

Enquiries: Sorrell Rangiihu
1300 345 345
Our Ref: 10.2023.219.2
PAN: PAN-411012



M PO Box 714 COOMA NSW 2630
E council@snowymonaro.nsw.gov.au
W www.snowymonaro.nsw.gov.au
P 1300 345 345

K Chapman
299 Sloane St
Goulburn NSW 2580

NOTICE OF DETERMINATION OF AN APPLICATION TO MODIFY A DEVELOPMENT CONSENT AND STATEMENT OF REASONS

Issued under the Environmental Planning and Assessment Act 1979 (the 'Act')

Application Information	
Application Number	10.2023.219.2
Planning Portal Reference:	PAN-411012
Approved Development:	2 lot subdivision
Modification Proposed:	Modify condition 4 to include alternative energy
Property Description	The Outpost Road BOLARO 2629 Lot: 93 DP: 750538
Estimated Cost of Works:	\$10,000.00
Determination:	Delegated (Staff)

MODIFIED DEVELOPMENT CONSENT has been granted subject to the amended conditions detailed below.

Note: It is advised that this determination replaces the original determination. For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been indicated.

Pursuant to Clause 97 and 118 of the *Environmental Planning and Assessment Regulation 2021*, this determination replaces the original determination as from the date of the Modification Approval Date.

Date of Determination:	14/08/2023
Consent is to operate from:	14/08/2023
Consent is to lapse on:	14/08/2028
Modification Approval Date:	21/03/2024

REASONS FOR CONDITIONS

Pursuant to Schedule 1 cl 20(1)(c)

1.	The proposal adequately satisfies the application provisions and objectives of the Cooma Monaro DCP 2014 and Cooma Monaro LEP 2013
2.	The proposed development adequately satisfies the relevant State Environment Planning Policies including Biodiversity and Conservation) 2021.
3.	The proposed development, subject to the conditions below, will have no unacceptable adverse impacts on the natural or built environments including nearby local waterways or drainage systems or the operation of the local road system. Further it is considered that development of the subject site does not prevent future reasonable development of adjoining allotments.
4.	The application was not required to be notified to adjoining landowners and/or publicly advertised in accordance with the Snowy Monaro Planning and Development Community Participation Plan 2019 and the relevant statutory regulations. The proposal received 0 submissions.
5.	In consideration of conclusions 1 – 4 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

Right of appeal / review of determination: If you are dissatisfied with this decision:

- Apply to Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act 1979. Such application must be made and determined by Council within twelve (12) months from the date on which you received the original determination notice provided that an appeal under Section 8.7 of the Environmental Planning and Assessment Act 1979 has not been made against this determination
- Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Definitions

Unless specified otherwise, words have the same meaning as defined by the Act, the Regulation and the Interpretation Act 1987 as in force at the date of consent.

- Applicant means the applicant for this consent.
- Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.
- AS or AS/NZS means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.
- BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.
- Council means Snowy Monaro Regional Council
- Court means the NSW Land and Environment Court
- Stormwater drainage system means all works, facilities and documentation relating to:
 - the collection of stormwater,
 - the retention of stormwater,
 - the reuse of stormwater,
 - the detention of stormwater,
 - the controlled release of stormwater; and
 - connections to easements and public stormwater systems.
- Owner means the owner of the site and successors in title to the site.
- Owner-builder “construction phase of the development” has the same meaning as in the Home Building Act 1989.

- Principal Certifying Authority means the Principal Certifier under the Act.
- Principal Contractor has the same meaning as in the Act, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Advisory notes: your attention is drawn to the following:

- Changes to the external configuration of the building, site layout, density, internal configurations, or the operation of use, may require the submission of a modification application under Section 4.55 of the Environmental Planning and Assessment Act 1979.
- All building work must be carried out fully in accordance with the conditions of development consent and it is in offence to carry out unauthorised building work that is not in accordance with the development consent. It is the responsibility of the applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent.
- This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety 2001 and Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
- Headings are for convenience only and do not affect the interpretation of any condition of this development consent.
- For further information and if there is any difficulty in understanding any of the above conditions please contact the Development Assessment Section on 1300 345 345.

On behalf of the above Council:



Delegated Officer
Sorrell Rangiihu
Town Planner

CONDITIONS OF CONSENT

10.2023.219.2

Reason for imposition of conditions: Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

PART A – ADMINISTRATIVE CONDITIONS

1 - Endorsed plans and supporting documentation

Development must be carried out in accordance with the following plans and documentation, except where amended by Council and/or the conditions of this development consent.

