

Planning Services

IRF18/6331

Gateway determination report

LGA	Snowy Monaro
PPA	Snowy Monaro Regional Council
NAME	461 Barry Way Moonbah - Rezoning to R5 (Large Lot Residential) (9 homes, 0 jobs)
NUMBER	PP_2018_SMONA_001_00
LEP TO BE AMENDED	Snowy River LEP 2013
ADDRESS	461 Barry Way, Moonbah
DESCRIPTION	Lot 101 DP817374
RECEIVED	12 November 2018
FILE NO.	IRF18/6331
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal seeks to rezone land being Lot 101 DP817374, 461 Barry Way Moonbah from RU1 (Primary production) to R5 (Large lot residential) and seeks to reduce the minimum lot size applying to the site from 250ha to 3000m² to facilitate large lot residential development.

Site description

Situated approximately 4km south of the outskirts of Jindabyne, the subject land is 2.72ha in area, irregular in shape, fronts Barry Way to the west and is characterised by undulating terrain and a mix of cleared and relatively disturbed vegetated land.

There is no existing dwelling on site, however a shed is present on the land, and direct access is available to the site from Barry Way. See below figures 1 and 2 for site and location aerial photos.

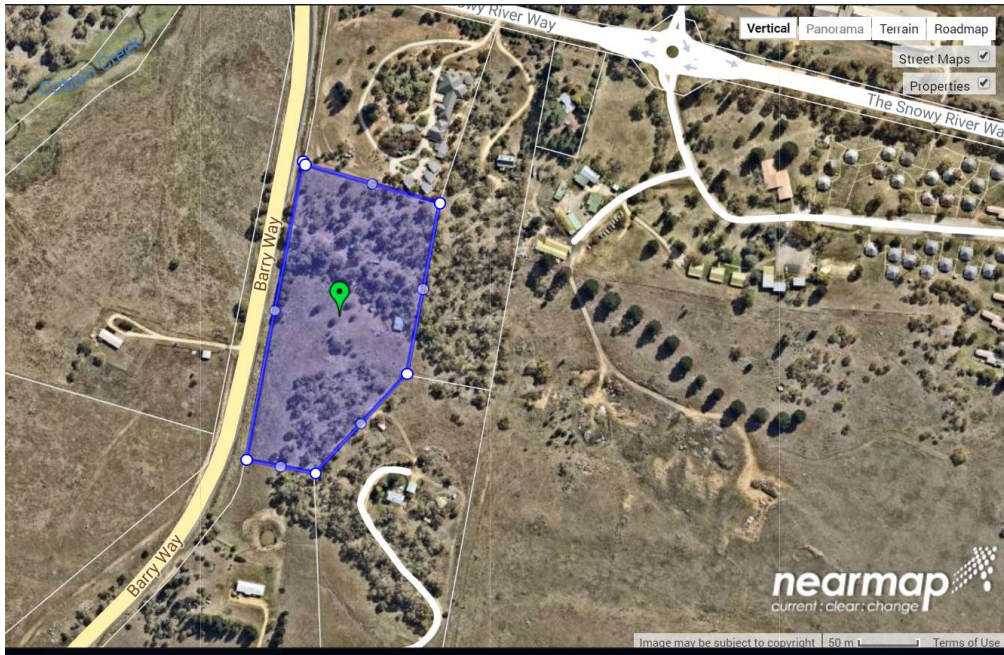


Figure 1 – Subject site - 461 Barry Way (Source: Nearmap)



Figure 2 – Locality - Moonbah (Source: Nearmap)

Existing planning controls

The subject land is currently zoned RU1 Primary production with a 250ha minimum lot size applying under the Snowy River LEP 2013. Dwellings are permissible with consent in the RU1 zone subject to meeting the lot size standards. Building heights are limited to 9 metres, and the land is also mapped on the Terrestrial Biodiversity map.

