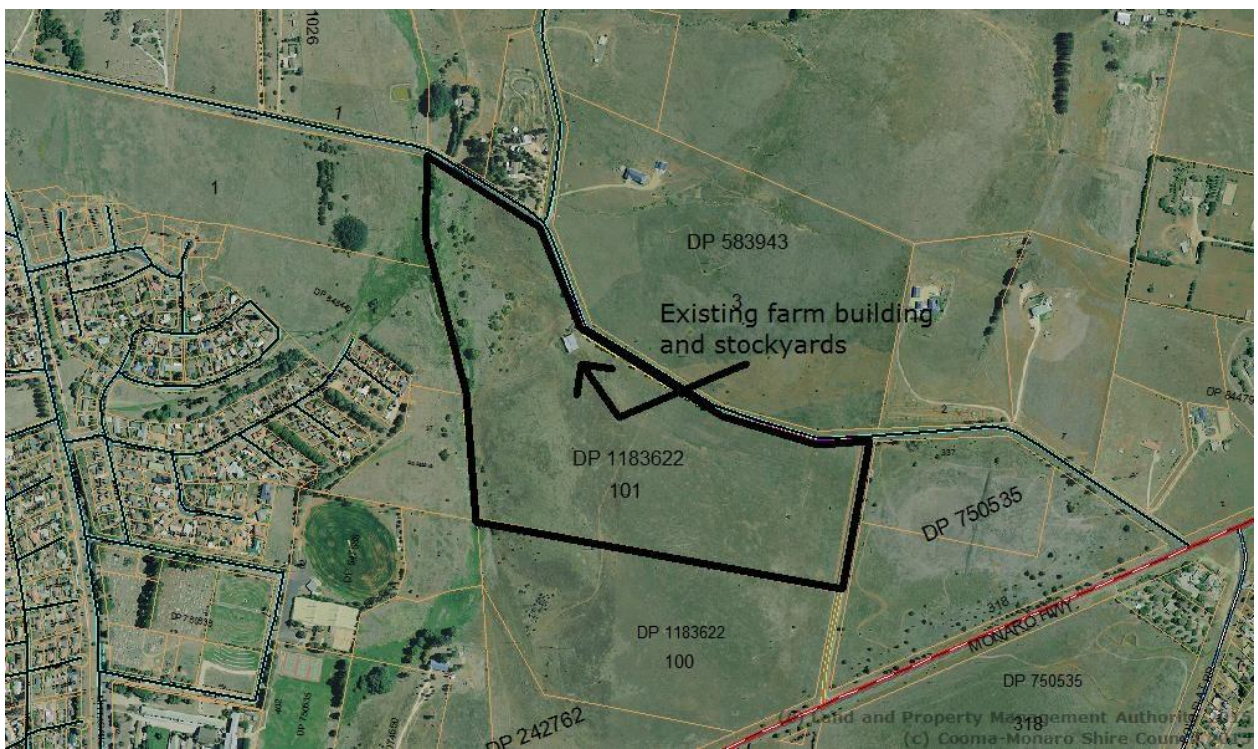


Figure 2: Aerial photo of the site.

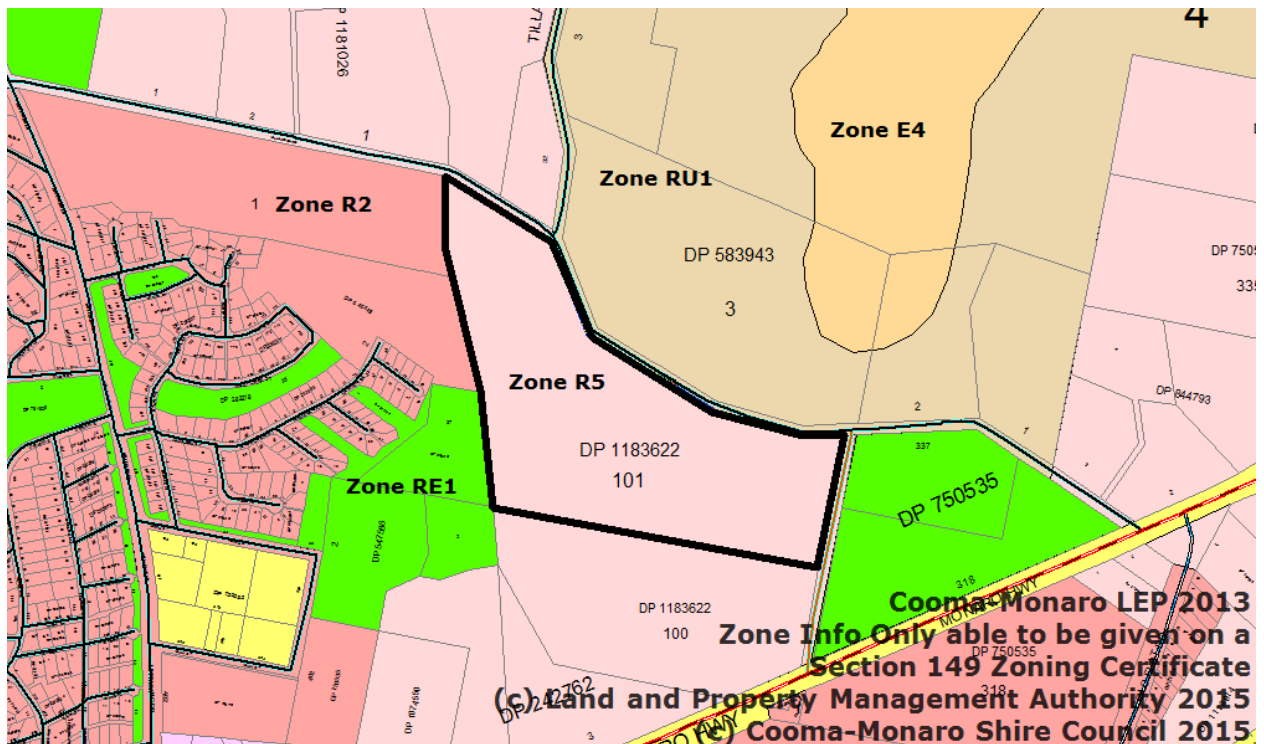


Figure 3: The Land Use Zoning map of the site and surrounds.

