



SNOWY MONARO
REGIONAL COUNCIL

PLANNING PROPOSAL

Proposed Amendment to Snowy River 2013 and Cooma-Monaro LEP 2013 to reclassify Lot 10 DP 1130244 in Berridale and Part of Lot 10 DP 1266613 Cooma from community to operational land.

Local Government Area:

Snowy Monaro Regional Council

Proposal:

Proposed *Amendment to Snowy River 2013 and Cooma-Monaro LEP 2013* to reclassify certain land in Berridale and Cooma from community to operational land.

Applicant:

Snowy Monaro Regional Council

Subject Land:

Lot 10 DP 1130244, 7A Jindalee Street BERRIDALE

Part Lot 10 DP 1266613, 1 Binalong Street COOMA

Version:

Version	Stage	Date
Version 1	Pre Gateway	February 2021
Version 2	Post Gateway – Agency Consultation	April 2021
Version 3	Post Gateway – Public Consultation	April 2021

1 Subject Land

The site is adjacent to the Snowy River Hostel and is known as 7A Jindalee Street, Berridale and legally referred to as Lot 10 DP 1130244. The land is identified below (Figure 1) and currently zoned RU5 Village with a prescribed minimum lot size of 700sqm.

The vacant site occupies an area of 3000sqm and is currently accessed over Council owned land from Jindalee Street to the south of the site, although would become land locked if Lot 3 DP 26169 were to be disposed of. Single story detached dwelling houses on large lots of around 1000sqm surround the site. The site is located adjacent to Snowy River Hostel, a 14-bed operational aged care facility. The existing aged care facility is located on Lot 3 DP 801367 and Lot 3 DP 261695 and are currently classified as operational land.

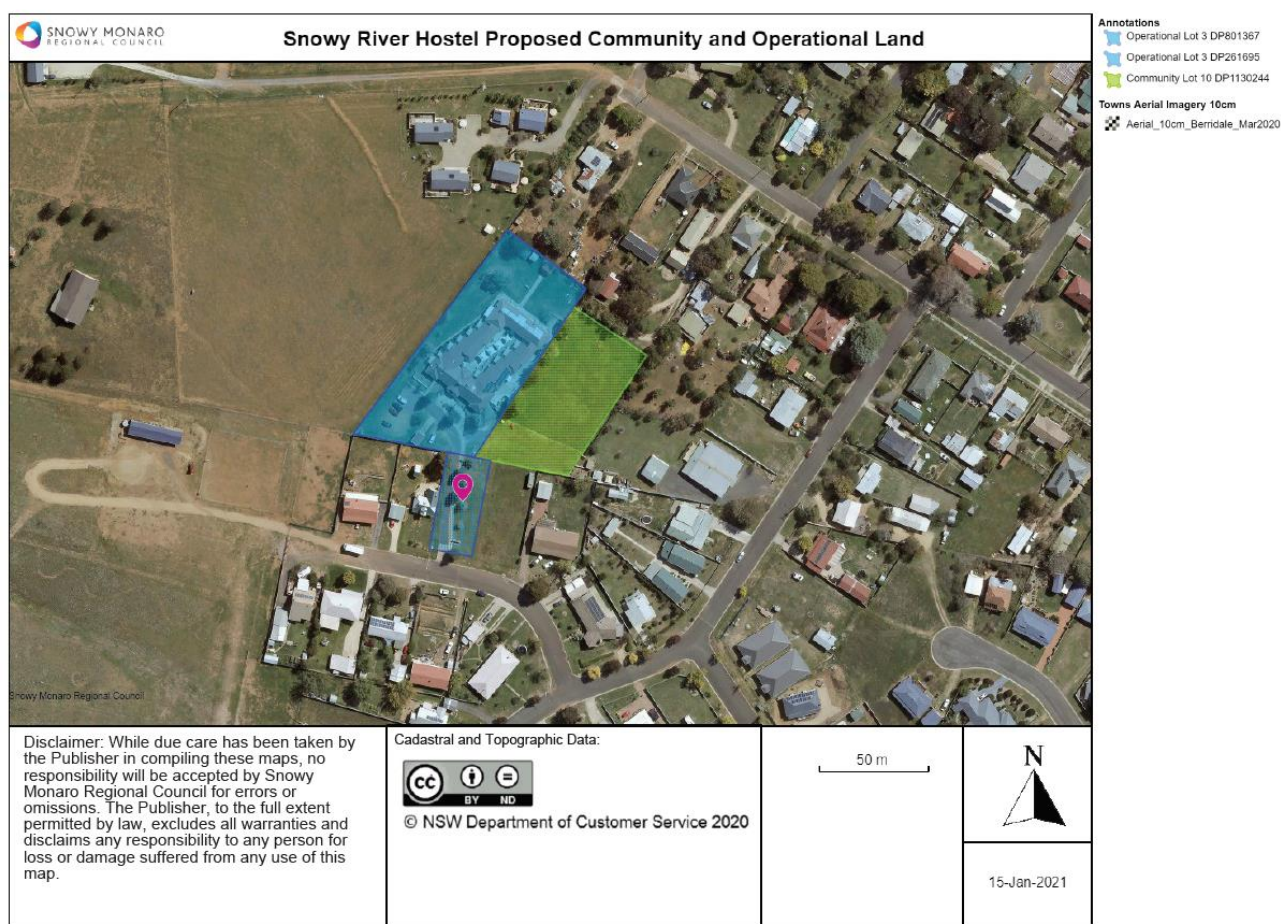


Figure 1 – 7A Jindalee Street, Berridale (Lot 10 DP 1130244) proposed to be reclassified to operational land, identified in green



