

PLANNING PROPOSAL

**REZONING OF LAND TO R5—LARGE LOT RESIDENTIAL
SNOWY RIVER LEP, 2013
LOT 101 DP 817374
461 BARRY WAY, MOONAH**



JULY 2018
Project: 25-17

Dabyne Planning Pty Ltd

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REZONING OF LAND TO R5—LARGE LOT RESIDENTIAL SNOWY RIVER LEP, 2013 LOT 101 DP 817374 461 BARRY WAY, MOONAH

This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich', is positioned above a horizontal line.

Ivan Pasalich
Principal
Dabyne Planning Pty Ltd

Nb: If the report is not signed above, it is a preliminary draft.

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1. INTRODUCTION

1.1 EXECUTIVE SUMMARY

Dabyne Planning Pty Ltd has been engaged by the land owner of 461 Barry Way, Moonbah [Lot 101 DP 817374] to prepare a planning proposal to Snowy Monaro Regional Council.

The planning proposal concerns the entire allotment, which is 2.72 hectares in size and is located with direct access off the Barry Way.

The lot is currently zoned RU1 – Primary Production with a minimum lot size of 250 hectares under the Snowy River Local Environmental Plan, 2013 (SR LEP, 2013) and is vacant, except for a shed with the property used for grazing and horses.

In accordance with the Jindabyne Growth Structure Plan, 2007 (JGSP, 2007) the subject site is located within an area identified for 'rural residential' scale development. This scale of development is compatible with the rural residential development to the north, east and south of the subject site.

The subject site is serviced by reticulated sewer mains, has approved direct access off a public road and is located adjacent to other similar rural residential areas with a similar density and provision of services.

The planning proposal seeks to rezone the site to R5 – Large Lot Residential and reduce the lot size to 3000m² as an amendment to the SR LEP, 2013.

1.2 BACKGROUND

The subject site was created in 1992 as part of a previous subdivision, with Lot 101 being created as a 2.72 hectare allotment, adjoining other rural-residential style allotments.

In 2003, Council approved the vehicle entry onto The Barry Way under DA 179/2003 and Construction Certificate CC 120/2003, along with the Colorbond Shed on the site, as per the stamped plan extract below.

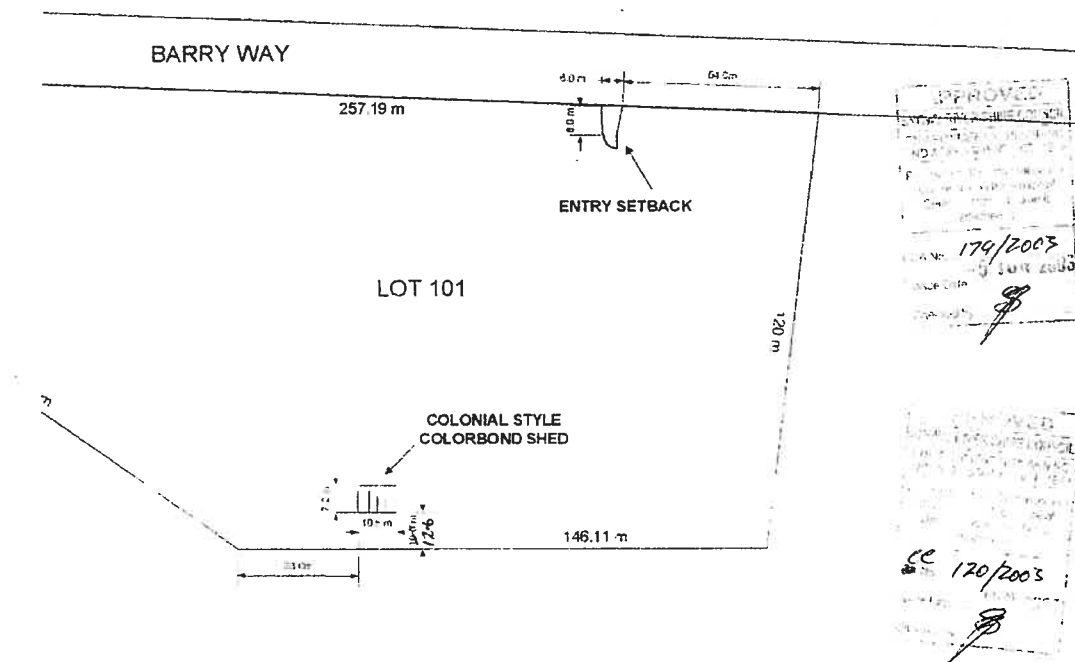


Figure 1: Extract of the stamped plans for the vehicle entry and shed

During 2006 and 2007, Council consulted the wider community regarding the preparation of the JGSP, 2007.

The subject site, including the four (4) surrounding allotments (Lots 103 & 103 DP 817374 + Lots 1 & 2 DP 817373) were identified within Area 'F', suitable for 'rural residential scale development'.

In 2017, the land owner engaged Dabyne Planning to commence a rezoning process, which including undertaking a pre-application meeting with Council on the 23 June 2017 and subsequent correspondence on the information requirements for the preparation of a planning proposal.

This report has been prepared in accordance with this meeting and correspondence with Council.

2. THE LOCALITY & THE SITE

2.1 The Locality

The subject site is located to the south of the Jindabyne township along the Barry Way. The site is located south and to the west of the Station Resort owned by Perisher Ski Resort, to the north of Cobbin Estate (Rural-residential estate comprising of Stages 1 & 2) and the east of rural properties.

The location of the site in context with the wider locality is illustrated in figures 2 & 3 below.

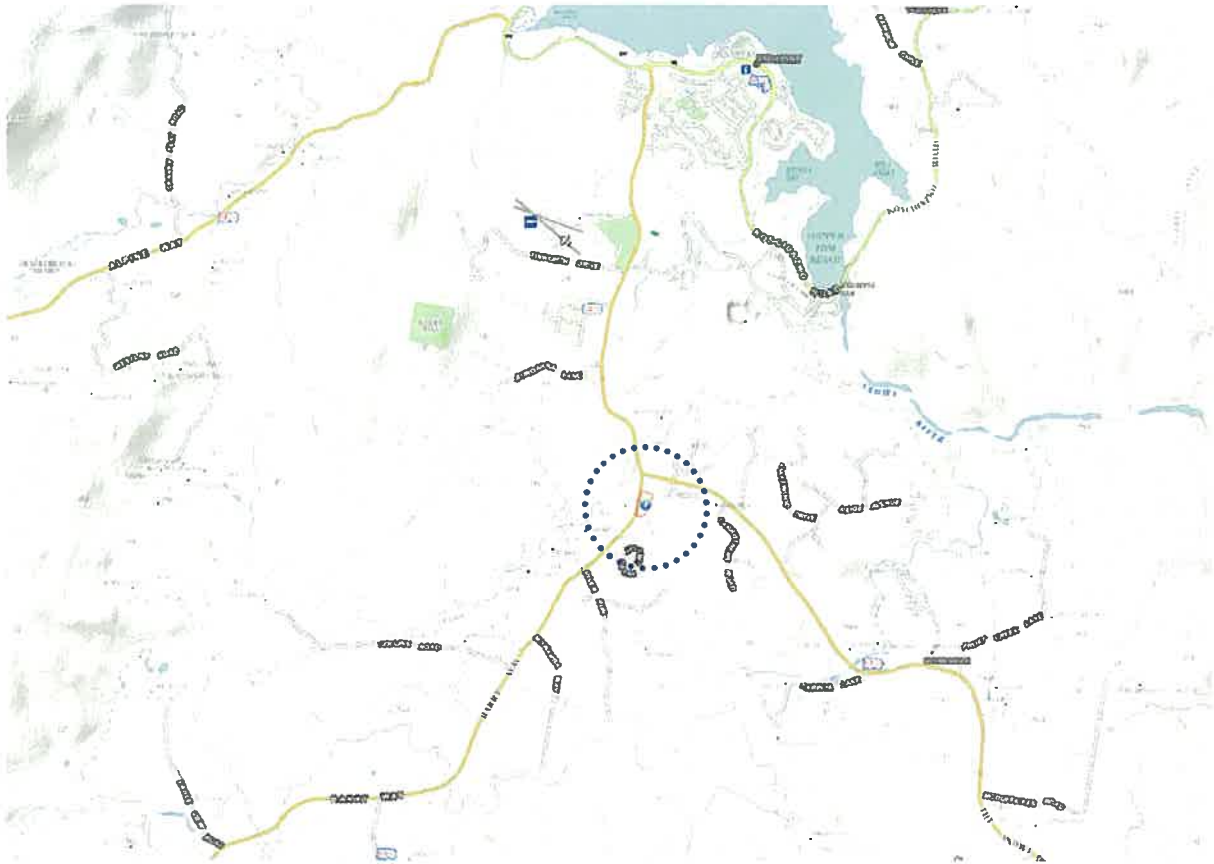


Figure 2: Context of the subject site in the wider locality (topographical)