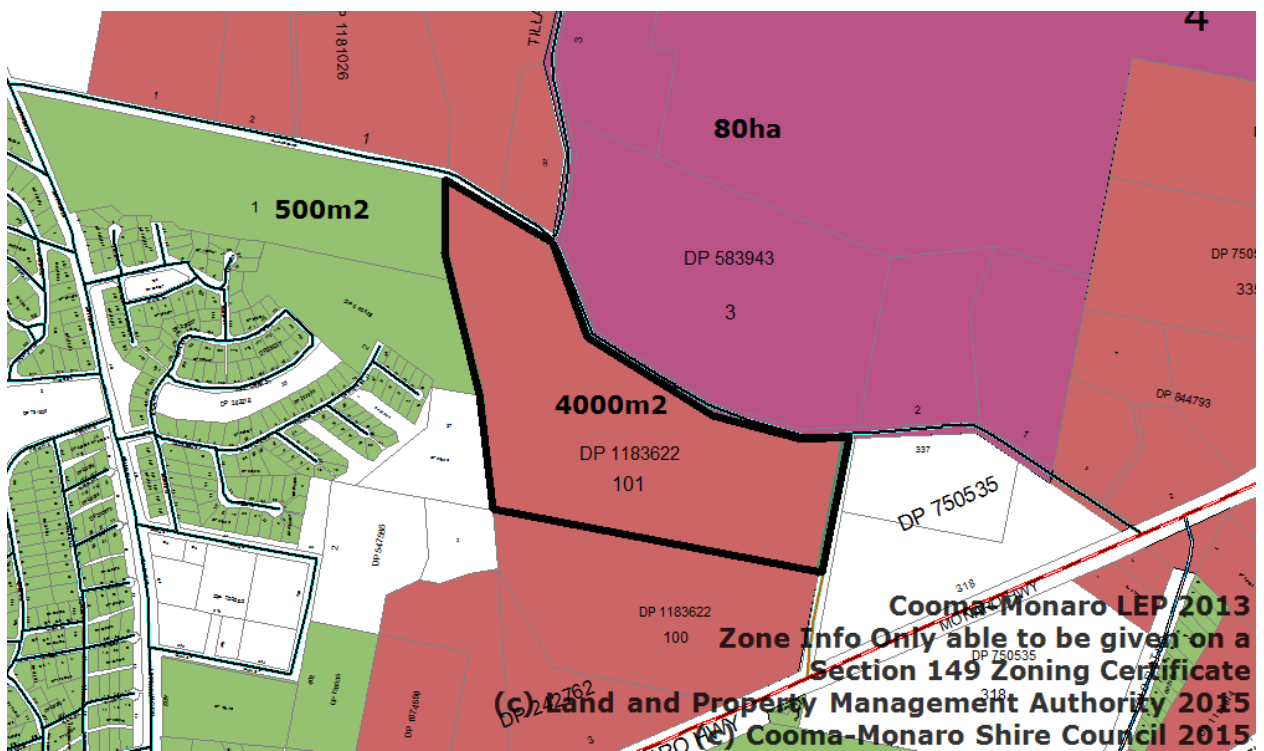


Figure 4: Map of existing minimum lot sizes at the site and surrounds.

