



SNOWY MONARO
REGIONAL COUNCIL

PLANNING PROPOSAL

Local Government Area:

Snowy Monaro Regional Council

Proposal:

Re-Classify and Rezone Part of Lot 20 DP 219584 from community land to operational land and from RE1 Public Recreation to R1 General Residential to permit access to developments in Mclure Circuit Jindabyne.

Applicant:

Snowy Monaro Regional Council

Subject Land:

The proposed changes apply to Part of Lot 20 DP 219584, the land is covered by Snowy River LEP 2013

Amendment number and date:

Amendment No. 2, July 2016.

PLANNING PROPOSAL PROCESS

Part 1 - Intended Outcome

The eastern portion of Lot 20 DP 219584, where the land fronts Lots 22 DP 219584 and SP 14686 (3 & 5 McLure Circuit) will be classified as Operational land and Zoned R1 General Residential.

If the subdivision of the lot to separate the eastern portion from the western portion is required to facilitate this outcome, an example of the subdivision plan required has been prepared and provided in figure 15 below, which can be undertaken during the Planning Proposal process.



Figure 15: Example of a two (2) lot subdivision to subdivide Lot 20 DP 219584 into two (2) separate allotments to facilitate the re-classification and rezoning of the eastern portion (Lot 2 above) of the lot

Part 2 - Explanation of Provisions

Clause 45(1) of the *NSW Local Government Act 1993* does not permit Council to sell Community land.

45 What dealings can a council have in community land?

*(1) A council has no power to sell, exchange or otherwise dispose of community land.
(NSW Local Government Act 1993)*

To enable either the granting of an easement for access or the sale of part of Lot 20 DP 219584, the land must be classified as Operational Land. Clause 27(1) of the *NSW Local Government Act 1993* requires that the reclassification of land from Community to Operational land is made by local environmental plan.

The inclusion of eastern portion of Lot 20 DP 219584 in Part 1, Schedule 4 of the Snowy River Local Environmental Plan 2013 will make the land Operational land. In addition the land zoning map- sheet LZN_003AA will be amended to reflect a zoning change from RE 1 Public Recreation to R1 General residential in line with the two adjoining lots.

Part 3 – Justification

This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal. The following questions are set out in the Department of Planning's *A Guide to Preparing Planning Proposals* and address the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

Section A – Need for the planning proposal

Question 1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not part of a strategic study or a report.

However, the proposal is considered consistent with the Snowy River Shire Management Plan for Community Land, dated September 2004, particularly as the eastern part of the allotment (shown in figure 6 above) has primarily been used for continued access into both No. 3 & 5 McLure Circuit for over forty years. The direction to reclassify and rezone the land is also consistent with the Draft Report on the Review of all Council owned land undertaken by the former Snowy River Shire Council. This review identifies this part lot for disposal as it has minimal open space value or wider community benefit.

The land provides no value as open space or community land as it does not provide any sporting facilities or recreational opportunities (active or passive), does not provide a link between public areas, does not provide any substantive aesthetic or general amenity and does not provide any environmental value as it has no habitat value, remnant vegetation or environmental conservation attributes. The eastern portion of the lot is effectively surplus public land that has been used for extensive periods for private access and therefore it is surplus to Councils and the community's needs.

Question 2 is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means of achieving the intended outcome to reclassify and rezone this part lot.

Section B – Relationship to strategic planning framework

Question 3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The planning proposal relates to the re-classification and rezoning of part of an allotment. The planning proposal does not originate from regional strategic content. There is no regional or sub-regional strategy specifically for Snowy River Shire.

There is a Draft South East and Tablelands Regional Plan which is currently on public exhibition. The plan is aimed at high level, strategic actions. The current proposal to reclassify and rezone a part lot is not inconsistent with the regional plan and will have negligible impact on the goals of the draft plan.

Question 4(a) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The proposal is a minor change and as the part lot provides little benefit to open space or community recreational opportunities it is considered consistent with The Community Strategic Plan, Jindabyne Action Plan and Jindabyne Growth Strategy.