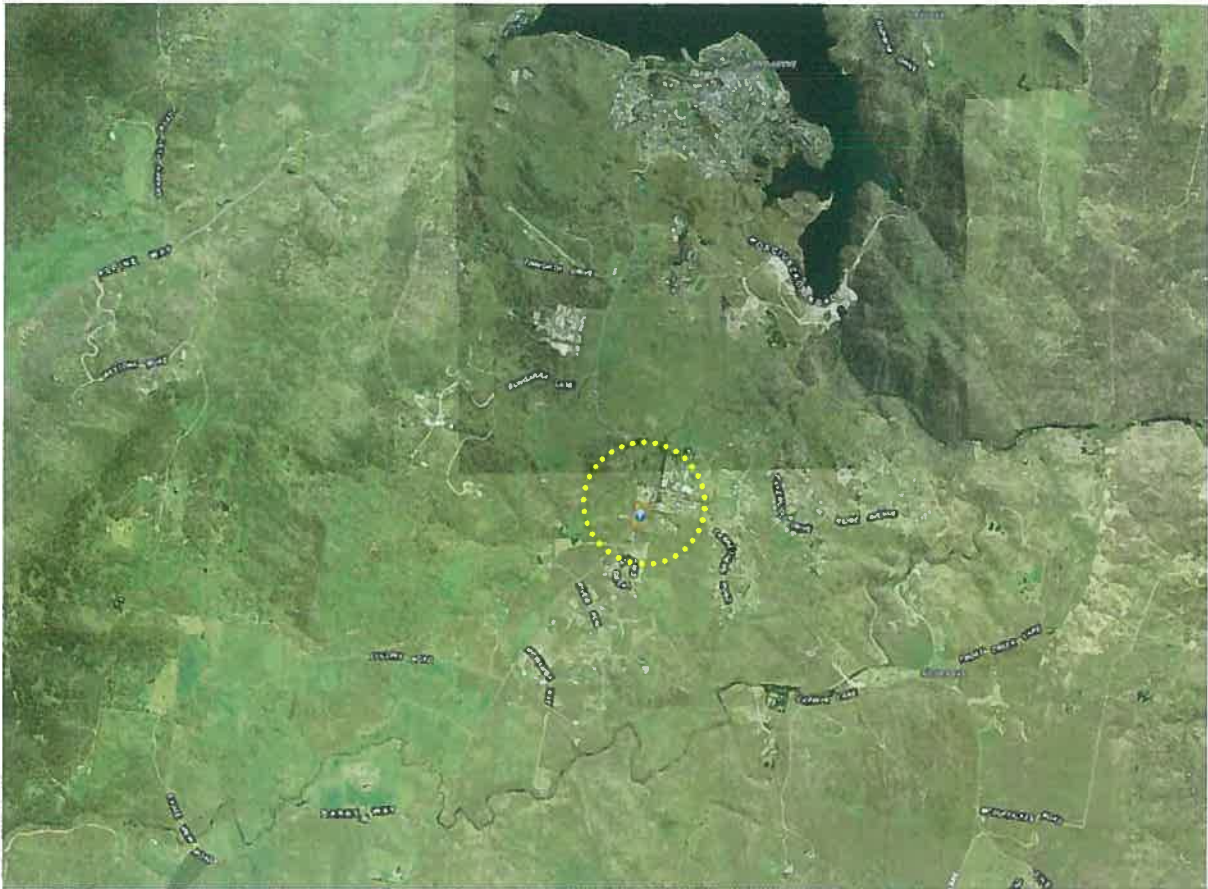


Figure 3: Context of the subject site in the wider locality (aerial)

The immediate locality is characterised by rural-residential properties, including High Country, Lakewood and Cobbin Estates to the north, east and south and a large tourist accommodation complex (Station Resort) also to the north and east.



Figure 4: Context of the subject site in the locality



Figure 5: Context of the subject site in the locality (aerial)

2.2 The Site

The subject site is located at 461 Barry Way, Moonbah and is legally described as Lot 101 DP 817374. The allotment size is 2.72 hectares.

The subject site is located with frontage to the Barry Way of approximately 250m in length and is bound by rural residential properties to the north, east and south including holiday cabins to the north.

Access to the site is currently achieved directly from the Barry Way via an existing and approved driveway entry. An alternate access via a right-of-carriageway (legal, not physically constructed) is also available via Lot 102 to the south, from the Barry Way.

An extract of the Deposited Plan is provided in figure 6 below.

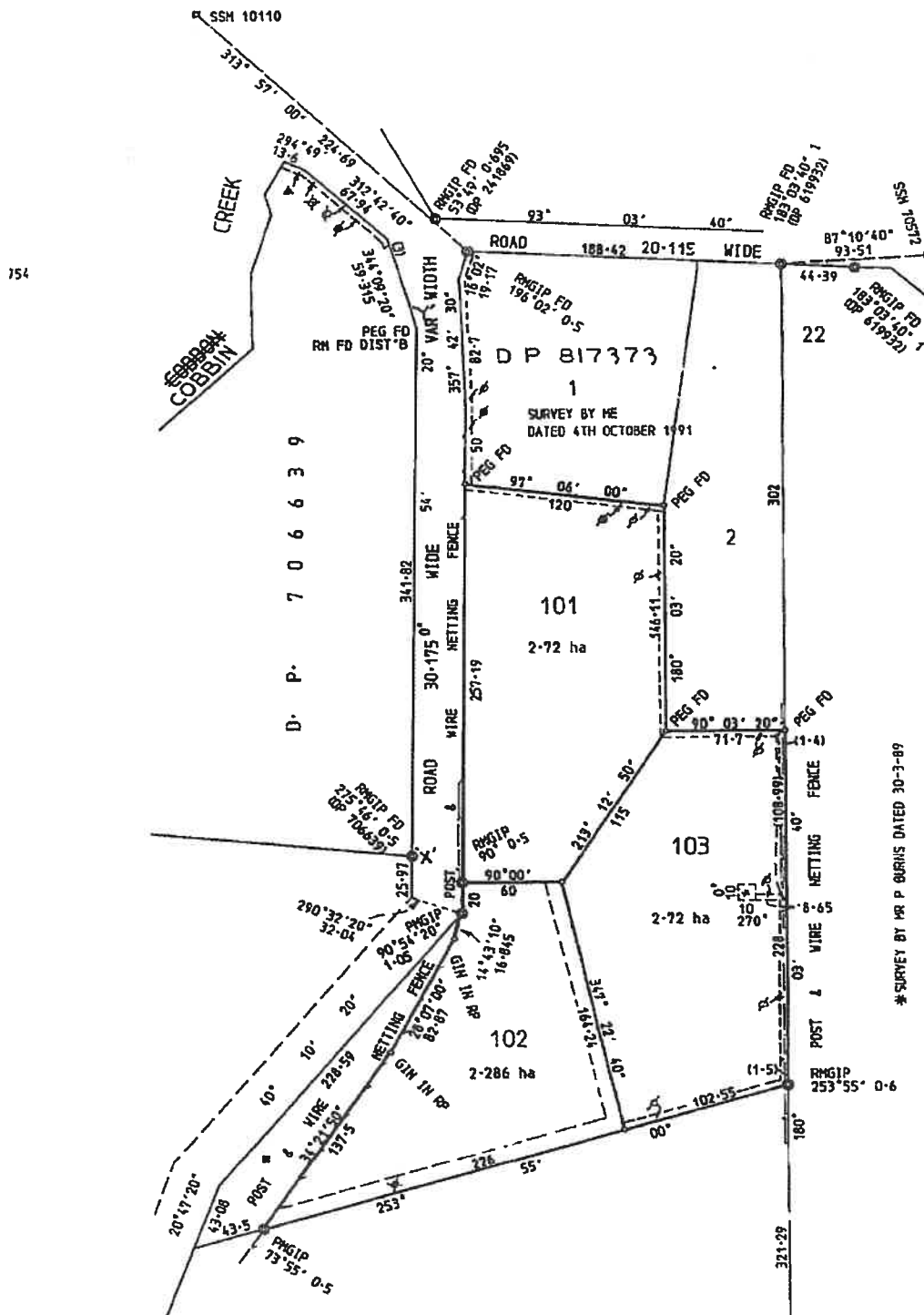


Figure 6: Extract of the Deposited Plan with Lot 101 shown

The site gently slopes from the west to east, towards the Barry Way and also slopes from south down to a central gully, as well as from the north down to a central gully.

