

**CLAUSE 9A – COBAR MINERS MEMORIAL PROJECT – VERSION 3 – ENVIRONMENTAL ASSESSMENT**

**FILE: P1-17    AOP REFERENCE: 1.6.3.1    ATTACHMENT: YES (UNDER SEPARATE COVER)**

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**Purpose**

The purpose of this report is for Council to consider granting planning approval for the Cobar Miners Memorial Project to proceed pursuant to section 5.5 of the *Environmental Planning and Assessment Act 1979*.

**Background**

The current version of the Memorial Project (version 3) was presented to the Council Workshop by the General Manager and Projects Coordinator on 11 June 2020. Extracts from the workshop slide presentation are provided in the attachment to this report.

The previous two versions of the Memorial were approved by Council as Development Applications 2017/LD-0002 on 23 March 2017 (version 1) and Development Application 2017/LD-0002 REV01 on 28 March 2019 (version 2).

**Issues**

The development site is owned by Council and is classified as community land under the *Local Government Act 1993*.

For the project to proceed, planning approval is required under the *Environmental Planning and Assessment Act 1979* (the Act).

Two approval pathways are available under the Act either via a development application under Part 4 or by undertaking an environmental assessment under Part 5.

On the basis of being a Council project it may be carried out as development without consent (although still subject to assessment) under *State Environmental Planning Policy (Infrastructure) 2007*.

The project team has opted for the proposal to be assessed under Part 5 of the Act instead of lodging a development application.

Council cannot delegate its power to consent to the carrying out of this development (s47E of the *Local Government Act 1993*), therefore any decision to grant approval must be made by the Council.

To assist with considering whether approval should be granted an environmental assessment under Part 5 of the Act has been completed. A copy is included in the attachment to this report.

The assessment concluded that the proposal is not likely to have a significant impact on the environment and an environmental impact statement (EIS) is not required.

## **RECOMMENDATION**

- 1. That Council grants approval for the Cobar Miners Memorial Project to proceed pursuant to Section 5.5 of the *Environmental Planning and Assessment Act 1979*.**
- 2. That voting on this matter be recorded on the basis of an automatic division as required by legislation.**