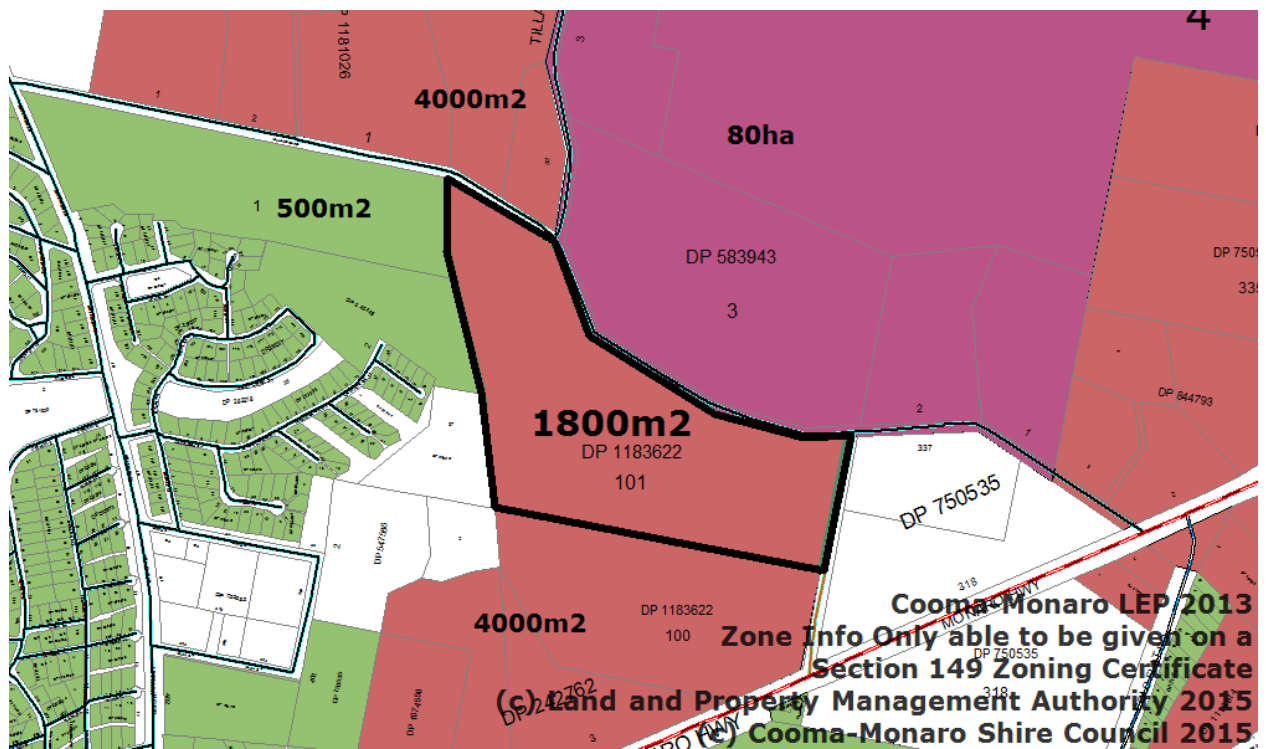


Figure 5: Map showing proposed change in minimum lot sizes as a result of the PP.

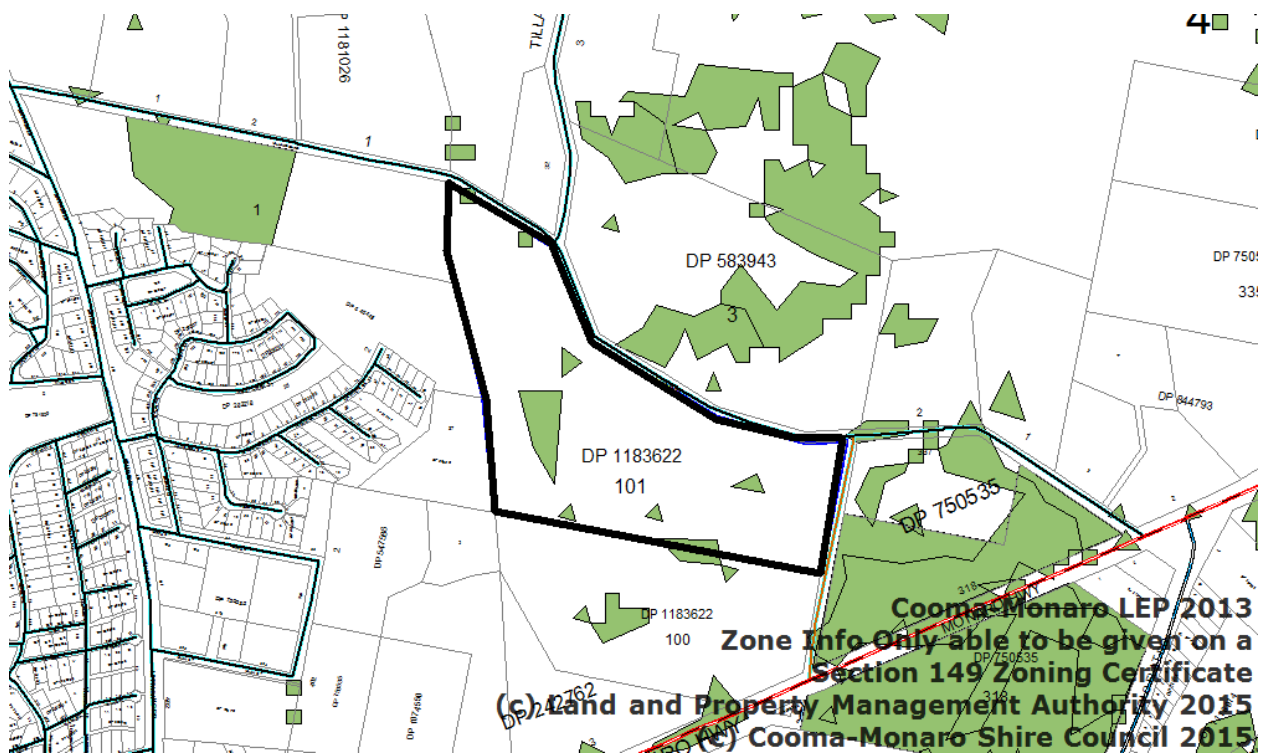


Figure 6: The Terrestrial Biodiversity Map of the site and surrounds.