Plan No.	Plan Title.	Drawn By.	Date
1 of 1	Proposed Subdivision	All Spec	31/10/2022

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

Document Title.	Prepared By.	Date
Statement of Environmental Effects	CPC Land Development	July 2023
Bushfire Hazards Assessments	Harris Environmental	18/07/2023
Soil and Site Assessments	Harris Environmental	10/02/2023
Bushfire Assessment Report	Lodge Environmental	18/06/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. Ecosystem credit retirement - like for like

Before the issue of a subdivision works certificate:

1. The class and number of ecosystem credits in the table of ecosystem credits required be retired - like for like - non-threatened ecological community must be retired to offset the residual biodiversity impacts of the development; and/or
2. The class and number of ecosystem credits in the table of ecosystem credits required to be retired -like for like - threatened ecological community must be retired to offset the residual biodiversity impacts of the development.
3. Evidence of the retirement of credits or payment to the Biodiversity

Conservation Fund must be provided to the consent authority.

Table of ecosystem credits required to be retired - like for like- threatened ecological community.

Impacted threatened ecological community	Number of Ecosystem credits	Hollow bearing trees (HBTs)	IBRA subregions from which credits can be used to offset the impacts from development	Threatened ecological community that can be used to offset the impacts from development
PCT 3382- Kosciuszko Eastern Slopes Mountain Gum Forest	8		An IBRA subregion within 100km of the outer edge of the impact site	

Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of ecosystem credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur.

3. Creation and Construction of Rural right of carriageway

The plan of subdivision shall include the creation of a right-of-carriageway to provide access to proposed lot 2 from Outpost Road as shown on the Approved Development Plan.

Constructed access within this right of carriageway shall be constructed in conformity with Council's Development Design and Construction

Specifications or Specification for Engineering works (as applicable) to include the following:

- a. a 4.0 metre wide gravel pavement
- b. minimum gravel thickness of 150 mm
- c. suitable drainage works
- d. suitable erosion protection measures
- e. installation of guide posts

The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the vehicular access track is wholly contained within the right-of-carriageway as defined on the plan.

Condition reason: To comply with council standards.

4. Electricity Servicing

All proposed lots in the subdivision shall be serviced with electricity at no cost to Council. A "Notice of Arrangement" from Essential Energy shall be sufficient to establish compliance with this condition.

Alternatively, a s.88B Instrument can be used to include a restriction on title that notes each Lot will not be serviced by mains electricity at the time of the creation of the allotment.

Condition reason: To ensure that each proposed lot in the subdivision will be provided with an electricity connection at no cost to Council and no cost to the future lot owner.

5. Telecommunication Servicing

The developer shall make arrangements for the provision of telephone services to each proposed lot in the subdivision at no cost to Council and no cost to the future lot owner. Prior to the endorsement of a subdivision certificate, the developer shall submit to the Principal Certifying

Authority written notification from a recognized telecommunications carrier to confirm that arrangements have been undertaken to satisfy this condition.

Condition reason: To ensure that each proposed lot in the subdivision will be provided with a telephone services at no cost to Council and no cost to the future lot owner.

6. Subdivision Certificate Application

The developer is to submit to Council through the NSW Planning Portal a Subdivision Certificate application together with:

1. Electronic subdivision plan and Administration sheet;
2. Any required or relevant Section 88B instrument under the Conveyancing Act 1919;
3. The applicable fee;
4. Documentation from a recognised telecommunications carrier certifying that telephone connection has been provided to the site;
5. Notice of Arrangement from Essential Energy certifying that electricity connection has been provided to each lot or s88B instrument outlining the restriction on use.;
6. Certificate from Snowy Monaro Regional Council certifying that all necessary and appropriate weed eradication work has been completed on all lots in the subdivision.

Optional

Original/Hard copy linen plans and administration documents, where the applicant require original copies to signing by Council, hard copy plans shall be received at a council office within two (2) business days after submission of the application on the Planning Portal.

Condition reason: To ensure legislative compliance.

7. Bushfire Compliance Inspection

Prior to the issue of the subdivision certificate an inspection is to be carried out by a suitably qualified consultant demonstrating compliance with ensure compliance with approved Bushfire Hazard Assessment.

Condition reason: To ensure compliance with endorsed Bushfire Hazard Assessment