

Alteration of Gateway determination for planning proposal PP_2018_SMONA_001_01

Purpose: To recommend the Director, Southern Region, as delegate of the Minister, agree to alter the Gateway determination for planning proposal no. PP_2018_SMONA_001_00

Analysis: A Gateway determination was issued on 7 December 2018 for the planning proposal, which seeks to rezone land from RU1 Primary Production to R5 Large Lot Residential and reduce lot size controls. Council has requested a Gateway alteration to extend the timeframe for completion by 24 months and update terminology in Condition 1. The request is considered to have merit and an alteration to the Gateway determination has been prepared.

Recommendation

That the Director, Southern Region, as delegate of the Minister:

1. **agree** under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination for planning proposal no PP_2018_SMONA_001_01 in accordance with the Alteration of Gateway determination document (**Attachment A**), which in summary involves extending the timeframe to complete the LEP by 24 months.
2. **agree** that the community consultation requirements in condition 2 of the Gateway determination (which have not yet been met) are sufficient and that no further or different community consultation is required;
3. **sign** the Alteration of Gateway determination (**Attachment A**); and
4. **sign** the letter to Snowy Monaro Regional Council (**Attachment B**).

Director approval



Approved

Sarah Lees
Director, Southern Region
Local and Regional Planning
20 February 2020

Key reasons

Planning proposal

Snowy Monaro Regional Council has prepared a planning proposal to amend the Snowy River LEP 2013 to rezone land at 461 Barry Way, Moonbah (Lot 101 DP817374), from RU1 Primary Production to R5 Large Lot Residential, and reduce the minimum lot size controls from 250ha to 3000m².

The Gateway determination issued on 7 December 2018 (**Attachment C**) determined that the proposal should proceed subject to conditions.

At the time of the Gateway determination, the Department had commenced a strategic master planning process for Jindabyne to plan for future land use in Jindabyne and surrounding areas (known as the Go Jindabyne Masterplan). The subject site was to be considered in this process and as such, it was considered inappropriate to allow this proposal to be finalised until this strategic planning process was completed. This was to ensure the proposal was not inconsistent with the outcomes of the master planning process. As a result, the following condition was included on the Gateway determination:

- 1. The planning proposal shall not be finalised until the NSW Department of Planning and Environment's Go Jindabyne Masterplan is completed and the proposal is consistent with the Masterplan.*

Council requests an extension of time to complete the planning proposal and terminology update in Condition 1

The Gateway determination required that the local environmental plan (LEP) be finalised in 18 months from the date of the Gateway determination expiring on 7 June 2020.

Council has requested that the period to complete the LEP be extended for a further 24 months.

The extension is needed because the Go Jindabyne Masterplan has been delayed and is now being incorporated into the recently announced Snowy Mountains Special Activation Precinct (SAP). The SAP is scheduled for completion in mid-2021.

It is considered that the date be extended by 24 months to allow the planning proposal to be finalised after the completion of, and consistent with, the Snowy Mountains SAP.

Given the above, Council also requested the terminology in Condition 1 referring to the Go Jindabyne Masterplan be replaced with the Snowy Mountains SAP. The Department supports this request noting the masterplan will be superseded by the SAP.

Community consultation

Community consultation in relation to the planning proposal in accordance with condition 2 of the Gateway determination has not yet occurred. It is considered that the community consultation that will take place under condition 2 of the Gateway determination is sufficient and that no further or different community consultation is required.

Attachments

Attachment	Title
A	Alteration of Gateway determination
B	Letter to Council
C	Gateway determination

Departmental approval and contact

Approver	Position	Date approved
Sarah Lees	Director, Southern Region	20/02/2020
Contact name	Position	Phone number
Nathan Foster	Planner, Southern Region	4247 1825