Although mapped as a watercourse, the gully has been modified and piped under the road and is predominantly dry with no defined embankments.

Topographic maps of the subject site are provided in figure's 7 & 8 below.



Figure 7: Topographic Map showing the subject site in context of the locality

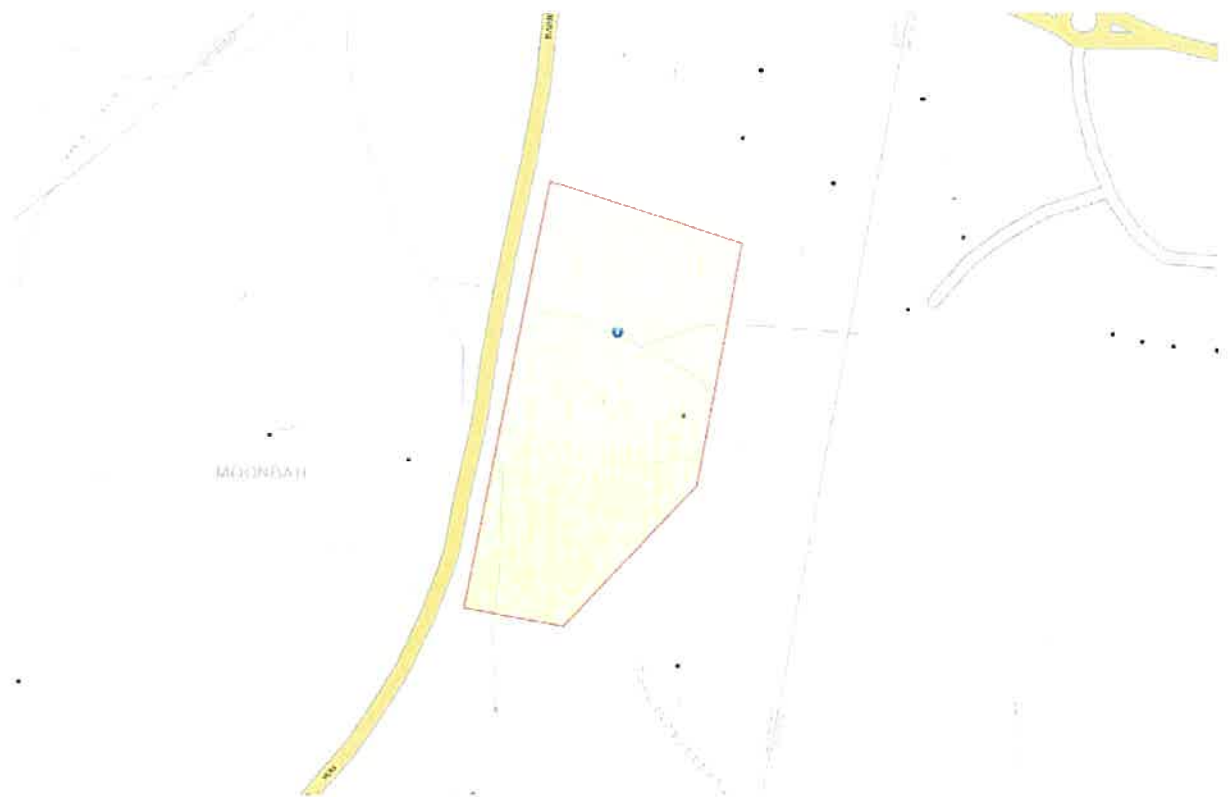


Figure 8: Topographic Map showing the subject site

An aerial map of the site is provided below in figure's 9 & 10.



Figure 9: Aerial of the subject site in context with the locality



Figure 10: Aerial of the subject site

As shown above, the site is vacant, except for a shed and some other storage structures, having been used for grazing and horses.

An existing driveway accesses the shed.

The vegetation within the north-east corner comprises mainly of regrowth with some larger Eucalypts present, similarly the southern corner, which includes a rocky knoll.

Photos of the subject site are provided in figures 11 - 14 below.



Figure 11: Existing approved access onto the Barry Way



Figure 12: View to the north-west from the southern part of the site



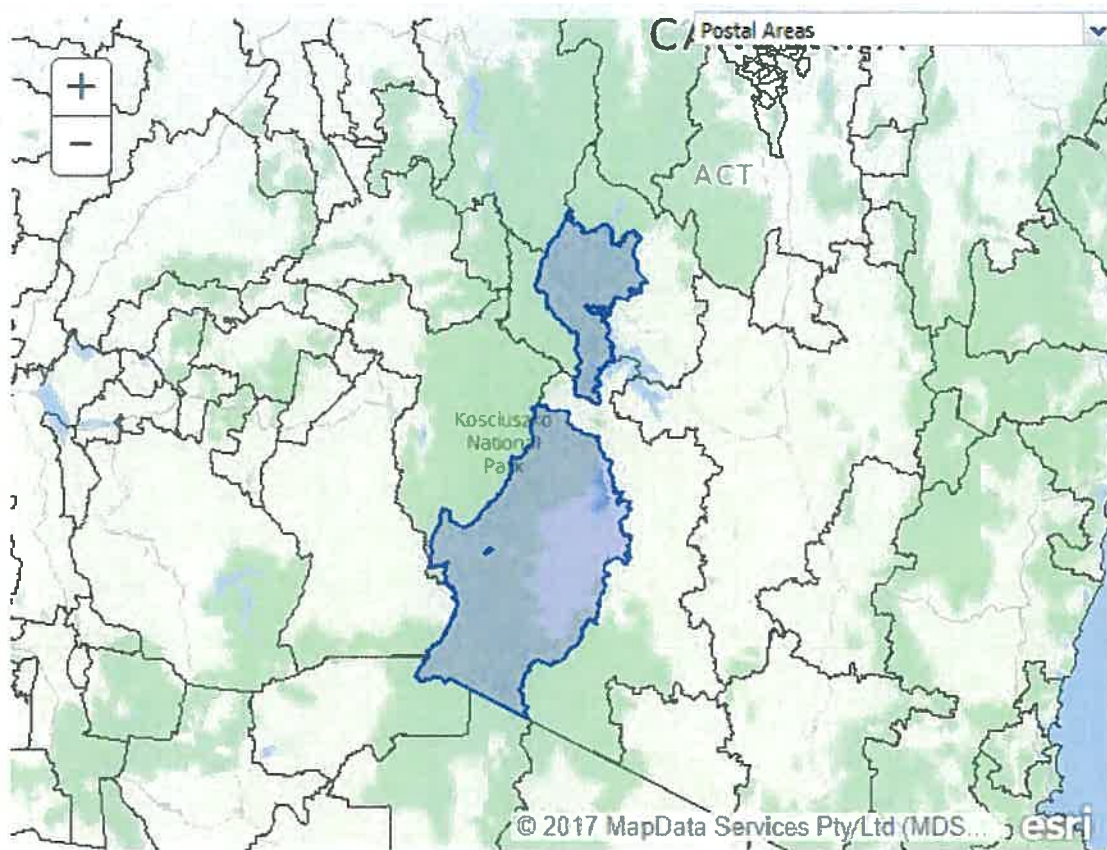
Figure 13: View to the north across the central part of the site



Figure 14: View towards the east and exiting shed

2.3 Demographic Data

The following information is provided to describe the population and housing trends within the Jindabyne postcode area (2627) as per the Australian Bureau of Statistics Census map below.