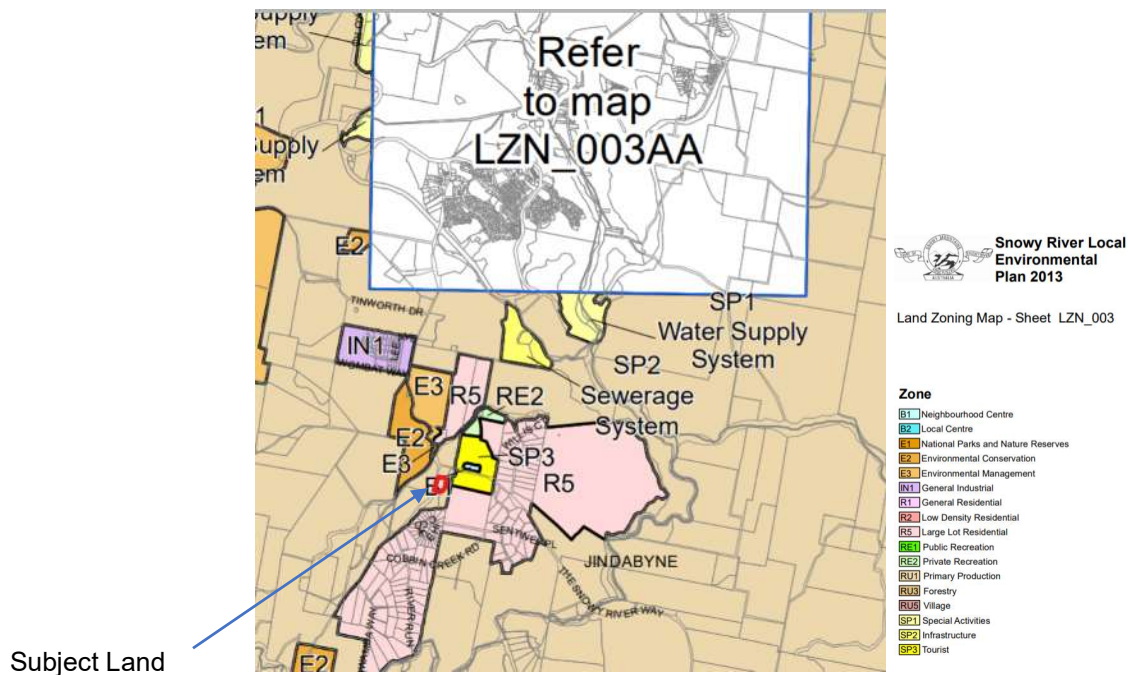


Figure 3: Land Zoning Map (Source: legislation.nsw.gov.au)

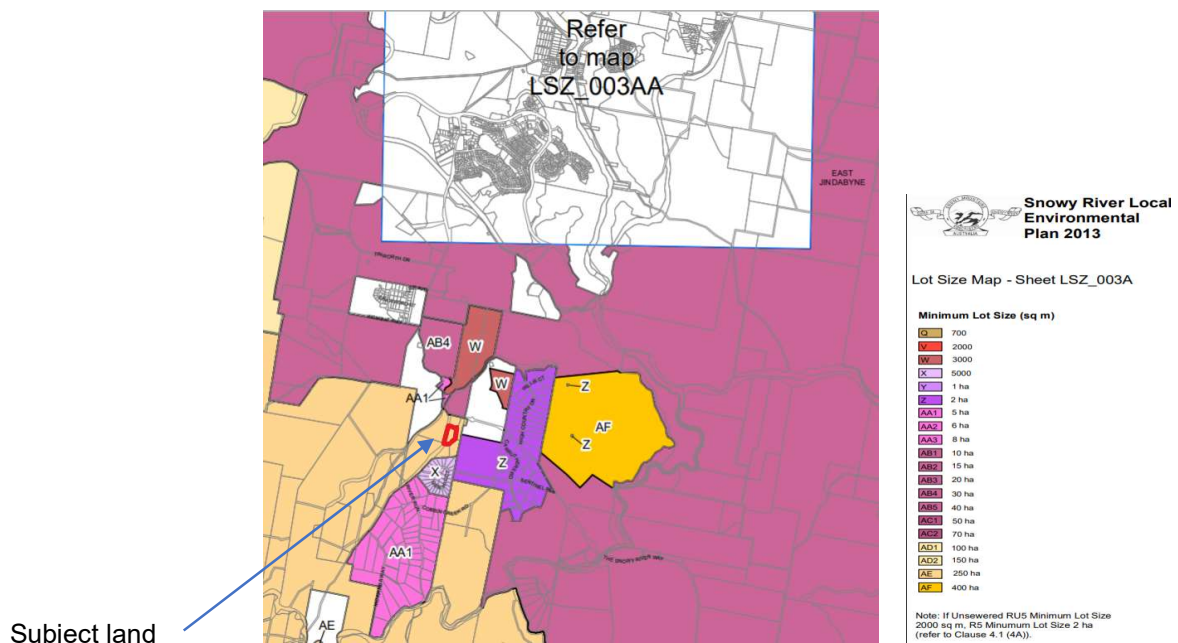


Figure 4: Lot Size Map (Source: legislation.nsw.gov.au)

Surrounding area

Immediately surrounding the subject site to the north, east and south is four similar sized lots which have all been developed for rural residential purposes to contain an existing dwelling house on each lot. These lots are also zoned RU1 and have a 250ha minimum lot size applying.