Figure 2 - Subject lot, Lot 10 DP 1130244, vacant land adjacent to Snowy River Hostel



Figure 3 - Snowy River Hostel, to west of vacant subject lot

Yallambee Lodge located at 1 Binalong Street, Cooma and legally referred to as Lot 10 DP 1266613. This land was formerly known as Lot 1 DP 841447 and was consolidated with Lot 464 DP 416596 in December 2020. The site identified in Figure 3 below and is split zoned R2 Low Density Residential and B4 Mixed Use. This reclassification only applies to the part of this lot shown in green below.

The site is approximately 10,146sqm and contains a 40 bed operational aged care facility and a disused service station (operational portion). Vehicular access is provided from Binalong Street to the aged care facility, with access and egress available from both Binalong Street and Mittagang Road for the disused service station. Surrounding uses are diverse including schools, offices of Snowy Hydro, vacant land and low density residential uses.



Figure 4 - 1 Binalong Street, Cooma (part Lot 10 DP 1266613) proposed to be reclassified to operational land, identified in green



Figure 5 - Yallambee Lodge, vehicle entrance from Binalong Street



Figure 6 - Yallambee Lodge from Mittagang Road (no vehicular access)

2 Land Reclassification

Under Part 2 of the *Local Government Act 1993*, all public land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) must be classified as either “community” land or “operational” land. Pursuant to Clause 27 land may be classified or reclassified either through a LEP or by resolution of council in certain limited circumstances.

The purpose of classification is to identify land which should be kept for access by the general public as “community” land, such as parks and open space and land which is considered “operational” land to facilitate the functions of Council.

The functions of Council are described in Section 24 of the *Local Government Act 1993* and broadly include the provision of goods, services and facilitates and the carrying out of activities.

2.1 Planning Secretary’s requirements for planning proposals reclassifying land

In the case of proposed LEPs which are being prepared solely to classify or reclassify public land, the Planning Secretary has issued the following requirements as to the specific matters that must be addressed in the justification for the planning proposal (EP&A Act s. 3.33(3)) in the NSW DPIE’s “Guide to Preparing Local Environmental Plans”:

a) Is the planning proposal the result of a strategic study or report?

Yes, the planning proposal for reclassification, at the highest level relies on direction provided by the Royal Commission into Aged Care Quality and Safety findings and recommendations from an Interim Report delivered in October 2019. Since then, the Australian Government Department of Health Business Improvement Fund has been established providing three streams of funding for aged care providers.

Stream 1 - Supporting a provider to go through a process of business improvement

Stream 2 - Supporting the transition of the residential aged care facility to another provider

Stream 3 - Where no other options exist, supporting the orderly and safe close down of a residential aged care facility

Council resolved to apply for Stream 2 funding which was supported by a report prepared by PricewaterhouseCoopers (PwC) (Appendix A). The PwC report indicates that Snowy Monaro Regional Council will face significant difficulties and mounting costs if it continues to deliver residential aged care services.

Aged care providers that have been targeted through the Business Improvement Fund are those are at greatest risk of failure, particularly where there is an impact on consumers/residents. Providers at risk of failure due to their inability to achieve financial viability meet the Stream 2 criteria.

The appropriate classification of this land is operational land as this land is not utilised for general public access or community use.

Full details are available under Section 6.1.1.

b) Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Yes, Snowy Monaro Community Strategic Plan (CSP) adopted on 7 May 2018 and is one of Council's long-term strategic documents which sets goals and strategies for the Local Government Area until 2040.

Of relevance to this planning proposal are the following strategies identified in the CSP:

Theme: Community

Outcome: Our health and wellbeing needs are met

Strategies:

- Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations*
- High quality community support and residential aged care services are available and accessible to residents across the region.*

This planning proposal will directly contribute to the abovementioned goals and strategies identified in the CSP. Reclassifying land from community to operational land will allow the transition to a new residential aged care provider who can capitalise on their industry experience, economies of scale and potentially expand their services within the Snowy Monaro Community.

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.

The planning proposal does not include the extinguishment of any interests in the land.

d) The concurrence of the landowner, where the land is not owned by the planning proposal authority.


Council is the landowner in both instances.

2.2 Reclassification of Land Checklist

In addition to the Planning Secretary's requirements above, the NSW Department of Planning, Industry and Environment (DPIE) has published an 'LEP Practice Note PN 16-001' dated 5 October 2016, relating to the *Classification and reclassification of public land through a local environmental*

plan (refer attached as Appendix B). This practice note provides guidance on the process to classify or reclassify public land through a local environmental plan, including the level of information Council must provide in a planning proposal for the reclassification of public land. The table below provides a summary of the matters that are to be considered under PN 16-001.

