



Office of Environment & Heritage

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Mr Alexandra Adkins
Senior Strategic Planner
Snowy Monaro Regional Council
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Dear Mr Adkins

RE: Planning proposal referral 461 Barry Way Rezoning to R5 Large Lot Residential and Lot Size map.

Thank you for your letter of 6 March 2019 referring the draft planning proposal to the Office of Environment and Heritage (OEH) for our consideration.

We have reviewed the planning proposal and background document provided for *Planning Proposal Lot 101 DP817374, 461 Barry Way Moonbah R5 Large Lot Residential Dabyne Planning July 2018*.

Adequate information has not been presented in the planning proposal report on biodiversity, Aboriginal Cultural heritage (ACH) and flooding to back up the findings in relation to the consistency to the Ministerial Directions for Plan Making.

OEH is supportive of the Department of Planning and Environment requirement that the planning proposal shall not be finalised until the Department of Planning and Environment's *Go Jindabyne Masterplan* is completed and the proposal is consistent with the Masterplan. This strategic document is to investigate biodiversity and Aboriginal cultural heritage assets in the area on a landscape scale and will provide valuable contextual information for a small-scale rezoning as proposed.

Further comments are provided on the following matters:

Biodiversity

A key action should be that the planning proposal be consistent with the South East and Tablelands Regional Plan requirement to *protect validated high environmental value lands in LEPs s14.2*. It is noted that areas of Endangered Ecological Community Snow -Gum woodland are likely to occur on the land as identified in the HEV layer for South East and Tablelands Regional Plan. The biodiversity values should be validated in accordance with regional plan provisions.

Also considered relevant for the proposal is Regional Plan *Direction 28 to Manage Rural Lifestyle* land.

Rural residential housing in areas of intact bushland presents bushfire risks. The clearing for house sites, bushfire asset protection and associated infrastructure, particularly local roads, has led to high clearing rates. Clearing associated with rural residential subdivision is currently the major source of vegetation removal in the South Coast and Southern Tablelands.

A consistent planning approach will identify suitable locations for new rural residential development that avoids fragmentation of productive agricultural land and lessens the impact on high environmental value assets, cultural and heritage assets, or areas with important rural

landscapes. Rural residential development should not increase pressure on infrastructure and services, and should be located on land free from natural hazards (Page 56).

Aboriginal Cultural Heritage

We advise that insufficient information has been provided for OEH to consider this planning proposal. Aboriginal cultural heritage (ACH) has not been addressed in any of the supporting information provided.

In accordance with Ministerial Direction 2.3, the planning proposal must consider heritage. This includes provisions that facilitate the conservation of Aboriginal objects. As no ACH assessment has been completed it is not known if Aboriginal objects are located on the property and their potential conservation cannot be considered. Completing an ACH assessment and conserving Aboriginal objects at the planning proposal stage is also consistent with the South East and Tablelands Region Plan 2036.

Aboriginal objects are often recorded in proximity to reliable water sources. As the proposal area is located near Cobbin Creek it is possible that unrecorded Aboriginal objects are present. OEH therefore advises that an ACH assessment undertaken by a suitably qualified professional is required to adequately consider the possible impacts to Aboriginal heritage. We would also recommend that any assessment includes consultation with the local Aboriginal community. Consultation with the Aboriginal community at the strategic planning stage is in accordance with Direction 23 of the South East and Tablelands Region Plan 2036.

Floodplain Risk Management Comments:

OEH notes that the site is traversed by a number of watercourses which indicates that it is subject to flooding and as such considers that section 9.1 direction – 4.3 Flood Prone Land applies.

The OEH is not aware of council having a floodplain risk management study and plan for this area and flood planning area maps may not be available. However, the absence of a flood map does not mean that the land is not flood prone as implied in the assessment of consistency against Ministerial Direction on page 35 of the planning proposal.

It is recommended that the planning proposal utilises a flood assessment of the site to address section 9.1 direction, 4.3 to ensure that objectives of the flood prone land policy as set out in the Floodplain Development Manual have been addressed in determining the planning proposal. Such a flood assessment would inform suitability of areas that may be suitable to be zoned for residential use as well as matters such as flood access. It could also inform any subsequent decision making regarding future development applications.

If you wish to discuss this letter further, please contact the Miles Boak on (02) 6229 7095.

Yours sincerely



29/3/19

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