Question 4(b) Is the planning proposal consistent with the local council's community plan, or other local strategic direction

The planning proposal is to reclassify and rezone the eastern portion of an allotment of land currently not used for any public purpose and it is not driven by strategic objectives. The reclassification and rezoning will enable a development consent granted on the adjoining lot and continued formalised access to both adjoining lots.

The planning proposal however is considered consistent with the Snowy River Community Strategic Plan 2013-32 goal for 'strengthening our local economy' as access over Councils land to the approved Shop-top housing development on the adjacent lot will provide additional high quality tourist accommodation with retail shops, invigorating this part of Kosciuszko Road.

This will also facilitate an improved vehicular and pedestrian access into three of the adjacent properties, thus helping create a 'safer, healthier and thriving community'.

Question 4(c) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided?

There are no interests to be extinguished.

Question 4(d) the concurrence of the landowner, where the land is not owned by the relevant planning authority?

The land is owned by the former Snowy River Shire Council.

Question 5 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies are considered relevant to the Planning Proposal:

State Environmental Planning Policies	Assessment
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Consistent. The planning proposal does not seek any change to the provisions that apply to land within this SEPP or are currently Zone E1 National Parks and Nature Reserves under the LEP 2013.</i>
SEPP 44 – Koala Habitat Protection	<i>Consistent. The eastern portion of the subject lot is either devoid of vegetation or comprises of exotic vegetation, with no native vegetation and no suitable habitat for koala's.</i>
SEPP 55 – Remediation of Land	<i>Consistent. The eastern part of the subject allotment is vacant and has only been used to access the adjacent lots, which have been used for residential purposes only.</i>
SEPP (Infrastructure) 2007	<i>Consistent. The eastern portion of the subject lot is located within a developed area, already serviced by infrastructure, including roads, water, sewer & electricity. The re-classification of the eastern portion of the subject lot will facilitate improved and safer access from an arterial road, which has been supported by the NSW Roads and Maritime Service, subject to conditions of consent.</i>

Question 6 Is the planning proposal consistent with applicable Ministerial Directions?

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	<i>Not applicable.</i>
1.2 Rural Zones	<i>Not applicable.</i>

1.3 Mining, Petroleum Production and Extractive Industries	<i>Not applicable.</i>
1.4 Oyster Aquaculture	<i>Not applicable.</i>
1.5 Rural Lands	<i>Not applicable.</i>
2. Environment and Heritage	
2.1 Environment Protection Zones	<i>This site is not zoned for an Environmental Protection purpose and is not considered environmentally sensitive with no 'biodiversity' land</i>
2.2 Coastal Protection	<i>Not applicable.</i>
2.3 Heritage Conservation	<i>Not applicable. The site is not a heritage item or located adjacent to a heritage item or conservation area.</i>
2.4 Recreation Vehicle Areas	<i>The land is not currently used or will be used for recreation vehicles.</i>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<i>The planning proposal will facilitate the opportunity for the development of shop-top housing on the adjacent allotment, by providing direct access from Kosciuszko Road to the approved shops.</i>
3.2 Caravan Parks and Manufactured Home Estates	<i>Although the subject site is adjacent to a Caravan park, the eastern portion of the site, which is subject to the planning proposal is not located adjacent and therefore it will have no impact on the Jindabyne Holiday Park, to the north-west.</i>
3.3 Home Occupations	<i>Not applicable.</i>
3.4 Integrating Land Use and Transport	<i>Not applicable.</i>
3.5 Development Near Licensed Aerodromes	<i>Not applicable.</i>
3.6 Shooting Ranges	<i>Not applicable.</i>
4. Hazard and Risk	
4.1 Acid Sulfate Soils	<i>Not applicable. The site is not mapped as having an Acid Sulfate Soils.</i>
4.2 Mine Subsidence and Unstable Land	<i>Not applicable.</i>
4.3 Flood Prone Land	<i>Not applicable. The site is not mapped or located within Flood Prone Land.</i>