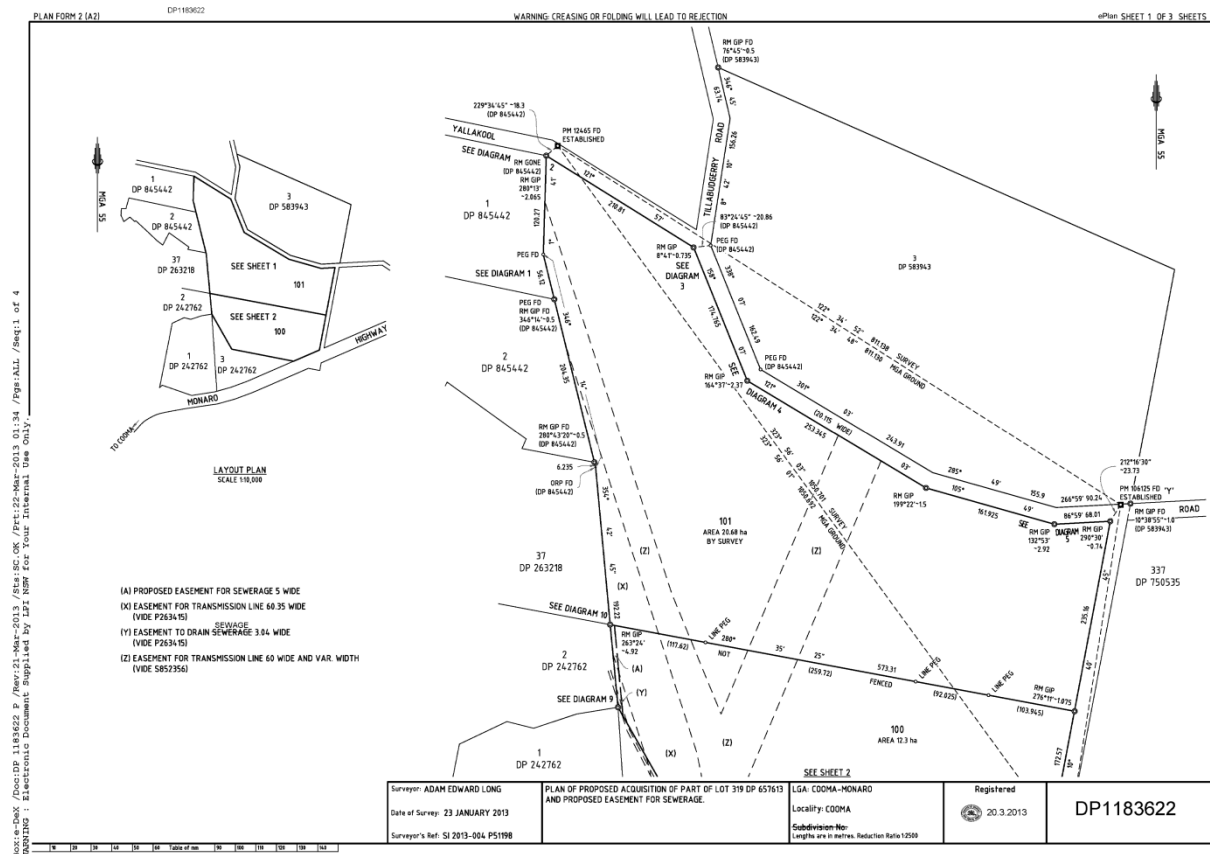


Figure 7: The Deposited Plan of the site showing the Transgrid easements.

3 Justification of Objectives

Council has received an application on behalf of the owner of the land to amend the minimum lot size of the site from 4000m² to 1800m². The application was received on 1 September 2015.

The owner has a development application currently lodged with Council for a 38 lot subdivision of the site. This existing proposal complies with the current provisions of CMLEP 2013 including the existing minimum lot size of 4000m². The application is currently undergoing amendment to address specific design issues that have arisen through the assessment process, but in due course is expected to fully comply with all necessary requirements.

Lot 101 DP 1183622 is 20.68 hectares in area and has frontage to Yallakool Road along its northern boundary and Yallakool Lane along its eastern boundary. The site is open and gently sloping and the only existing buildings are a farm building and associated livestock yards. The site is constrained by two significant Transgrid 132KV powerline easements, an area of moderate quality natural temperate grassland in the south eastern corner of the site and a natural drainage line along the western boundary.

Two indicative plans have been submitted which show a potential subdivision design of the site should the PP be successful. The lot yield has been increased from 38 in the current DA to 56 or 61 in the potential design, representing an increase of about 50-60%. The plan of each proposed subdivision is shown below.

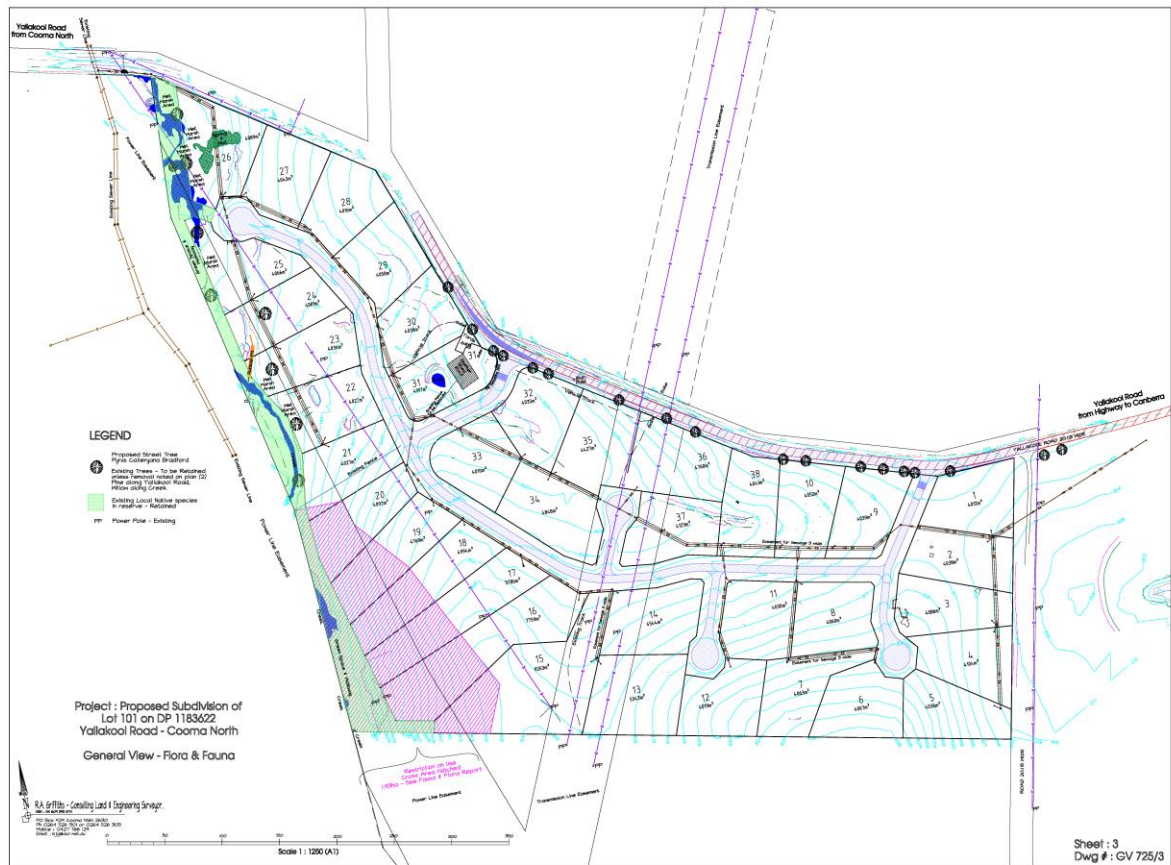


Figure 8: Existing 38 lot development application currently under consideration.