Table 1 Assessment of relevant matters required by PN 16-001

<i>Matter for consideration</i>	<i>Response</i>
The current and proposed classification of the land	<p>In relation to Lot 10 DP 1130244 (land adjacent to Snowy River Hostel), the entire lot is currently community land and is proposed to be operational land.</p> <p>In relation to Lot 10 DP 1266613 (Yallambee Lodge, below), a portion of this lot is currently classified as operational land (blue) and a larger portion as community land (green). The intention is that the entire lot be classified as operational at the end of this process.</p> 
Whether the land is a 'public reserve' (defined in the Local Government Act 1993)	The lots are not identified as a 'public reserve' under the Local Government Act.
The strategic and site-specific merits of the reclassification and evidence to support this.	The reclassification will allow Council to review its options in relation to transitioning to a new aged care provider which is consistent with the goals and strategies identified in the CSP. The strategic merit of the proposed reclassification is outlined in full in section 6.1.1.
Whether the planning proposal is the result of a strategic study or report.	Yes. The planning proposal is supported by the strategic direction outlined in the findings and recommendations within the Interim Report of the Royal Commission into Aged Care Quality and Safety and the subsequent funding program under the Australian Government Department of Health

	Business Improvement Fund. The operations of both Yallambee Lodge and Snowy River Hostel were reviewed by PwC in their report which supports an application under Stream 2 of the funding to transition to a new provider.
Whether the planning proposal is consistent with council's community plan or other local strategic plan.	<p><i>Community</i></p> <ul style="list-style-type: none"> <i>Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations</i> <i>High quality community support and residential aged care services are available and accessible to residents across the region.</i> <p>Council is seeking to transition to a new provider to ensure that quality aged care services are able to be provided into the future. This may also include the expansion of aged care services within the region.</p>
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) if council does not own the land, the land owner's consent; the nature of any trusts, dedications etc. 	<p>Lot 10 DP 1130244 (adjacent to Snowy River Hostel) was originally purchased in 2008 with the intention to increase the capacity of the existing aged care facility (Snowy River Hostel) located on Lot 3 DP 801367 and Lot 3 DP 261695.</p> <p>Lot 10 DP 1266613 (Yallambee Lodge) was acquired by the then Cooma-Monaro Council on 15 August 1994 from the Snowy Mountains Authority. Yallambee Lodge was then constructed with funds obtained from the federal government and community fundraising. The facility was opened in 1995.</p> <p>An 88B instrument associated with the land which contains a restriction on use 1m wide along the eastern boundary. This restriction is to be retained.</p>
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	No interests are proposed to be discharged in relation to either of the relevant sites being Lot 10 DP 1130244 and Lot 10 DP 1266613
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	There will be no impact in terms of the provision of public land and or open space if the reclassification is successful. The sites do not provide value as open space or community land as they do not provide any sporting facilities or recreational opportunities (active or passive). The sites do not provide a link between public areas, do not provide any substantive aesthetic or general amenity and do not provide any environmental value as it has no habitat value,

	remnant vegetation or environmental conservation attributes.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).	There is no public reserve status applying to the land. Refer to the attached electronic title search see Appendix C.
Current use(s) of the land, and whether uses are authorised or unauthorised.	<p>Lot 10 DP 1130244 (site adjacent to Snowy River Hostel) is a vacant site and has no current or approved use. The land was purchased with the intention that the Snowy River Hostel could expand over the site.</p> <p>Lot 10 DP 1266613 (Yallambee Lodge) contains an operational 40 bed aged care facility. Various other approvals for ancillary structures also exist over the land. This lot also contains a disused service station. It is understood that the disused service station has had preliminary remediation works undertaken.</p>
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	No formal lease arrangements or agreements are in place for either of the sites.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	Council intends to transition to a new service provider in the future. There is no current agreement or arrangement in place at this point in time.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	Not applicable. This planning proposal does not propose to change the zoning of either of the sites.
How council may or will benefit financially, and how these funds will be used.	In transitioning to a new provider, it is not considered that Council will benefit significantly in a financial capacity.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	This is not relevant to the proposed reclassification as there will be no significant funds resulting from the transition to a new aged care provider.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and	<p>The reclassification applies to the entirety of 10 DP 1130244 (the lot adjacent to Snowy River Hostel).</p> <p>The reclassification applies to a portion of Lot 10 DP 1266613 (Yallambee Lodge). Given that it is the intent</p>

maps, if land to be reclassified does not apply to the whole lot.	of this proposal that the entirety of Lot 10 DP 1266613 be classified as operational land and the end of this process, a land reclassification map is not considered necessary.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	The site is owned by Council. Consultation will be undertaken with state agencies in accordance with the Gateway Determination.

SECTION B – PLANNING PROPOSALS

3 Part 1 - Intended Outcome

The intention of this planning proposal is to reclassify the subject sites, Lot 10 DP 1130244 and Lot 10 DP 1266613 from community land to operational land. The need for the reclassification is to align the classification of the land to the use of the land, being the operational delivery of residential aged care services.

The reclassification is also proposed to ensure the services can be properly delivered into the future, either by Council or by another provider given Council has accepted Stream 2 funding under the Australian Government Department of Health Business Improvement Fund in relation to Snowy River Hostel and Yallambee Lodge.

Council's resolutions in relation to applying for and accepting Stream 2 funding are outlined below.