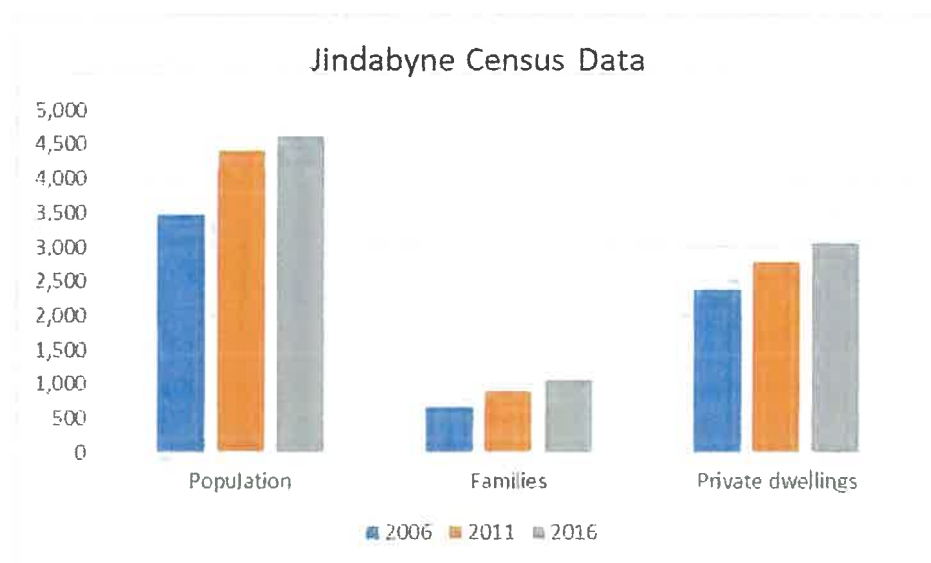


The Census data for 2006, 2011 and 2016 provided by the Australian Bureau of Statistics is discussed below.

2.3.1 Population

The population for Jindabyne (postcode 2627) in 2006 was 3474 and at 2016 it was 4622, representing a 33% increase over the last decade:

	2006	2011	2016
Population	3,474	4,400	4,622
Families	658	887	1049
Private dwellings	2,359	2,789	3,046

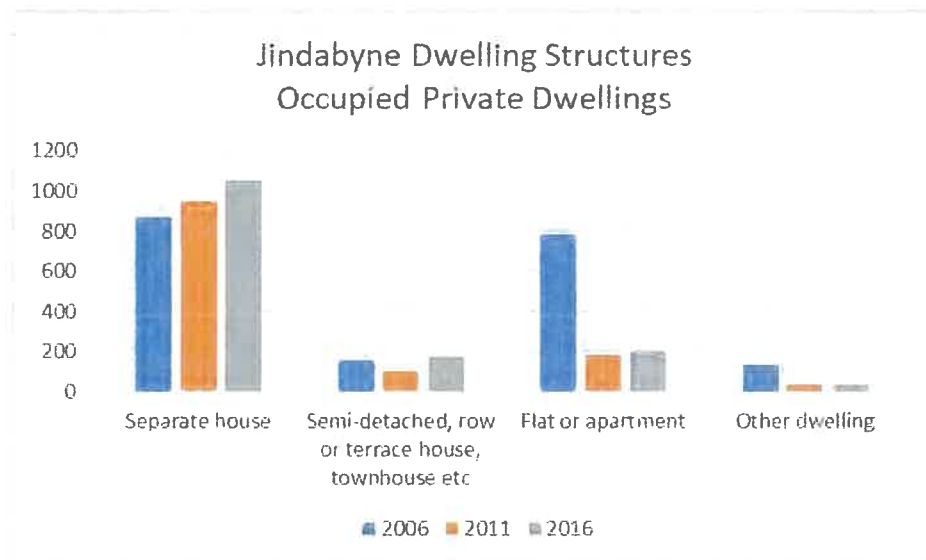


This includes an increase in the number of families being increased by 59% over the decade and number of private dwellings increased by 29%.

2.3.2 Dwelling Structure, Household Composition & Density

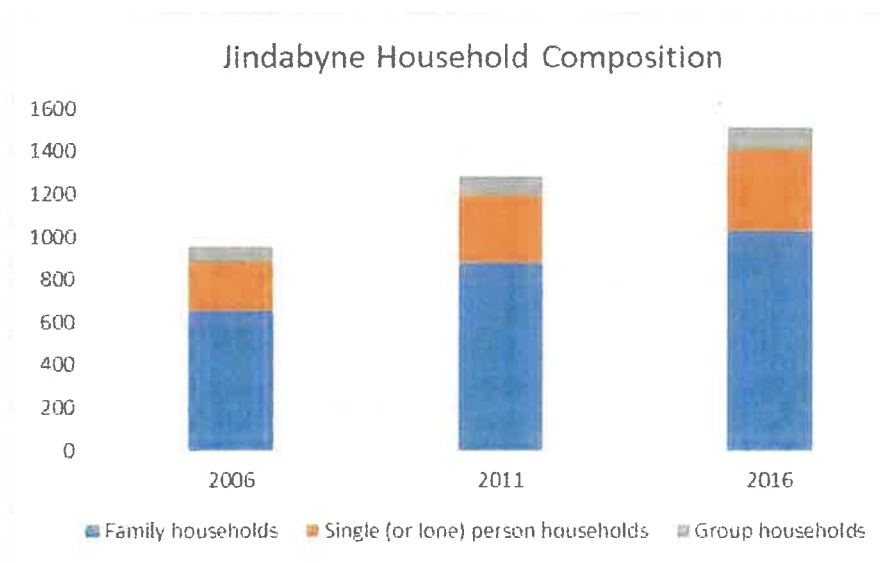
The dwelling structure for Jindabyne data between 2006 and 2016 indicates that the number of separate houses has increased, whilst the number of medium density dwellings (ie townhouses, flats or apartments) occupied have either decreased. This is likely due to the conversion of medium density dwellings to the holiday rental market, thus placing a greater emphasis for the need for more separate houses.

Dwelling Structure (Occupied private dwellings)			
	2006	2011	2016
Separate house	870	945	1050
Semi-detached, row or terrace house, townhouse etc	152	102	174
Flat or apartment	784	181	195
Other dwelling	130	30	33

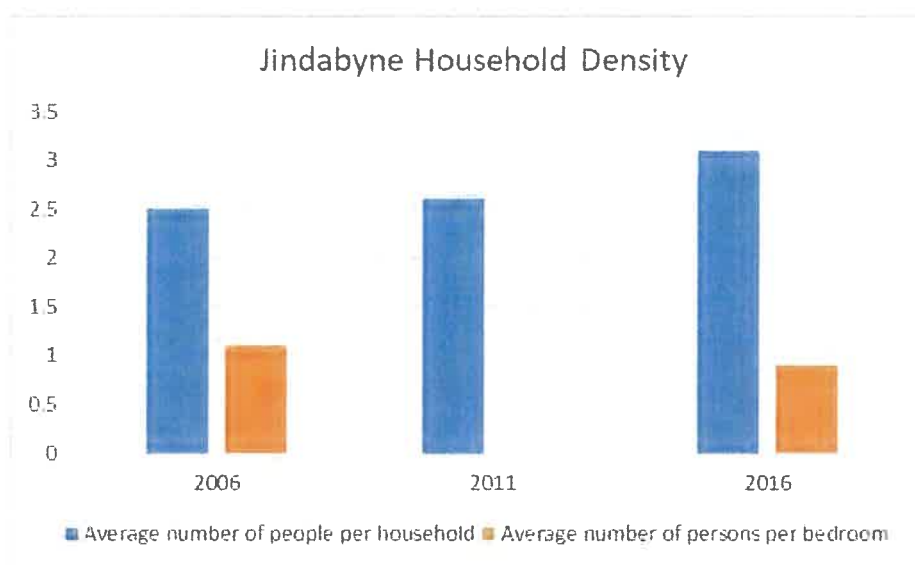


The household composition for Jindabyne between 2006 and 2016 has seen a 57% growth in family households with less growth in single person households and group households, placing greater emphasis on the supply of residential and rural residential land, suitable for families.

Household Composition			
	2006	2011	2016
Family households	655	880	1029
Single (or lone) person households	231	318	379
Group households	67	85	108



Household Density			
	2006	2011	2016
Average number of people per household	2.5	2.6	3.1
Average number of persons per bedroom	1.1		0.9



2.3.3 Industry of Employment

The tourism industry is largest employer in the locality and region, with accommodation, sports and physical recreation activities and food services all forming part of tourism, representing about one third of all employment within the town.

Industry of Employment	%
Accommodation	16.5
Sports and Physical Recreation Activities	9.4
Cafes, Restaurants and Takeaway Food Services	6.3
School Education	3.7
Supermarket and Grocery Stores	2.6



3. PLANNING FRAMEWORK

3.1 Snowy River Local Environmental Plan, 2013

The subject site is located within the Snowy River Shire area of the Snowy Monaro Regional Council and therefore is subject to the Snowy River Local Environmental Plan, 2013 (SR LEP, 2013) as discussed below.

A summary of the SR LEP, 2013 provisions that are relevant and apply to the subject site is provided below.

Zoning:

The subject site is zoned RU1 – Primary Production as shown in figure 15 below.