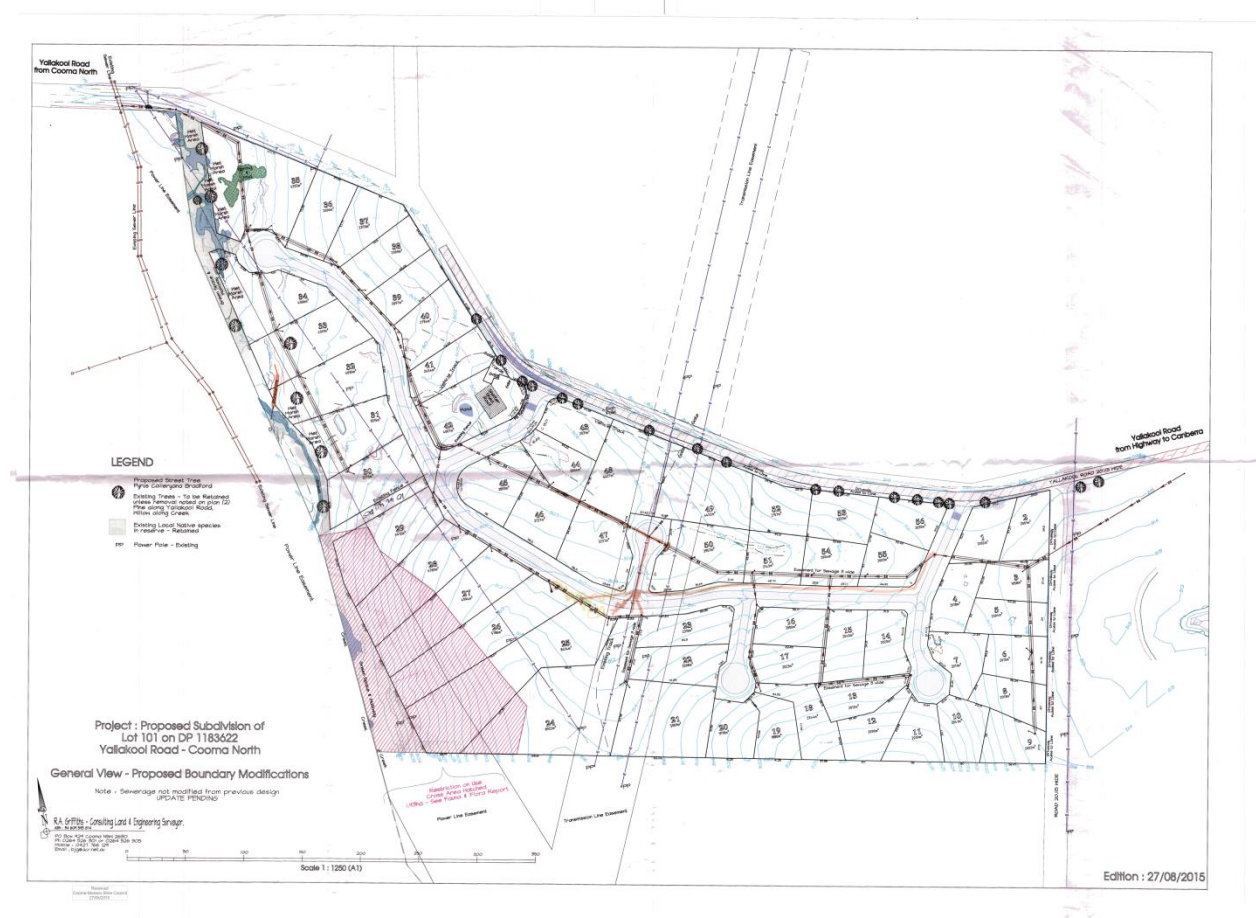


Figure 9: A potential subdivision of 56 lots should the PP be successful.