Surrounding these, the area is characterised by a mix of land use/zones, including both developed and undeveloped R5 zoned land and a significant tourist development known as 'The Station' zoned SP3 (Tourist), as well as large scale rural

land holdings. The pattern of land use/zoning and associated lot sizes is shown above in figures 1 to 4.

Summary of recommendation

Proceed with condition – The subject land is located adjacent to existing R5 rural residential zoned land and the current lot size is not considered to be consistent with the existing RU1 zoning, nor the 250ha lot size development standard that applies.

Given the NSW Department of Planning and Environment has initiated a strategic review of Jindabyne and surrounding land uses, it is considered inappropriate to allow this proposal to be finalised until this strategic planning process is complete to ensure that the proposal is not inconsistent with the outcomes of the master planning process.

PROPOSAL

Objectives or intended outcomes

The objectives/intended outcomes of the planning proposal are to amend the zoning and lot sizes standards to facilitate rural residential development of the subject land.

Explanation of provisions

The planning proposal proposes to amend the applicable land zoning and Lot size maps to rezone the land from RU1 to R5 and reduce the lot size from the current 250ha to 3000m². The proposal clearly articulates the proposed outcomes to the LEP.

Mapping

Maps provided in the Planning Proposal are of poor quality/resolution and only show existing rather than proposed zones/lot size, and do not contain a legend to identify the different fields on each map. Prior to any community consultation, the proposal would need to be updated to include mapping of an improved quality, clearly showing current vs proposed zoning and lot sizes and a legend to explain the contents of the map.

Further, following exhibition, Council will be required to prepare amended land zoning and lot size maps in accordance with the Standard Instrument Mapping guidelines in order to finalise an LEP amendment.

NEED FOR THE PLANNING PROPOSAL

The proposal is a landowner driven proposal. The proposal is required in order to allow for rural residential subdivision and residential development of the subject lot.

The proposal discusses the Jindabyne Growth Structure plan (2007) which identified the subject land, and other surrounding lands as being suitable for rural residential development, maintaining a rural approach to town, minimising the visual impacts and maintain the character of the existing neighbouring Rural Residential Estates. The proposal states that it is required in order to implement the structure plan.

The land, and surrounding areas, has been strategically identified, and in many cases developed for rural residential development.

It is noted that despite the current RU1 zoning and 250ha minimum lot size applying, the 4 lots immediately adjoining to the north west and east, all of similar size and with the same development standards as the subject site, have all been developed for rural residential development.

A planning proposal is the only means to achieve the proposed change to zoning and development standards.

STRATEGIC ASSESSMENT

State

The proposal does not raise any state significant strategic planning issues. However, the Department of Planning and Environment has recently commenced a strategic master planning process for Jindabyne to plan for future land use in Jindabyne and surrounding areas. The subject site and surrounding area will form part of land that will be considered in this process and as such, changes to zones and development controls prior to the completion of this strategic process may pre-empt or conflict with the outcomes of the masterplan.

Regional / District

The South East and Tablelands Regional Plan 2017 applies to the Snowy Monaro LGA.

The proposal argues that it contributes positively to a number of directions within the plan including:

Direction 3: Develop the Snowy Mountains into Australia's premier year-round alpine destination

Direction 24: Deliver greater housing choice

Direction 25: Focus housing growth in locations that maximise infrastructure and services

Direction 28: Manage Rural Lifestyles

Comment: The proposed changes are consistent with the regional plan in that the changes could facilitate the supply of a small number of rural residential lots in an area that is serviced which will contribute to the provision of permanent housing supply in the Jindabyne area.

Local

The subject land, the four immediately surrounding small RU1 zoned lots, and other undeveloped land in the immediate vicinity of both the subject land and surrounding existing rural residential land was identified in the Jindabyne Growth Structure Plan 2007 as land where future rural residential development should be directed.

It is noted that despite identification as future rural residential land within the Structure Plan adopted in 2007, the land was not rezoned as part of the 2013 Snowy River LEP.

Comment: The current zoning/lot size does not reflect existing or realistic future land use on the subject lot. The recommendation of the 2007 Structure Plan that the site, and surrounding lands be considered for future rural residential development are consistent with the current and future use of the land are considered appropriate. The land owner initiated planning proposal is not inconsistent with these

recommendations, however, only relates to one lot rather than the broader surrounding area also identified in the strategy. A more strategic approach would be to consider the overall zoning and lot size of all areas identified in the earlier 2007 plan.

Section 9.1 Ministerial Directions

The planning proposal identifies the following Directions as being applicable and provides the justifications below for inconsistencies with the applicable Directions:

1.2 Rural Zones – The proposal is inconsistent as it proposes to rezone existing RU1 zoned land to a residential zone. The inconsistency is justified by Council's Jindabyne Growth Strategy 2007 which identifies the area for future rural residential land use. Further, the inconsistency is considered minor in that the lot is very small in area and adjoins residentially zoned land and is therefore not considered suitable for primary production.