COUNCIL RESOLUTION	101/20
That Council submit applications under stream 2 of the Australian Government Department of Health Business Improvement Fund grant program for Yallambee Lodge and Snowy River Hostel.	
Moved Councillor Stewart	Seconded Councillor Castellari CARRIED

Council was successful in being awarded the funding and subsequently resolved on 17 December 2020 as follows:

COUNCIL RESOLUTION	250/20
That Council receive the successful application and receipt of funding under stream 2 of the Business Improvement Fund.	
Moved Councillor Stewart	Seconded Councillor Corbett CARRIED

4 Part 2 - Explanation of Provisions

The planning proposal seeks to amend *Cooma Monaro Local Environmental Plan 2013* Schedule 4 Part 1 by inserting the locality of Cooma in Column 1 and Lot 10 DP 1266613, Binalong Street in Column 2; and

The planning proposal seeks amend *Snowy River Local Environmental Plan 2013* Schedule 4 Part 1 by inserting the locality of Cooma in Column 1 and Lot 10 DP 1130244, Jindalee Street in Column 2.

It is the intent, that at the finalisation of this process, that the entirety of Lot 10 DP 1266613, 1 Binalong Street be classified as operational land.

Reclassification of public land through an LEP is subject to both the local plan making process under the *Environmental Planning and Assessment Act 1979* and the public land management requirements of the *Local Government Act 1993*.

The purpose of classification is to identify land which should be kept for access by the general public as “community” land, such as parks and open space and land which is considered “operational” land to facilitate the functions of Council. It is considered that these lots are incorrectly classified as community land, and are better represented as operational land.

To enable the transition to a new aged care provider in relation to Lot 10 DP 1130244 and Lot 10 DP 1266613, 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 a Local Environmental Plan. Clause 5.2 of the Snowy River LEP 2013 and Cooma-Monaro LEP 2013 also pertains to the classification and reclassification of public land.

The intended outcome will be achieved by amending Schedule 4 of the Snowy River Local Environmental Plan 2013 and Cooma-Monaro Local Environmental Plan 2013. Schedule 4 identifies land that is to be classified or reclassified as either “community” or “operational” land.

Schedule 4 is divided into three parts as follows:

- Part 1: identifies land being classified or reclassified as “operational” where no interests will change.
- Part 2: identifies land being classified or reclassified as “operational” where interests will change.
- Part 3: identifies land being classified or reclassified as “community” land.

There are no interests registered on the title of the land to be extinguished by the planning proposal, therefore, an amendment to Part 1, Schedule 4 is required, as outlined in the table below.

Table 2 Amendments to Schedule 4 of Snowy River LEP 2013

Column 1 – Locality	Column 2 – Description
Berridale	Lot 10 DP 1130244

Table 3 Amendments to Schedule 4 of Cooma-Monaro LEP 2013

Column 1 – Locality	Column 2 – Description
Cooma	10 DP 1266613

The proposal does not involve any change to the existing zone or development standards that apply to the site. The proposal also does not require any changes to either the Snowy River or Cooma-Monaro LEP maps.

5 Part 3 – Justification

This Planning Proposal does not propose any new planning controls relating to the sites in terms of land zoning, height of buildings, floor space ratio, or standard minimum lot size, or to amend the

Snowy River 2013 and Cooma-Monaro 2013 maps. As outlined above, the amendment to Schedule 4 is required to reclassify community land to operational land. .

This section of the Planning Proposal explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument in accordance with Clause 3.33(2) and (3) of the EP&A Act.

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.

5.1 Section A – Need for the planning proposal

5.1.1 Question 1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Royal Commission into Aged Care Quality and Safety that commenced in October 2018, to date has highlighted that significant failure has occurred throughout the aged care sector. The Royal Commission is reviewing a range of matters related to aged care, not limited to:

- the quality and safety of residential and in-home aged care for older people
- how to give people more control and choice in relation to their care, and improving engagement with families and carers
- what the government, aged care sector, families and community can do to ensure quality and safety in aged care
- how to best deliver aged care services in a sustainable way through:
 - innovative models of care
 - use of technology
 - investment in the aged care workforce and capital infrastructure
- the future challenges and opportunities for delivering accessible, affordable and high quality aged care services in Australia, including in:
 - the context of changing demographics and preferences, i.e. people's wish to stay in their own home as they age
 - remote, rural and regional Australia

An Interim Report of findings from the Royal Commission was delivered 31 October 2019, and was titled 'Neglect'. A final report is expected to be delivered by 26 February 2021.

The Aged Care Quality and Safety Commission then introduced a new set of quality and performance indicators called the Aged Care Quality Standards. All providers from 1 July 2019 had to comply with eight Quality Standards instead of four. Yallambee Lodge and Snowy River Hostel were required to undertake a significant transformation to comply by this date. This transformation and change in operating has come at a significant cost to the sector, one in which Council up until now has absorbed.

Since then, the Australian Government Department of Health Business Improvement Fund has been established providing three streams of funding for aged care providers.

Stream 1 - Supporting a provider to go through a process of business improvement

Stream 2 - Supporting the transition of the residential aged care facility to another provider

Stream 3 - Where no other options exist, supporting the orderly and safe close down of a residential aged care facility

Council resolved to apply for Stream 2 funding which was supported by a report prepared by PricewaterhouseCoopers (PwC) provided under the Business Advisory Service Program. The PwC report indicates that Council will face significant difficulties and mounting costs if it continues to deliver residential aged care services.