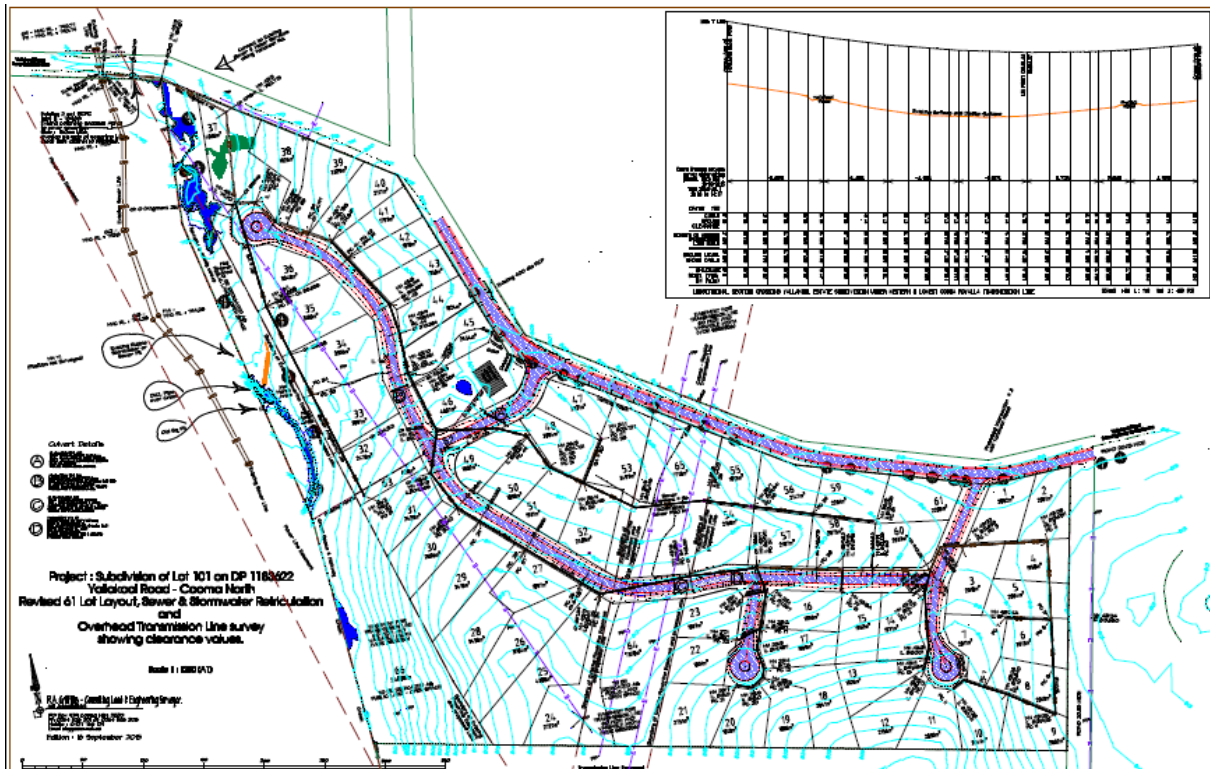


Figure 10: A potential subdivision of 61 lots should the PP be successful.

Although the development is located adjacent to the Cooma urban area, existing water and wastewater (sewerage) reticulation services do not extend to the site. The extension of these services would be required as part of any approved subdivision on the site. The extension of such services would be an orderly and reasonable increase in the range of such services and would lay the foundation for further extensions underpinning the growth of Cooma in the future. It would also make the development of the site more feasible in the short term, and would improve competition in the residential subdivision sector in Cooma.

Council's engineers have provided the following initial comments on the PP:

Water Supply

Hydraulic analysis required for proposed development to ensure adequate flow and pressure demands are met.

A new 150 to 200mm reticulation main from Mittagang Road will be required to supply the proposed development.

Reticulation supply capacity off Mittagang Road 300mm trunk main will meet expected requirements.

Wastewater (Sewerage)

The design layout for wastewater drainage should not unnecessarily encroach onto private lots.

Manholes should remain within public space/road reserves.

Proposed connection into the 300mm gravity trunk main from Polo Flat has capacity to receive expected additional flows from the proposed development.

Stormwater Drainage

A detailed stormwater management plan would be required to address issues including inter-allotment drainage, stormwater discharge outlets to the adjoining water course and collection systems within the subdivision.

Road Network

The existing regulatory speed limit on Yallakool Road is 80kph. The additional traffic generated by the development would require a traffic impact assessment study to consider the impact on the broader network. Issues include:

- 1. Reduction in the regulatory speed limit to 60kph*
- 2. Upgrade of the intersection of Yallakool Road and the Monaro Highway*
- 3. Intersection treatments for access to Yallakool Road from the subdivision*
- 4. Construction of Yallakool Lane to public road standards in accord with the DCP*
- 5. Any other road improvements required on Yallakool Road resultant from the increased traffic generation from the development*
- 6. Street lighting*
- 7. Streetscape including possible kerb and gutter and undergrounding of all services*
- 8. Construction of pedestrian/cycleway opportunity within the subdivision and linking to cycleways in the open space corridor.*

Access to Public Roads

The proposal includes a number of allotments that will necessarily access direct from Yallakool Road. Whilst there is no definitive objection to this it should be noted that each site would need to be considered in more detail on the respective merits for each point of access at the pre-design and development application stage. It is noted also that access would be required to Yallakool Lane. Yallakool Lane would require construction to the standards specified in the DCP.

Open Space

The open space along the un-named creek frontage that is proposed to be transferred to Council would require a detailed management plan to address issues such as access for maintenance vehicles and other maintenance activities. The corridor afforded by this open space provides an ideal pedestrian/cycleway link to Snowy Oval and potentially in the longer term to Lions Park. The developer would be required to develop this open space to a standard suitable for Council to assume care and control in the long term. This would include concrete paving of the cycleway, construction of a creek crossing to Snowy Oval, other community facilities as identified in the proposed management plan.

Power Supply Easements

It is understood the beneficiary of existing power supply easements through the land the subject of this proposal has concerns in relation to the existing road and allotment layout with regard to power transmission operations. The concerns of the power authority will need to be addressed.

The proposal would be a benefit to the community and is supported in principal subject to consideration of the issues raised above.

The full reticulation of water and wastewater services to the site is considered essential because the site is identified as 'Groundwater Vulnerable' in the maps in CMLEP 2013.

A Threatened Species Assessment and Aboriginal Archaeological Assessment has already been undertaken for the site as part of the current development application. An area of moderate quality natural temperate grassland, which is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999 is located on a small ridgeline around the south eastern corner of the site. There are no aboriginal archaeological issues associated with the site.

Transgrid have been consulted in relation to the present development application (under the provisions of clause 45 of *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*) and have not to date consented to current design. Further consultation will be required with Transgrid regarding the PP.