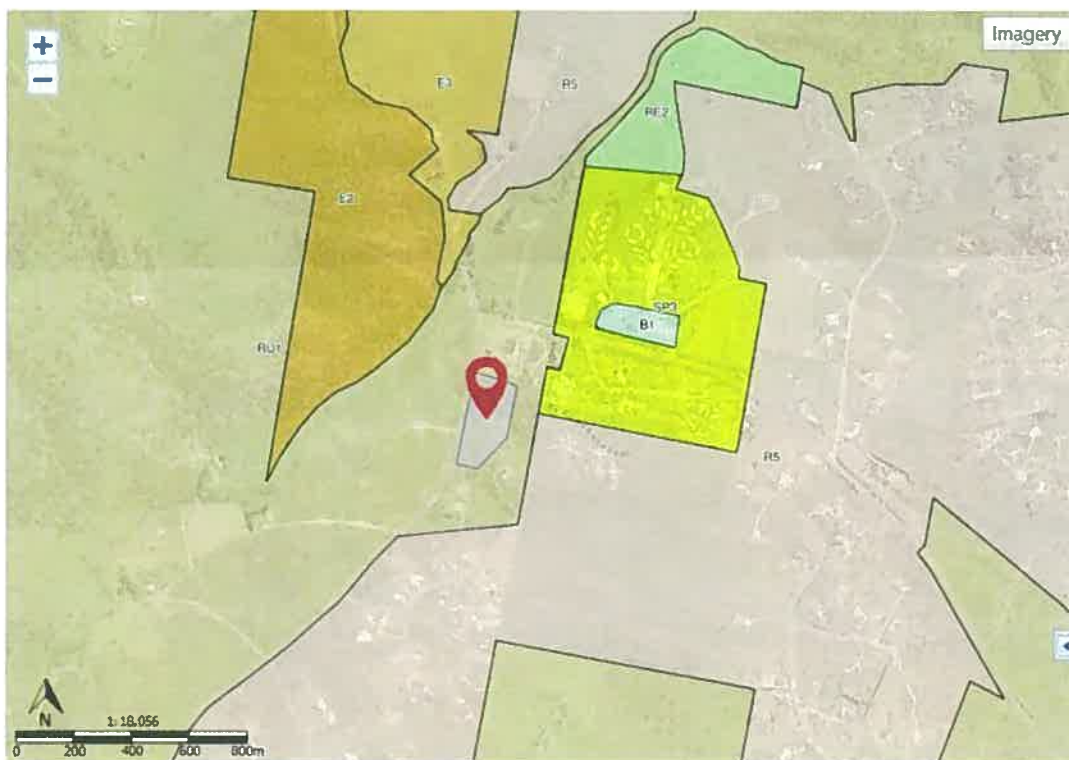


Figure 15: LEP Zoning Map

Clause 2.3 of the SRLEP, 2013 sets out the objectives of the RU1 zone, which are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.

- *To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.*

Minimum Lot Size:

Under the SR LEP, 2013 the minimum lot size for the subject site is 250 hectares as shown in the extract map below.

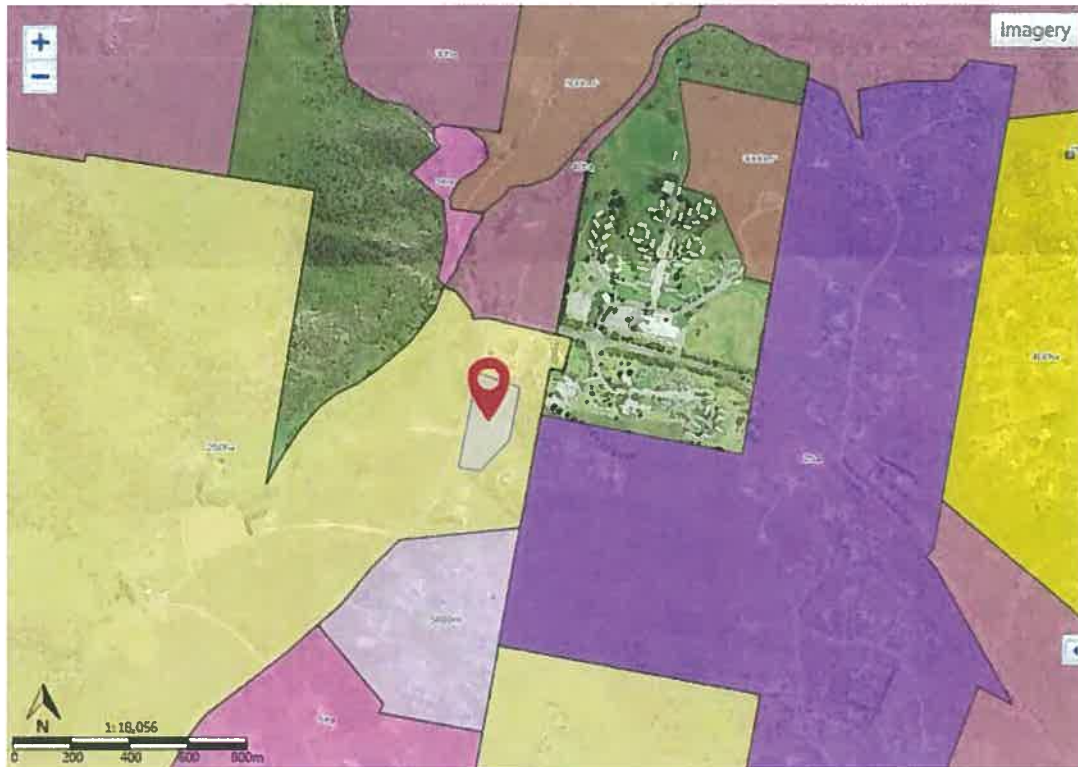


Figure 16: LEP Minimum Lot Size Map

The minimum lot size of the surrounding rural-residential areas is:

- | | |
|---|--------------------|
| - 415 & 417 Barry Way (amended as part of SRLEP, 2013): | 3000m ² |
| - Station Resort (amended as part of SRLEP, 2013): | 3000m ² |
| - Cobbin Estate – Stage 1 | 5000m ² |
| - Cobbin Estate – Stage 2 | 5ha |
| - High Country Estate | 2ha |

Building Height:

Under the SR LEP, 2013 the maximum building height is 9m as shown in the extract map below.



Figure 17: LEP Building Height Map

Riparian Lands and Watercourses:

Although mapped as incorporating a blue line's indicating watercourses as shown in figure 8 above, the site is not mapped as comprising riparian land or a watercourse under the LEP as shown in the extract in figure 18 below. The small tributary to Cobbin Creek to the west has been piped under the road and therefore does not extend eastwards into the subject site.