Broad themes identified by PwC impacting on Council and more broadly across Australia include:

- size of providers – smaller providers in regional and rural areas are struggling to sufficiently invest back into the facilities
- government funding not keeping pace with increasing operating costs
- trend toward home care undermining residential care customer base
- high administrative costs for smaller providers due to complex regulatory environment
- competitive regional / rural labour markets

Specific issues relevant to Snowy Monaro Regional Council include:

- unlikely to achieve financial viability – economies of scale.
- residents previously admitted (prior to 2019) – Residential Accommodation Deposits (RADs) and Daily Accommodation Payments (DAPs) were very low. These are people not supported by the Commonwealth Government
- impacting significantly on ability to achieve financial viability
- layout – 5 separate houses of 8 beds – not conducive to financial viability – high operating costs – even higher now under the new standards – higher level of care provided
- need for ACFI (aged care funding instrument) training
- governance training for S355 committee
- improved costing of rosters
- succession management for staff

Council was successful in securing the funding under Stream 2 of the BIF.

Providers that have been targeted through the Business Improvement Fund are those at greatest risk of failure, particularly where there is an impact on consumers/residents. Providers at risk of failure due to their inability to achieve financial viability meet the Stream 2 criteria.

The sector's performance has been heavily monitored through accounting firm StewartBrown. In the Aged Care Financial Performance Survey that is conducted annually, as at March 2020 it was highlighted that there is 'a significant concern in relation to ongoing financial viability'. StewartBrown also reported that 74% of rural, regional and remote providers are operating at a loss, which is 14% higher than inner city or metro providers. Additionally occupancy in these areas has dropped to 86.4% with workforce shortages and the desire to live at home for longer contributing factors.

StewartBrown have also highlighted the importance of achieving a surplus that is essential for refurbishment that should occur every 5-10 years as well as major maintenance and upkeep of the building/s surrounds in line with current and future consumer/resident expectations. They note that the Accommodation Result should assist in achieving the surplus, however this is offset by the loss from the Care Result. It is reported that providers are operating at a deficit and therefore cannot fund refurbishment and capital works to the expectation of their stakeholders. Council is not exempt in its struggle to achieve financial viability, undertake significant refurbishment and capital works to improve the care and services it provides to its residents.

A significant financial investment is required in order to continue to provide the region with the best care possible into the future. In acknowledging the average lifespan of an aged care facility of 25 years, this lifespan has been reached at both Yallambee Lodge and Snowy River Hostel. To provide the best care into the future a strong strategic plan is needed for the region that ensures we have facilities available to service those most in need. A specialised aged care provider with experience in the delivery of quality outcomes and one that has the ability to invest to build new or refurbish existing facilities may best execute this plan.

The transition to a new provider will occur through a process that will be facilitated by an advisor funded through the Stream 2 funding. The grant also provides the opportunity to undertake minor building works to ensure compliance is achieved in areas that require urgent upgrade and attention.

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

There is no other means of achieving the desired outcome, being the process of transitioning to a new aged care provider of the land and facilities in relation to Yallambee Lodge (Lot10 DP 1266613).

In terms of Snowy River Hostel, retaining Lot 10 1130244 and selling Lot 3 DP 801367 and Lot 3 DP 261695 (currently both operational land) would generate an unsatisfactory outcome in terms of access and lot configuration. The planning proposal is the only means of achieving the best outcome or the future development of the land and to achieve the desired outcome of selling the site as a whole which may be more desirable for a intending purchaser.

5.2 Section B – Relationship to strategic planning framework

5.2.1 Question 3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal only relates to the reclassification of lots. The planning proposal does not originate from specific regional strategic content.

The South East and Tablelands Regional Plan is a high level, strategic plan with goals, directions and actions.

In particular, Goal 1 of the SETRP relates to 'A connected and prosperous economy'.

Priority growth sectors identified for the South East and Tablelands Region is health, disability and aged care.

It should be noted that the plan states that the planning system needs to respond to the specific needs of these sectors to generate economic growth.

The reclassification of these sites has the ability to achieve this outcome by introducing a new aged care provider with considerable industry experience, scale and the ability to expand services across the Snowy Monaro Region.

5.2.2 Question 4 Will the planning proposal given effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan.

The proposal to reclassify Lot 10 1130244 and Lot 10 DP 1266613 is a minor change and as the lots provides little benefit to open space or community recreational opportunities.

It is considered that the planning proposal is consistent with Planning Priority 6 and Planning Priority 9 of the Local Strategic Planning Statement;

- Planning Priority 6 "Maximise potential for business growth and efficiency" this proposal seeks to bring effect to this priority by providing the ability for Council to seek a transition of ownership for a vital service and important growth industry for the region. It is intended that this proposal will contribute to the economic sustainability of aged care services in the Snowy Monaro Region and facilitate an expansion of the service to other communities in the region.
- Planning Priority 9 "Provide a variety of housing options throughout the Snowy Monaro" this proposal seeks to give effect to this priority by ensuring a housing option is available in the long term for the elderly and most vulnerable members of the local community.