The traffic impacts of the PP also require further investigation as there will be increased impacts upon Yallakool Road in particular. A Traffic Impact Assessment should be required of the applicant to properly ascertain this impact. The future potential subdivision of the site will not be classed as traffic generating development under the ISEPP because the site is more than 90 metres from the Monaro Highway, being the closest classified road to the site.

There are no heritage related issues associated with the site.

Is the PP a result of any strategic study or report?

No. However it is consistent with the Council's Strategic Direction 2011-2030 document which in a general sense provides for the expansion of the town in a northerly direction and for these areas to be fully reticulated.

Council is presently working on the development of a Settlements Strategy, which will provide more specific guidance on the development of Cooma and the Shire till 2036, and which will complement the Regional Plan currently under production.

Is the PP the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. There is no other way that the density of residential lots can be increased on the site other than by lowering the minimum lot size. Although a community title subdivision may have been an alternative possible way of achieving an increased density, clause 4.1AA of CMLEP 2013 requires that the lots in a community title subdivision would still be required to meet the minimum lot size.

Is the PP consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no Regional Strategy currently in place in Cooma-Monaro Shire. However, the PP will further enhance Cooma as an important regional town in South East NSW.

Is the PP consistent with a council's local strategy or other local strategic plan?

Cooma Strategic Direction 2011-2030 document contains the following provisions relating to Cooma township (emphasis added):

3.3 Cooma

How will the future Cooma look

- ☐ *The hills and native vegetation surrounding and within Cooma will provide a natural setting for the town.*
- ☐ *The history and culture of the region will be an integral part of Cooma and reflected in the built environment.*
- ☐ *The outer residential precincts of Cooma will contain predominantly single dwellings.*
- ☐ *The inner precincts will contain a mix of single and medium density dwellings.*
- ☐ *The Central Business District will be a mix of commercial, government services, recreation and residential land uses.*
- ☐ *Cooma will contain infrastructure and services commensurate with a rural regional centre.*
- ☐ *Pedestrians, those with a disability and cyclists will be able to move around efficiently and safely.*
- ☐ *Polo Flat will be a busy and attractive regional industrial area.*
- ☐ *The residential expansion of Cooma will be predominantly on the northern side of Cooma.*

Strategic actions for Cooma

- ☐ *The implementation of the Central Business District Structure Plan will define and enhance the Central Business District.*
- ☐ *A post and pre 1945 history of Cooma will be undertaken to complement the community heritage study.*
- ☐ *Industry will be encouraged to develop at Polo Flat. The Polo Flat Structure Plan will be implemented.*
- ☐ *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 Numeralla Road and the Monaro Highway.*
- ☐ *Technology and research organisations will be encouraged to remain and/or establish.*
- ☐ *Plans for each of Cooma's precincts will be developed in the short to medium term, including the Vale Street ceremonial area, Snowy Mountains Scheme executive residential areas, the railway precinct and Lambie Street.*
- ☐ *A policy for affordable housing in Cooma will be developed.*
- ☐ *A parking study will be undertaken in the short-medium term.*

The PP is consistent with these principles in the Strategic Direction.

Is the PP consistent with applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies (SEPPs) directly relevant to the PP. However the following SEPPs are relevant to a development application lodged on the land:

- SEPP (Infrastructure) 2007 – due to the presence of high voltage powerline easements on the site.
- SEPP (Rural Lands) 2008 – clause 10 requires consideration of certain matters for development on land in Zone R5.

Is the PP consistent with applicable Ministerial Directions (s.117 Directions)?

The Minister's 117 Direction 3.1 – Residential Zones is applicable to the PP because it is affecting land within an existing residential zone. An extract from Direction 3.1 is provided below with comment demonstrating how the PP is consistent with it.

What a relevant planning authority must do if this direction applies

- (1) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
Comment: Whilst there is currently land with a minimum lot size of 1800m² available elsewhere in the Shire, there is no land with this minimum lot size around Cooma at present.
 - (b) *make more efficient use of existing infrastructure and services, and*
Comment: Cooma's Water Supply and Sewerage Treatment Plant have been designed to cater for a much larger population than at present and are currently operating well below capacity. Further development within the town fringes will also make more efficient use of the existing road network and all services presently operated in the town.
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
Comment: The PP will increase the density of development on land in an existing residential zone. This reduces the likelihood of new non-residential land being proposed for rezoning in the short to medium term.
 - (d) *be of good design.*
Comment: The current design provisions in Council's Development Control Plan 2014 encourage the provision of housing of a good design.
- (2) *A planning proposal must, in relation to land to which this direction applies:*
- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
Comment: Clause 6.10 of CMLEP 2013 contains provisions to this effect and will remain unaffected by the PP. Council's DCP 2014 also contains provisions regarding adequate provision of services.
 - (b) *not contain provisions which will reduce the permissible residential density of land.*
Comment: The PP will increase the permissible residential density on the land.

The Minister's 117 Direction 3.4 – Integrating Land Use and Transport may also apply to the PP because it is altering a provision relating to land in a residential zone. However, 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, due to the small distances between transport destinations within a rural town.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An Assessment of Significance has already been carried out on the site in relation to the existing development application for 38 lots. This assessment identified an area of natural temperate grassland on the site which is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999. Larger lots and restrictive building envelopes were proposed as a means of avoiding significant impact on this area. It is expected that similar such measures would be incorporated in any future subdivision as a result of the PP. The applicant has maintained such measures in the indicative subdivision plan shown earlier in this report.

Are there any other likely environmental effects as a result of the PP and how are they proposed to be managed?

The proposal 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 impact will be clearly visible from Yallakool Road and from existing dwellings north of Yallakool Road.

Council's other existing planning controls as well as general Section 79C considerations provide an adequate means of addressing and considering these potential impacts.

Has the PP adequately addressed any social and economic effects?