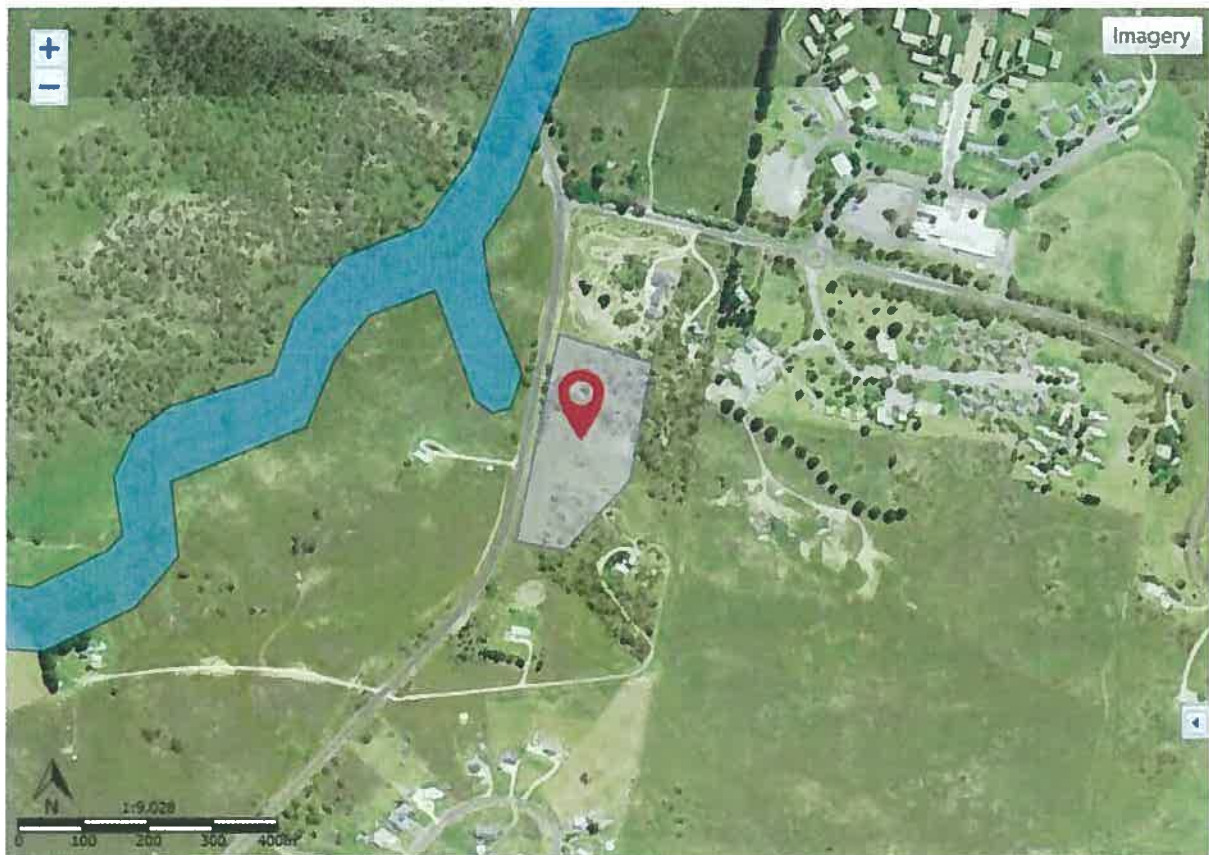


Figure 18: LEP Riparian Land Map

Terrestrial Biodiversity:

The subject site includes pockets of land mapped as 'Biodiversity' as shown in the extract LEP below.

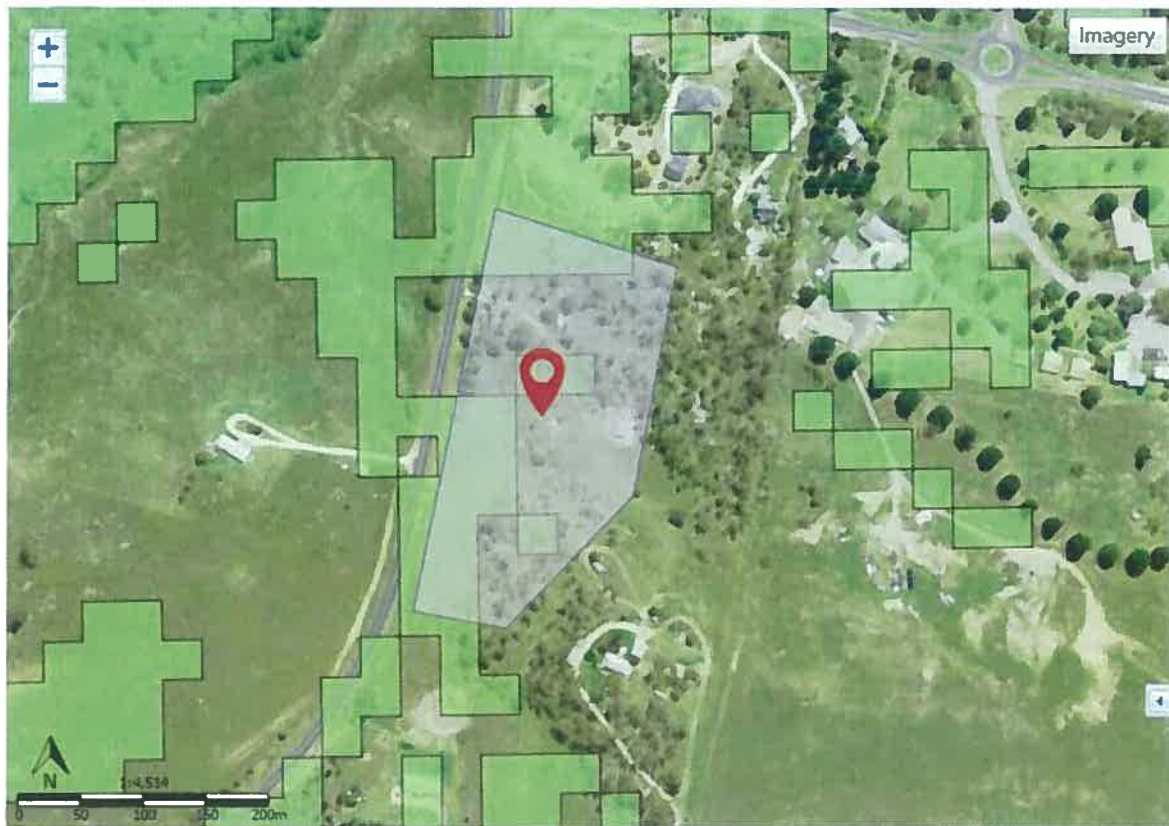


Figure 19: LEP Terrestrial Biodiversity Map

This mapping fails to recognise the site specific disturbance and previous grazing undertaken and is commonly not consistent to what is found on site, as demonstrated by the mapping the highly disturbed land associated with the Station Resort, to the north-east.

4. PLANNING PROPOSAL PROCESS

4.1 Part 1 - Intended Outcome

This Planning Proposal has the express purpose of facilitating the development of the subject site for rural residential purposes generally in accordance with the JGSP, 2007 and the Concept Subdivision Plan provided in Appendix A. The intended outcome of the Planning Proposal is to be incorporated into the SRLEP, 2013.

Objectives:

- To facilitate peri-urban scale development of the site for rural residential purposes in an integrated manner in accordance with the capacity of the land and capitalising on existing infrastructure.
- Rezone the site from RU1 (Primary Production) to R5 (Large Lot Residential).
- Apply a minimum lot size of 3000m²
- Maintain existing building height control of 9m.

4.2 Part 2 - Explanation of Provisions

The Snowy River LEP 2013 will adopt the zone applicable under the Standard Instrument LEP.

It is proposed that the site be rezoned R5 – Large Lot Residential.

The following LEP maps apply to the site and are also intended to continue to apply:

- Height of Building Map.
- Terrestrial Biodiversity Map.

The following LEP maps apply to the site and the Planning Proposal seeks to amend the following maps:

- Amend Snowy River LEP 2013 to rezone the subject site to R5 – Large Lot Residential – 7050_COM_LZN_003_160_20131128.
- Amend Snowy River LEP 2013 the Lot Size Map – LSZ_003A – from 250ha (AE) to 3000m² (W) – 7050_COM_LSZ_003A_080_20131118.

4.3 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.

4.3.1 Section A – Need for the planning proposal

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

Yes.