The planning proposal is to reclassify two lot to enable the transition to a new provider of the site of the residential care facility. The land is currently not used for any public purpose and the reclassification is not driven by strategic objectives.

The planning proposal is considered consistent with the Snowy Monaro Community Strategic Plan 2040 goal to ensure 'our health and wellbeing needs are met'. A new dedicated aged care provider who is expert in the field would bring the support structures required in terms of financial, workforce and clinical management, achieved through economies of scale.

5.2.3 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
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SEPP (Aboriginal Land) 2019	<i>Not applicable.</i>
SEPP (Activation Precincts) 2020	<i>Not applicable, neither of the sites are located within a current or proposed Activation Precinct.</i>
SEPP (Affordable Rental Housing) 2009	<i>Not applicable as the planning proposal is for reclassification only.</i>
SEPP (Building Sustainability Index: BASIX) 2004	<i>Not applicable as the planning proposal is for reclassification only.</i>
SEPP (Coastal Management) 2018	<i>Not applicable. The sites are not located in a coastal area.</i>
SEPP (Concurrences and Consents) 2018	<i>Not applicable.</i>
SEPP (Educational Establishments and Child Care Facilities) 2017	<i>Not applicable.</i>
SEPP (Exempt and Complying Development Codes) 2008	<i>Not applicable.</i>
SEPP (Gosford City Centre) 2018	<i>Not applicable. The sites are not located in Gosford.</i>
SEPP (Housing for Seniors or People with a Disability) 2004	<i>Not applicable as the planning proposal relates to reclassification only.</i>
SEPP (Infrastructure)	<i>Not applicable as the planning proposal relates to reclassification only.</i>
SEPP (Koala Habitat Protection) 2020	<i>Not applicable. Each site is less than 1ha and does not contain any significant vegetation that would be suitable as koala habitat.</i>
SEPP (Kosciuszko National Park—Alpine Resorts)	<i>Not applicable. 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 (Kurnell Peninsula) 1989	<i>Not applicable</i>
SEPP (Major Infrastructure Corridors) 2020	<i>Not applicable. The sites are located along major infrastructure corridors.</i>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	<i>Not applicable. The sites are not suitable for mining or extractive industries.</i>
SEPP No 19—Bushland in Urban Areas	<i>Not applicable.</i>
SEPP No 21—Caravan Parks	<i>Not applicable. There are no caravan parks within the vicinity of the site and the sites themselves do not contain caravan parks.</i>
SEPP No 33—Hazardous and Offensive Development	<i>Not applicable. The sites do not contain hazardous or offensive development.</i>
SEPP No 36—Manufactured Home Estates	<i>Not applicable. There are no manufactured home estates within the vicinity of the site and the sites themselves do not manufactured home estates.</i>
SEPP No 47—Moore Park Showground	<i>Not applicable</i>
SEPP No 50—Canal Estate Development	<i>Not applicable.</i>

SEPP No 55—Remediation of Land	<i>SEPP 55 would be addressed during any development application made for</i>
SEPP No 64—Advertising and Signage	<i>Not applicable. Any further development incorporating signage would need to consider this SEPP.</i>
SEPP No 65—Design Quality of Residential Apartment Development	<i>Not applicable.</i>
SEPP No 70—Affordable Housing (Revised Schemes)	<i>Not applicable.</i>
SEPP (Penrith Lakes Scheme) 1989	<i>Not applicable.</i>
SEPP (Primary Production and Rural Development) 2019	<i>Not applicable. The sites are located within urban zones only.</i>
SEPP Policy (State and Regional Development)	<i>Not applicable. The planning proposal would not be</i>
State Environmental Planning Policy (State Significant Precincts) 2005	<i>Not applicable. The sites are not located within a State Significant Precinct described by this SEPP.</i>
State Environmental Planning Policy (Sydney Drinking Water Catchment)	<i>Not applicable. The sites are not located within an area described as the Sydney Drinking Water Catchment.</i>
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	<i>Not applicable</i>
State Environmental Planning Policy (Three Ports) 2013	<i>Not applicable.</i>
State Environmental Planning Policy (Urban Renewal) 2010	<i>Not applicable.</i>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	<i>This SEPP would apply only if native vegetation was proposed to be removed. The proposed reclassification of land would not require any native vegetation removal. If native vegetation is to be removed in future, a permit under the ‘Veg SEPP’ would be required (save for any exemptions that may apply).</i>
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	<i>Not applicable.</i>
State Environmental Planning Policy (Western Sydney Employment Area)	<i>Not applicable</i>
State Environmental Planning Policy (Western Sydney Parklands) 2009	<i>Not applicable.</i>
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Not applicable. The sites do not relate to the Kosciuszko National Park.</i>