An Aboriginal Archaeological Assessment has been conducted on the site as part of the existing 38 lot development application. No items of significance were identified and the site was considered to have a low potential for new items to be uncovered.

There are no Heritage Items listed in CMLEP 2013 on the site or in the immediate vicinity of the site.

Is there adequate public infrastructure for the PP?

Further examination of the impacts of increased traffic in the area needs to be undertaken. Other public infrastructure will be installed by the developer during construction.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Agency consultation has not yet been undertaken regarding this PP. It is envisaged this would occur following a gateway determination.

Public authorities to be consulted should include:

- Roads and Maritime Services – regarding impacts on Yallakool Road, particularly the intersection of Yallakool Road and the Monaro Highway.
- Transgrid – regarding the 132KV powerline easements running through the site.
- Essential Energy – regarding provision of electricity infrastructure for a higher density development.
- NSW Office of Environment and Heritage – regarding impacts on any threatened species in the locality.

- Commonwealth Department of Environment – regarding potential impacts on the natural temperate grassland identified on the site.

4 Maps

The map shown below indicates the change required to CMLEP 2013.

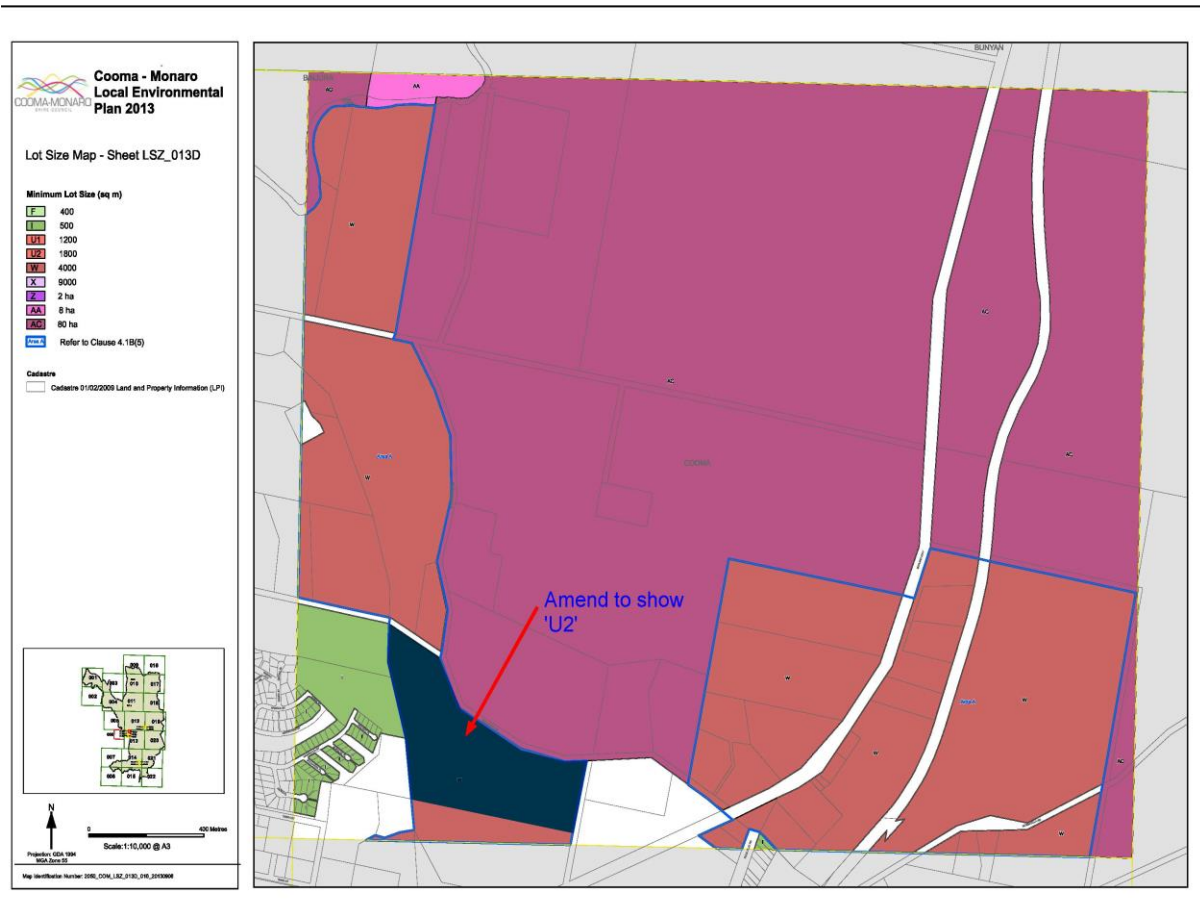


Figure 10: Plan showing the proposed amendment to CMLEP 2013 (Lot Size Map - Sheet LSZ_013D).

5 Community Consultation

Before consideration is given to the making of the proposed instrument community consultation for the minimum period of 28 days is envisaged. This would include notice in Council's commune page in both local newspapers, as well as advertising on Council's website. Adjoining owners in the vicinity of the site would also be directly notified by letter.

Adjoining owners in the vicinity of the site were notified as part of the current proposed 38 lot subdivision and, whilst two submissions were received, neither were objecting to the proposal.

It is not anticipated any public meetings will be held in relation to the proposed amendment.

It is expected that State and Federal Agency consultation could occur at the same time as the general community consultation, as likely issues concerning the site are already well known.

6 Project Timeline

It is expected that the passage of the PP will be able to be completed within 6 months of the date of the gateway determination, possibly sooner if agency and community consultation does not raise any issues of significance.

7 Attachments

The following attachments are provided to accompany the PP:

- Council resolution for gateway determination
- Flora and Fauna Survey
- Aboriginal Due Diligence Assessment
- CMLEP 2013 Map Sheet LSZ_013D with proposed amendment shown