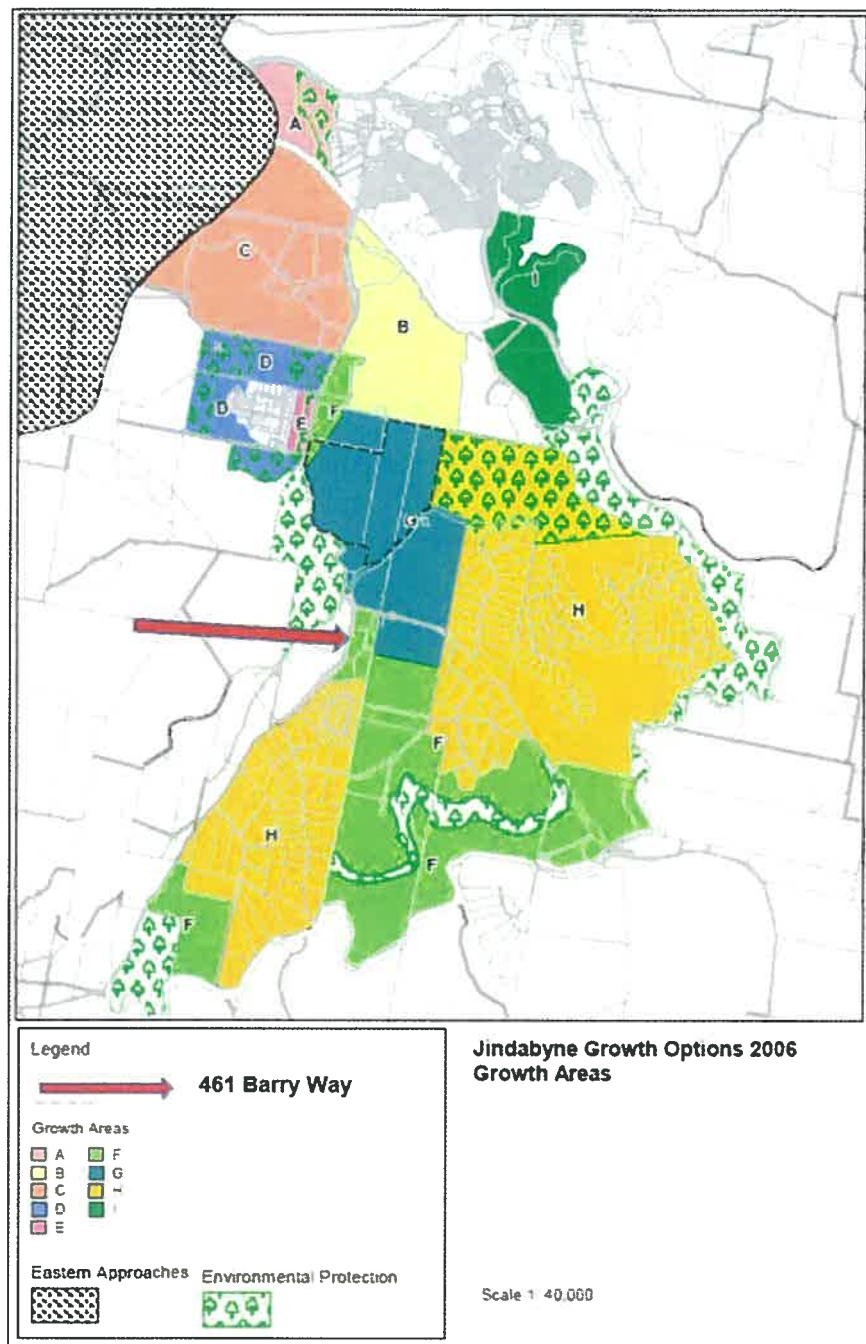
The Jindabyne Growth Structure Plan (JGSP, 2007) was adopted by the former Snowy River Shire Council in May 2007 and at a broad level identifies areas to accommodate the growth of the Jindabyne township. The key criterion the Plan addresses includes:

- *To meet the population projections for the next 20 years and ensure a diversity of housing choices.*
- *To manage the future growth of Jindabyne.*
- *To ensure that infrastructure is provided in an orderly and efficient manner.*
- *To ensure the natural and cultural heritage of Jindabyne is not destroyed by inappropriate development.*
- *To provide open spaces and natural areas that contribute to the protection of scenic and natural values.*
- *To identify adequate land supply for diverse business uses as well as tourism.*
- *To ensure future development meets the expectations of the community for the social and cultural outcomes.*

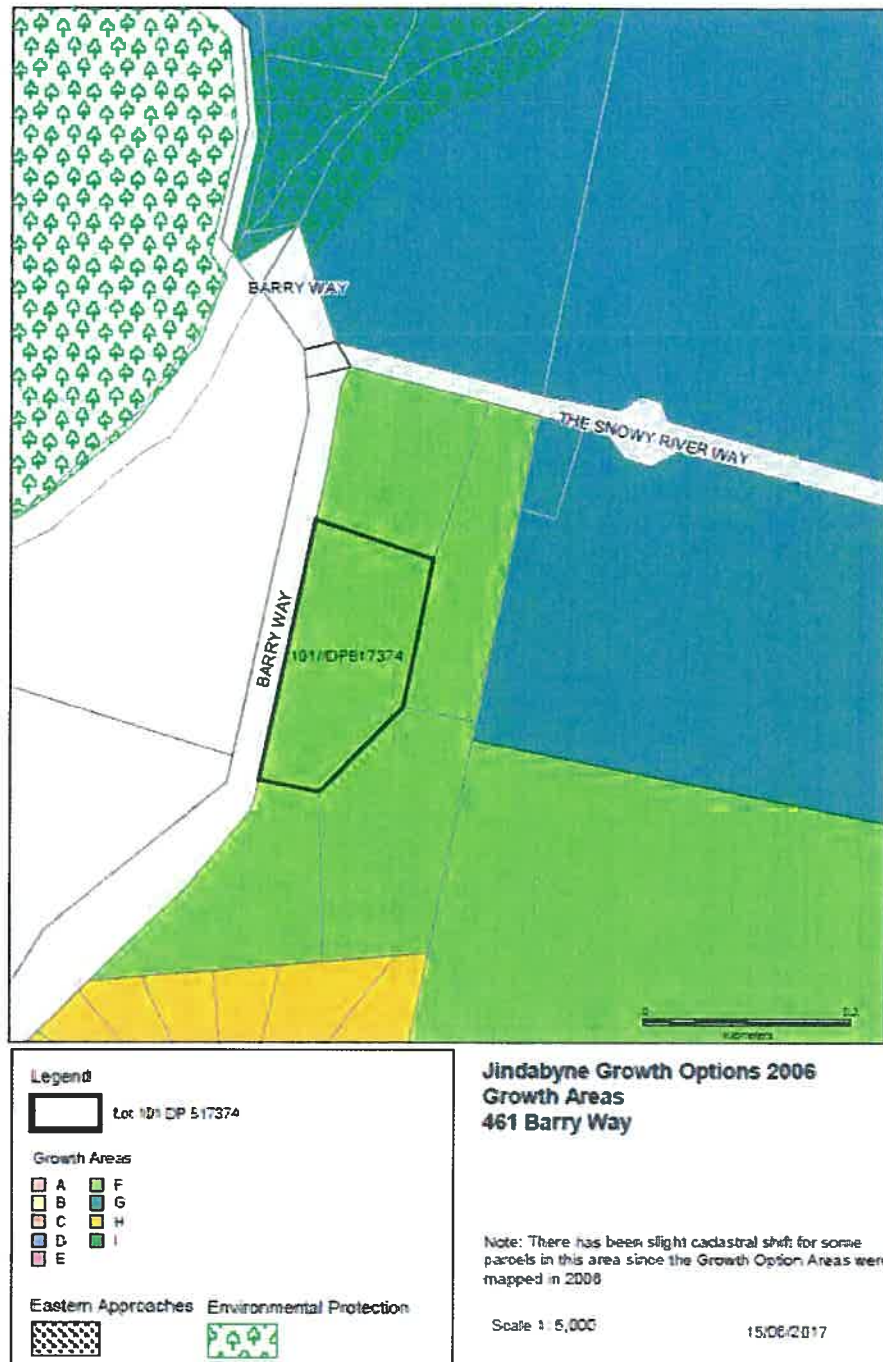
The plan was informed by the Jindabyne & Villages Planning Project and Jindabyne Growth Discussion Paper.

The subject site is identified as being within 'Area F' as illustrated in the Jindabyne Growth Options Map (2006) below:

4



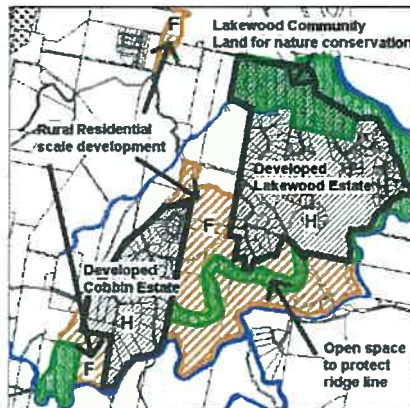
*Figure 20: Jindabyne Growth Options 2006 – Growth Areas Map
(Source: Snowy River Shire Council)*



*Figure 21: Jindabyne Growth Options 2006 – Growth Areas Map for the Site
 (Source: Snowy Monaro Regional Council)*

An extract of the plan for 'Area F' is provided below:

Area F (Land directly adjoining and surrounding existing rural residential estates) and Area H Developed Lakewood and Cobbin Estates.



One option was put forward for this area.

- Rural residential scale development with limited development within creek areas and ridgelines to protect visual amenity and provide for potential recreation trails.
- Originally the area to the north of Lakewood Estate was marked for rural residential development. However the area was set aside for nature conservation purposes in the original Lakewood subdivision and as such is now proposed to remain as open space/nature conservation.

Recommended Structure Plan Policy

- No further development of the Lakewood Community Land extending north from Lakewood Estate as shown on the JGSP. This area as well as the other areas nominated for open space will complement open space networks being developed through the Jindabyne Open Space Strategy.
- Direct rural residential style development to the remaining land in Area F as shown on the JGSP Map to retain the rural approach to town, minimise visual impacts and maintain the character of existing neighbouring Rural Residential Estates.
- Develop Open Space links through this area.