4.4 Planning for Bushfire Protection	<i>Not applicable. The site is not mapped as being within Bushfire Prone Land</i>
5. Regional Planning	
5.1 Implementation of Regional Strategies (NB: <i>This Direction has been revised to include previous Directions 5.6 and 5.7).</i>	<i>Not applicable. There is currently no Regional Strategy that applies to the Snowy River Shire.</i>
5.2 Sydney Drinking Water Catchments	<i>Not applicable.</i>
5.3 Significance on the NSW Far North Coast	<i>Not applicable.</i>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<i>Not applicable.</i>
5.8 Second Sydney Airport: Badgerys Creek	<i>Not applicable.</i>
5.9 North West Rail Link Corridor Strategy	<i>Not applicable.</i>
6. Local Plan Making	
6.1 Approval and Referral Requirements	<i>Consistent.</i>
6.2 Reserving Land for Public Purposes	<i>Generally consistent.</i> <i>The planning proposal also does not seek to acquire additional public land.</i> <i>The planning proposal seeks to re-classify part of an allotment of public land as operational to facilitate continued vehicle access over the land.</i> <i>The land will also be rezoned from RE1 Public recreation to R1 General Residential to facilitate the approved Shop top housing development approved on the adjoining site subject to resolution of the access issues.</i> <i>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.</i> <i>Council is the relevant public authority.</i> <i>Director General's concurrence</i>

	<i>could be sought through this Planning Proposal, if required.</i>
6.3 Site Specific Provisions	<i>Consistent. The proposal does not contain any restrictive site specific planning controls.</i>

Section C – Environmental, social and economic impact

Question 7. 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?

The eastern portion of the lot has been used to provide access to No. 3 & 5 Mclure Circuit for over forty (40) years and is mostly disturbed, comprising of no native vegetation and particularly no habitat suitable for threatened species.

Given this, it is concluded that it is highly unlikely that there are threatened species or endangered ecological communities. A flora and fauna report has not been prepared.

There is no critical habitat as listed in NSW legislation in the Snowy River local government area.

Question 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other environmental effects are anticipated to result from the proposed re-classification of the eastern part of the subject allotment sought through this planning proposal.

Question 9. Has the planning proposal adequately addressed any social and economic effects

The planning proposal will allow for continued access from Kosciuszko Road to No. 3 and 5 Mclure Circuit, in which providing legal access to the approved Shop-top housing development at No. 3 Mclure Circuit.

This will allow for the vehicular and pedestrian access into No. 3 & 5 McLure Circuit to be upgraded and improved and also better manage access into the Service Station adjacent.

Overall this provides a positive social and economic impact for the three land sites and the wider locality.

With regard to European heritage, the subject allotment is not listed or located adjacent to a heritage item or located within a heritage conservation area.

With regard to Aboriginal heritage, the site has been heavily disturbed for several decades and is within an established residential area. An archaeological assessment has not been undertaken. A check of the Aboriginal Heritage Information Management System (AHIMS) database did not find any listed artefacts or places of significance.

Section D - State and Commonwealth interests

Question 10. Is there adequate public Infrastructure for the planning proposal

The planning proposal does not generate additional demand upon infrastructure.

Question 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination

It is considered due to the minor nature of the planning proposal that the re-classification and rezoning would not be of consequence for State and Commonwealth public authorities. No consultation with these entities has taken place to date, however the Roads and Maritime Service did provide comments and support for the upgraded access over the subject land into No. 3 McLure Circuit as part of the development consent granted under DA 0126/2015.

Part 4 – Mapping

There is a draft Map attached showing the map changes required to Land Zoning Map LZN_003AA.

Part 5 – Community Consultation

Council has not undertaken any community consultation concerning this planning proposal to date. It is anticipated that this will occur as part of the formal exhibition and public hearing and as directed through the gateway determination process.

Part 6 – Project Timeline

No additional strategic work will be required for the successful implementation of the planning proposal. Community Consultation including a Public Hearing will be undertaken as outlined if a Gateway Determination is successful. As a result Council intends to undertake the planning proposal immediately in the event Gateway approval is granted.