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

Direction	Assessment
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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>Not applicable. The sites are not zoned for an Environmental Protection purpose and are not considered environmentally sensitive with no biodiversity values mapped or visible upon inspection.</i>
2.2 Coastal Management	<i>Not applicable.</i>
2.3 Heritage Conservation	<i>The sites are not heritage items, or located adjacent to a heritage item or within a heritage conservation area.</i>
2.4 Recreation Vehicle Areas	<i>The sites are not suitable for use by recreation vehicles and do not contain significant conservation values.</i>
2.5 E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<i>Not applicable.</i>
2.6 Remediation of Contaminated Land	<i>Consistent. Yallambee Lodge is a fully developed aged care facility. It is noted that the disused service station comprises part of this lot (recently consolidated). Preliminary remediation works have been undertaken, however the reclassification does not strictly apply to this lot as it is currently classified as operational land already. Neither of the aged care sites has been used for a use which may cause contamination as listed in Table 1 of the contaminated land planning guideline. The sites are not located within an investigation area within the meaning of the Contaminated Land Management Act 1997.</i>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<i>Consistent. The planning proposal, particularly in relation to the vacant site adjacent to Snowy River Hostel (Lot 10 DP 1130244) may provide additional opportunities for housing needs of the aged. Yallambee Lodge (Lot 10 DP 1266613) is a fully developed aged care facility and is consistent with this direction in providing housing for the aged.</i>

	<p><i>Each site has existing access to infrastructure such as roads, water and wastewater.</i></p> <p><i>Each of the sites are located within an existing residential zone and will not impact on environment, resource or agricultural lands.</i></p>
3.2 Caravan Parks and Manufactured Home Estates	<i>Consistent. This planning proposal will not have an adverse impact on a caravan park or manufactured home estate.</i>
3.3 Home Occupations	<i>Not applicable.</i>
3.4 Integrating Land Use and Transport	<i>Not applicable as this planning proposal will not create, alter or remove a zone or provision relating to urban land.</i>
3.5 Development Near Licensed Aerodromes	<i>Not applicable.</i>
3.6 Shooting Ranges	<i>Not applicable.</i>
3.7 Reduction in non-hosted short term rental accommodation period	<i>Not applicable.</i>
4. Hazard and Risk	
4.1 Acid Sulfate Soils	<i>Not applicable. The sites are 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 sites are not mapped or located on flood prone land.</i>
4.4 Planning for Bushfire Protection	<i>Not applicable. The sites are not mapped as being within Bushfire Prone Land.</i>
5. Regional Planning	
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>
5.9 North West Rail Link Corridor Strategy	<i>Not applicable.</i>
5.10 Implementation of Regional Plans	<p><i>Goal 1 of the SETRP relates to 'A connected and prosperous economy'.</i></p> <p><i>Priority growth sectors identified for the South East and Tablelands Region is health, disability and aged care.</i></p> <p><i>It should be noted that the plan states that the planning system needs to respond to the specific needs of these sectors to generate economic growth. The planning proposal is not otherwise contrary to the SETRP.</i></p> <p><i>The reclassification of these sites has the ability to achieve this outcome by introducing a new aged care provider with considerable industry experience, scale and the ability to expand services across the Snowy Monaro Region.</i></p>

5.11 Development of Aboriginal Land Council land	<i>Not applicable.</i>
6. Local Plan Making	
6.1 Approval and Referral Requirements	<i>Consistent.</i>
6.2 Reserving Land for Public Purposes	<p><i>Consistent. The land zone is RU5 Village Zone and R2 Low Density Residential and are not zoned for recreation or used for a public purpose at present.</i></p> <p><i>The sites are also not designated as 'public reserves' under the LG Act.</i></p> <p><i>The planning proposal also does not seek to acquire additional public land.</i></p>
6.3 Site Specific Provisions	<i>Consistent. The proposal does not contain any restrictive site specific planning controls.</i>

5.3 Section C – Environmental, social and economic impact

5.3.1 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 site is heavily disturbed, comprising no significant native vegetation and in particular no suitable habitat for threatened species.

Terrestrial biodiversity mapping contained within the Snowy River LEP 2013 and Cooma-Monaro LEP 2013 does not identify any environmental values on each of the sites.

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 Monaro Regional Council area.

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

Due to the planning proposal relating to reclassifying of land only, there are no immediate environmental impacts that would result.

Any further development on the vacant site adjacent to the Snowy River Hostel (Lot 10 DP 1130244) would be subject to a development assessment process where development specific impacts can be assessed and mitigated through conditions of consent.

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

The planning proposal seeks to reclassify land from community to operation to facilitate the transition to a new provider of aged care facilities. The proposal is based on a comprehensive economic report from PricewaterhouseCoopers (PwC) (Appendix A) which puts forward a clear business case for the transition to a new provider. The PwC report provides ample economic justification for the proposal.

The economic and financial sustainability of aged care in the Snowy Monaro Region is essential for the community's social sustainability. While there may be community opposition to the transition to a new aged care provider of these facilities, the process is being undertaken to secure the long term viability of aged care services in the region. The planning proposal assists in delivering the following objective for Councils Community Strategic Plan (CSP):

Our health and wellbeing needs are met

- Quality health and wellbeing services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations
- High-quality community support and residential aged care services are available and accessible to residents across the region

Council intends to establish three key requirements in the contract when transitioning to a new provider. The new provider must:

1. Maintain or improve quality of service
2. Retain staff
3. Commit to expansion of residential aged care services to Jindabyne

These requirements further ensure that employees and staff are protected moving forward and

5.4 Section D - State and Commonwealth interests

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

The planning proposal will not generate additional demand upon infrastructure as the proposal does not involve a change to zone or development standards that would increase the development potential or density on each of the lots.