1.5 Rural Lands – The proposal is inconsistent with this direction as it proposes to rezone existing rural zoned land to a residential zone. The inconsistency is justified by Council's Jindabyne Growth Strategy 2007 which identifies the area for future rural residential land use. Further, the inconsistency is considered minor in that the lot is very small in area and adjoins residentially zoned land and is therefore not considered suitable for primary production.

3.1 Residential Zones – The proposal is consistent with this Direction as it will broaden the choice of housing types and locations.

5.10 – Implementation of Regional Plans – The proposal is consistent with the regional plan as discussed earlier in this report.

Comment: The subject land and surrounding area have been identified for rural residential development in Council's strategic planning (Jindabyne Growth Strategy 2007) and this proposal seeks to implement those outcomes. Any inconsistencies with Ministerial Directions are considered to be minor.

State environmental planning policies (SEPPs)

The planning proposal identifies the following SEPPs as being applicable and that it is not inconsistent with them.

SEPP 44 – Koala Habitat Protection: The Koala Habitat Protection SEPP applies but is considered to not be inconsistent. The planning proposal reports that the rezoning would require little vegetation removal of Eucalyptus large enough to accommodate potential habitat for koalas and there have been no koala sightings recorded in the area. The Office of Environment and Heritage (OEH) are to be consulted with regards to this proposal and any issues will be identified during this process.

SEPP 55 – Remediation of Land: The site is largely vacant and only been used for grazing and the planning proposal states that it has not been used for potentially contaminating purposes. The likelihood of contamination on the site is considered to be minimal given historical use and will be assessed/identified during the development assessment process for any subsequent subdivision/dwelling proposal.

Infrastructure SEPP: The planning proposal provides an infrastructure analysis for the development of the site and states that it is not inconsistent with this SEPP.

Rural Lands SEPP: The Rural Lands SEPP applies but given the existing lot size (2.72ha) and land use it is not considered that the proposal will fragment productive rural land.

Comment: The planning proposal is not considered to be inconsistent with any applicable SEPPs.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal states that little social impacts are forecast to result from the proposal. Some additional rural residential housing supply will be facilitated by the proposal.

Environmental

The subject land contains scattered, disturbed native vegetation, areas of which are mapped on the Terrestrial Biodiversity Map in the Snowy River LEP 2013. The development of the site for potentially 9 new dwellings may require a level clearing of vegetation to provide building envelopes, access roads, fencing etc. Consultation with the Office of Environment and Heritage is to be required to determine the potential impact on any significant flora and fauna.

It is considered that the proposed land zoning is not inconsistent with surrounding existing land use patterns, however the proposed 3000m² lot size would create higher density of dwellings than some surrounding R5 developments which have lot size controls ranging from 5000m² to 5ha. It is considered that the density of future development in this area should be considered through the consultation phase.

Economic

The proposal is envisaged to have an economic benefit for local construction related jobs and a resulting slight increase in resident population to support local goods and service providers.

Infrastructure

Existing water and sewerage infrastructure is accessible noting surrounding rural residential development, which utilises, at a cost, the reticulated service mains owned by nearby 'The Station' tourist facility. The capacity of this system for further growth in the area is not outlined in the planning proposal.

CONSULTATION

Community

Community consultation is proposed to be consistent with the Departments 'A guide to preparing Local Environmental Plans'. Council has not specified an exhibition time-period.

A 28 day exhibition period is recommended.

Agencies

Council does not specifically identify any agency consultation.

Consultation is recommended with the Office of Environment and Heritage.

TIME FRAME

No timeframe for completion of the LEP is provided. Given the recommendations that the proposal show consistency with the Department of Planning and Environment's completed strategic master planning exercise for Jindabyne, an 18 month timeframe for completion is considered appropriate to allow all both processes to be finalised.

LOCAL PLAN-MAKING AUTHORITY

Council has requested local plan making authority to finalise the LEP. It is considered appropriate that Council be authorised to finalise the plan.

CONCLUSION

The planning proposal is considered to have merit to proceed. However, Council's proposal should not be finalised until the outcomes of the Department's Masterplan for Jindabyne is complete, and this planning proposal's consistency is assessed against those outcomes.

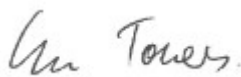
RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural zones and 1.5 Rural lands are minor and/or justified by strategies;

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Office of Environment and Heritage (OEH)
3. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.
5. Finalisation of this planning proposal should not proceed until the NSW Department of Planning and Environment's Masterplan for Jindabyne process is finalised, and then, only if this proposal is considered to be consistent with the directions and outcomes of the Masterplan.



4/12/2018

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7/12/2018

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