

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

Proposal Title : **Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne**

Proposal Summary : **Planning proposal seeks to reclassify and rezone part of Lot 20 DP219584, Kosciuszko Road Jindabyne from Community to Operational land, and from the RE1 Public Recreation Zone to the R1 General Residential Zone in the Snowy River Local Environmental Plan (LEP) 2013. This will permit access to developments in the adjacent Mclure Circuit, Jindabyne.**

PP Number : **PP_2016_SMONA_001_00** Dop File No : **16/10076**

Proposal Details

Date Planning : **27-Jul-2016** LGA covered : **Snowy Monaro Regional**
 Proposal Received :

Region : **Southern** RPA : **Snowy Monaro Regional Council**

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

LEP Type : **Reclassification**

Location Details

Street : **Kosciuszko Road**

Suburb : **Jindabyne** City : Postcode : **2627**

Land Parcel : **Part Lot 20 DP219584**

DoP Planning Officer Contact Details

Contact Name : **Nathan Foster**

Contact Number : **0242249459**

Contact Email : **nathan.foster@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Rochelle Crowe**

Contact Number : **0264511564**

Contact Email : **Rochelle.Crowe@snowymonaro.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

Contact Number : **0242249468**

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

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
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) : 0
Gross Floor Area : 0	No of Jobs Created : 0
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 :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **No**

Comment : The eastern portion of Lot 20 DP 219584, where land fronts Lots 22 DP 219584 and SP 14686 (3 & 5 Mclure Circuit) Jindabyne will be reclassified as Operational Land and be re-zoned from RE1 Public Recreation to R1 General Residential. The proposal seeks to formalise access to developments in Mclure Circuit, Jindabyne.

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

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

Comment : The eastern portion of Lot 20 DP 219584 will be included in Part 1 of Schedule 4 (Land classified, or reclassified as operational land - no interests changed) of the Snowy River Local Environmental Plan (LEP) 2013 which will make the land Operational Land. The land zoning map sheet LZN_003AA will also be amended to reflect a zoning change from RE1 Public Recreation to R1 General Residential in line with the two adjacent lots.

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Kosciuszko National Park—Alpine Resorts) 2007

e) List any other matters that need to be considered :

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

If No, explain :

Council has identified four State Environmental Planning Policies (SEPP) that are applicable to the planning proposal;

SEPP (Kosciuszko National Park and Alpine Resorts) 2007

SEPP 44 Koala Habitat Protection

SEPP55 Remediation of Land

SEPP (Infrastructure) 2007

Council is satisfied that the planning proposal is consistent with each of these SEPP's.

Council has identified a number of s.117 Ministerial Directions that are relevant to this planning proposal and have provided the following assessments against each;

3.1 Residential Zones - The proposal will facilitate the opportunity of shop top housing on the adjacent allotment by providing direct access from Kosciuszko Road to the Council approved shops.

3.2 Caravan Parks and Manufactured Home Estates - Although the subject site is adjacent to a caravan park, the eastern portion of the site, which is the subject of the planning proposal is not located adjacent and therefore, it will have no impact on the Jindabyne Holiday Park, located to the north west.

6.1 Approval and Referral Requirements - Consistent

6.2 Reserving Land for Public Purposes - Generally consistent. The planning proposal does not seek to acquire additional public land. It seeks to re-classify part of an allotment of public land as Operational land to facilitate continued vehicle access over the land. The land will also be rezoned from RE1 Public Recreation to R1 General Residential to facilitate the approved shop top housing development on the adjoining site subject to resolution of access issues. The rezoning is considered minor and given that the site is not valuable in terms of contributing to the open space and recreational network, the conversion of this part lot is not significant and any inconsistency is of a minor nature.

6.3 Site Specific Provisions - The proposal does not contain any restrictive site specific planning controls

The Department does not disagree with Council's assessments, and agrees that no other s.117 directions nor SEPPs are relevant to this planing proposal.