5.4.2 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 reclassification of these lots would not be of consequence for State and Commonwealth public authorities. No consultation with these entities has taken place to date.

6 Part 4 – Mapping

No mapping amendments are required to implement the proposed reclassification.

7 Part 5 – Community Consultation

Council does not underestimate the sensitivity of this subject, with all stakeholders impacted by the decision to sell Yallambee Lodge and Snowy River Hostel. Council acknowledges the history and strong community involvement in the building and fitting out of both facilities as well as the history associated with both. Strong relationships have been formed over many years contributing to a sense of community ownership.

The grant allocation provides Council the opportunity to employ in a temporary capacity, an engagement specialist to facilitate communication in an open and transparent manner. It is essential to have a community engagement plan and facilitating specialist to ensure all involved remain well consulted and informed.

The major stakeholders include:

- Mayor
- Councillors
- Executive Leadership Team
- Employees
- Community Services Advisory Committee
- Residents and Relatives
- Community Groups
- Media
- Local Member/s
- Government Departments

A preliminary community engagement plan has been developed with initial consultation as follows:

Timing/Schedule	Key Messages	Stakeholders	Method
Week Commencing: 7 December 2020 Information sessions – already in place	<ul style="list-style-type: none">• SMRC is proud of the long history we've had in aged care and services we've been able to provide• To ensure continuation of best care for our community, aged care is best run by specialists in this area	Aged Care team members Residents and Relatives Monaro Post	Face-to-face workshops

	<ul style="list-style-type: none"> Council is committed to a process that allows new owners to continue services and deliver beyond community expectations 		
17 December 2020 Council Meeting	The process has been fully reviewed and that all supporting documentation has been provided	Councillors	Presentation at briefing
18 December 2020 'Microsite' on SMRC website	As above – plus supporting relevant documents approved for public release	The Community	Online
18 December 2020 Internal email to all SMRC employees	As above x 3 dot points	ALL SMRC employees	Email from CEO
18 December 2020 Media release distribution	As above x 3 dot points	<ul style="list-style-type: none"> All media in region Local politicians 	Email
18 December 2020 Media briefings	As above x 3 dot points	The Monaro Post ABC SE Radio	Phone/face to face meeting
18 December 2020 Comms to residents and their families	As above and noting additional meetings in January if required	Residents and their families	Email/letters Next resident/relative newsletter
18 December 2020 Comms to key stakeholders	As above – and any relevant commentary from Council meeting on 17 December	<ul style="list-style-type: none"> Department of Health Aged Care Quality & Safety Community groups (eg. CWA, Lions, Rotary etc) 	Emails/letter/presentation
18 December 2020 Information sessions for families/residents	Future of services – continuity of care	Residents and Families	Emails/letters/presentation

This above provides Council with an immediate indicative representation of the stakeholders involved and the method of communication that should be instigated at what timeframes and intervals. Further community engagement will occur throughout the process.

In terms of community consultation moving forward, the gateway determination will outline the community consultation required to be undertaken.

The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Snowy Monaro Council's website. The written notice will: -

- Give a brief description of the objectives or intended outcomes of the PP;
- Indicate the land affected by the PP;
- State where and when the PP can be inspected;
- Give the name and address of the RPA for the receipt of any submissions; and
- Indicate the last date for submissions.

An independently chaired public hearing will also be arranged for the planning proposal, after the closing of the public exhibition period. Notice of the public hearing will be given in local papers and on Council's website.

Notification letters will be sent out to residents/businesses who make a submission during the public exhibition period.

8 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.

Project Task	Date
Preparation of Planning Proposal (pre gateway)	January 2021
Report to Council	February 2021
Send to NSW Government for Gateway Determination	March 2021
Gateway Determination (if granted)	May 2021
Public Exhibition of Planning Proposal (minimum of 28 days)	June 2021
Public Hearing	July 2021
Report final planning proposal to Council	August 2021
Report final planning proposal to NSW Government to be made.	September 2021

9 Conclusion

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment including 'A Guide to Preparing Local Environmental Plans', 'A Guide to Preparing Planning Proposals' and PN16-001 '*Classification and reclassification of public land through a local environmental plan*'.

This planning proposal sets out the justification for the proposed reclassification of the subject sites at 7A Jindalee Street, 10 1130244 and 1 Binalong Street, Lot 10 DP 1266613 from “community” to “operational” land, which is the accurate classification of the land and also permits Council to investigate a transition to a new aged care provider.

The proposal has been demonstrated as being the best means of achieving the objectives and intended outcomes. The PP is considered suitable and appropriate as it:

- Is consistent with the principles of Council’s community strategic plan;
- Is not inconsistent with the South East and Tablelands Regional Plan and Local Strategic Planning Statement;
- Is consistent and complies with the strategic planning test outlined in DPE's 'A Guide to preparing planning proposals';
- Demonstrates compliance with Practice Note PN 16-001, prepared by the Department of Planning.
- Is consistent with the relevant Ministerial Directions under Section 9.1 of the Act; and
- Does not pose any adverse environmental or social impacts to the surrounding community.

In summary, there is a sound planning basis and strategic merit to support the reclassification of the site as promoted by this planning proposal.