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided by Council as part of the planning proposal is considered sufficient for the purpose of public/agency consultation. LEP standard mapping will need to be provided by Council prior to finalisation of the plan.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has advised that consultation in relation to the planning proposal will be in accordance with the Gateway determination, and have noted that a public hearing will be required as it involves the re-classification of Community land.**

Additional Director General's requirements

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

If Yes, reasons : **Nil**

Overall adequacy of the proposal

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

If No, comment : **It is considered that the Planning proposal is adequate to proceed.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Snowy River LEP was notified in January 2013.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the only means of achieving the intended outcome to reclassify and rezone part of Lot 20 DP 219584.**

The Department does not disagree with Council's assessment.

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

Consistency with strategic planning framework :

Council has advised that the planning proposal is not a result of a strategic study or report. However, Council considers the proposal to be consistent with the Snowy River Shire Management plan for Community Land (Sept 2004). Further, Council considers the proposal to be consistent with a draft report on the review of all Council owned land undertaken by the former Snowy River Shire Council, which identified this part lot for disposal as it has minimal open space value or wider community benefit.

Council has noted that the proposal does not originate from any regional strategic planning and that, at present, there is no regional or sub-regional strategy covering the former Snowy River Shire area.

A Draft South East and Tablelands Regional Plan which includes the Snowy Monaro LGA is currently on exhibition. Council believes this planning proposal will not be inconsistent with this high level strategic plan.

Council considers the proposal to be consistent with its own strategic plans; Community Strategic Plan, Jindabyne Action Plan and Jindabyne Growth Strategy.

Council considers the proposal to be consistent with the Snowy River Community Strategic Plan 2013-32 goal for 'strengthening our local economy' as it will provide access over the subject land to the approved shop top housing development on the adjacent lot which will provide additional high quality tourist accommodation with retail shops, invigorating this part of Kosciuszko Road.

The land is currently owned by the former Snowy River Shire Council, and no interests are to be extinguished.

The Department does not disagree with Council's assessment.

Environmental social economic impacts :

Councils planning proposal indicates that the subject land has been informally used for access to Numbers 3 & 5 Mclure Circuit properties for over 40 years and the site is mostly disturbed, comprising no native vegetation and no habitat suitable for threatened species. Subsequently Council is of the opinion that there will be no impact on threatened species or endangered ecological communities. Further, Council advises that no critical habitat as listed in NSW Legislation occurs in the former Snowy River LGA.

Council does not anticipate any environmental effects from the proposals re-classification/rezoning of the part lot involved in this planning proposal.

The Department does not disagree with Councils assessment.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services		

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

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

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

If no, provide reasons : **The planning proposal is supported to proceed to public/agency consultation.**

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

If Yes, reasons : **Re-submission is not required.**

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies are considered necessary.

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 : **Minor local matter only.**

Documents

Document File Name	DocumentType Name	Is Public
Snowy Monaro Council Planning Proposal_Reclassification and Rezoning.pdf	Proposal	Yes
Snowy Monaro Planning Proposal Cover Letter.pdf	Proposal Covering Letter	Yes
Snowy Monaro Planning Proposal Map_Before.pdf	Map	Yes
Snowy Monaro Planning Proposal Map_After.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Additional Information : **I, the Acting Director, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Snowy River Local Environmental Plan (LEP) 2013 to reclassify and rezone land being part Lot 20 DP 219584, Kosciuszko Rd Jindabyne 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 a minimum of 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 LEPs (Department of Planning and Environment 2013).**

2. Consultation is required with Transport for NSW – Roads And Maritime under section

Reclassification and rezoning part of Lot 20 DP219584 from community to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit, Jindabyne

56(2)(d) of the EP&A Act. Roads And Maritime is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body 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 LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).

5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.

Supporting Reasons :

The planning proposal involves the reclassification and rezoning of a small piece of RE1 Public recreation zoned, Council owned land to become operational R1 General Residential zoned land, consistent with adjacent residential land to the north.

The land has for many years, and is currently, used for informal access to the adjacent residential properties. The planning proposal seeks to formalise this access to sites on Mclure Circuit, sites subject to a Council approved commercial/shop top housing development.

Council believes the land provides no public benefit or uses as recreational land and is considered to be excess to Councils needs.

As per the Department's policy, Delegation to Council is not permitted as the proposal involves a reclassification of Council land, and the Council is a merged Council with the resolution made by the Administrator, rather than an elected Council.

Signature:



Printed Name:

Deanne Frankel

Date:

12/8/16