Recommended Structure Plan Action

- Incorporate provisions in LEP to allow rural residential development in the areas nominated on the JGSP Map.
- Develop and Implement Open Space and Recreational Landuse Strategy.
- Apply water sensitive urban design techniques to maintain the health of Cobbin and Mowamba Creek to all new subdivision proposals and applications.
- Develop required design guidelines to manage visual impact.

Discussion

The areas proposed for rural residential estate development must be connected to town water and sewerage services. These areas are not the most easily serviced areas however they can be provided with town services.

This scale of development serves to maintain the integrity and character of the existing rural residential estates. In addition siting lower scale development along the Barry Way provides a gradual escalation of development as proximity to the township increases.

The small area of rural residential development proposed opposite the current industrial estate is marked for this type of low scale development to maintain the open rural approach to the township. This area is not considered appropriate for industrial expansion as it is not contiguous with the existing industrial area and would have adverse visibility impacts on the entrance to town.

Open space links through creek areas and ridgelines will be required. The Lakewood Community Land will complement the open space areas existing and proposed.

Generally submissions were supportive of the options for this land. One submission raised that lower density development is more appropriate over the Mowamba corridor area. It is considered that a combination of setbacks and open space adjoining the Mowamba Creek can adequately protect the water quality of the creek whilst allowing rural residential scale development that is connected to town services.

Figure 22: Extract of the Jindabyne Growth Structure Plan, 2007 in relation to 'Area F'

The above plan identifies that the area shaded in brown hatching as 'Area F', suitable for rural residential scale development, which includes the subject site. The recommended policy included in the Structure Plan for this area states *'Direct rural residential style development to the remaining land in Area F as shown on the JGSP Map to retain rural approach to town, minimise visual impacts and maintain the character of existing neighbouring Rural Residential Estates'*.

As part of the Structure Plan, Council produced a 5 year action plan with priorities identified. Extracts relevant to the subject site are provided below:

POLICY	ACTION	RESPONSIBILITY	PRIORITY
<ul style="list-style-type: none"> Continue to work collaboratively to investigate options for future residential development and associated contributions planning on part of the Sport and Recreation Land. 	<ul style="list-style-type: none"> Continue discussions with NSW Department of Sport and Recreation. 	SRSC and NSW Department of Sport and Recreation	Moderate
<ul style="list-style-type: none"> Maintain Authorised Landing Area and continue to review potential upgrade and its role through a master planning process for the areas shown on the JGSP Map. 	<ul style="list-style-type: none"> Involve user groups, landowners and key stakeholders in masters planning process. 	SRSC	Moderate
<ul style="list-style-type: none"> Support a mix of development of Area C subject to a detailed master plan to determine appropriate location, style and scale of development that can coexist with the maintenance of the ALA prior to and informing rezoning of specific areas. 	<ul style="list-style-type: none"> Approach relevant landowners to contribute to a master plan and servicing planning process to initiate process for rezoning. 	SRSC to initiate All stakeholders to participate and contribute to master planning process	Moderate
<ul style="list-style-type: none"> Subject to satisfactory resolution of biodiversity and heritage constraints direct Industrial development to a limited area to the north as shown on the JGSP Map. 	<ul style="list-style-type: none"> Undertake detailed study of biodiversity values over the entire area to determine development potential. Undertake analysis of heritage and cultural values of the area to determine development potential and strategies appropriate to maintain heritage values should development be considered. Undertake a detailed planning process to determine the most appropriate area for industrial expansion and management of heritage and biodiversity values. 	Relevant landowners and SRSC	Moderate
<ul style="list-style-type: none"> No further development of the Lakewood Community Land extending north from the Estate. This area as well as the other areas nominated for open space will complement open space networks being developed through the Jindabyne Open Space Strategy. Direct rural residential style development to the remaining land in Area F as shown on the JGSP Map to retain the rural approach to town, minimise visual impacts and maintain the character of existing neighbouring Rural Residential Estates. Develop Open Space links through this area. Investigate other opportunities for rural residential scale development contiguous with urban areas. 	<ul style="list-style-type: none"> Incorporate provisions in LEP to allow rural residential development in the areas nominated on the JGSP Map. Develop and implement Open Space and Recreational Landuse Strategy. Apply water sensitive urban design techniques to maintain the health of Cobbin and Mowamba Creek to all new subdivision proposals and applications. Develop required design guidelines to manage visual impact. Undertake required analysis to identify areas that meet council policy criteria for rural residential estate development. 	SRSC to pursue amendment to LEP. Relevant landowners and SRSC.	High

A high priority has been allocated to undertaking the actions highlighted above in regard to the subject site, which includes *'Incorporate provisions in LEP to allow rural residential development in the areas nominated on the JGSP Map.'*

The primary purpose of this report is to provide Council with the necessary required analysis to guide the rezoning of the subject site. This therefore achieves the objectives of Structure Plan and 5 Year Action Plan for the site.

Although prepared in 2007, Council has not undertaken any of the actions identified within Area F.

Hence a Planning Proposal has been submitted, eleven (11) years after its adoption.

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

The current zoning permits rural activities with one single dwelling entitlement due to the minimum lot size being far greater than the actual lot size.

The site is 2.72 hectares in size which is not considered suitable for primary production purposes.

The proposed rezoning of the site to R5 – Large Lot Residential represents the most logical way of achieving the intended objectives and outcomes under the current legislation with a reduction of the minimum lot size, commensurate with other R5 Large Lot Residential zoned land in the locality.

This is consistent with the outcomes proposed under the Structure Plan for Jindabyne and the subject site.

4.3.2 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 South East and Tablelands Regional Plan 2036 (SET RP, 2036) was released in July 2017 and provides a 20 year blueprint for the future for the region, which Jindabyne and the subject site is located within.

Under the SET RP, 2036 the following key directions are considered applicable to the subject site and Planning Proposal.

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

An increase in visitor numbers not only requires better parking access, public facilities, signage and boat launching facilities, but requires an increased permanent residential population to support the tourism industry.

With the tourism industry being the largest industry employer as documented in 2.3.3 above, the provision of additional rural-residential housing supply close to Jindabyne, with access to infrastructure and services in accordance with the Structure Plan for the town, allows Direction 3 to be fulfilled.

Direction 24: Deliver greater housing supply and choice

The proposed rezoning of the subject site is consistent with the Structure Plan for the town, therefore consistent with the local housing strategy, providing rural residential scale development.

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

The proposed rezoning of the subject site is consistent with the current planning strategy for the town with access to services and infrastructure, being surrounded by other rural residential scale development at a similar density.

Direction 28: Manage rural lifestyles

Although the proposal is to rezone the subject site R5 Large Lot Residential, which is consistent with the Structure Plan for the site and locality, the rezoning will not conflict with environmental or agricultural lands as the site is surrounded by existing rural residential and tourism development, and will not impact upon water catchments with the lot size being too small to allow for new dams.

Furthermore, the site does not incorporate intact bushland or incorporate any bushfire prone land, requiring minimal clearing for future house sites.

Consistent with the JGSP, 2007, the rezoning of the site will not create further fragmentation of productive agricultural land, is free of natural hazards or areas of cultural or heritage significance.

Local Government Narratives – Snowy Monaro Regional Council

In accordance with the housing principles for Snowy Monaro Regional Council, the rezoning of the land and reduction in minimum lot size will allow for an 'Increase housing in Cooma, Jindabyne and Bombala'.

Overall, the Planning Proposal is considered consistent with the SET RP, 2036.

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

The Planning Proposal is consistent with the Jindabyne Growth Structure Plan, 2007 as discussed under Question 1 above.

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

The Planning Proposal is considered consistent with the key themes of the Snowy Monaro Regional Council Community Strategic Plan 2040.

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 concurrence of the land owner has been provided.

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
<i>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</i>	<i>Not inconsistent. 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>
<i>SEPP 44 – Koala Habitat Protection</i>	<i>Not inconsistent. The rezoning of the site and future subdivision would require little vegetation removal of Eucalypts large enough to accommodate potential habitat for koalas.</i>

	<i>Furthermore similar potential vegetation surrounds the site and is located through the locality and region which could support similar potential habitat for koalas. It is noted that the locality has not had any koala sightings.</i>
SEPP 55 – Remediation of Land	<i>Not inconsistent. The site is largely vacant and only been used for rural purposes (ie grazing and horses) and not used for potentially contaminating purposes.</i>
SEPP (Infrastructure) 2007	<i>Not inconsistent. Refer to Appendix C.</i>
SEPP (Rural Lands) 2008	<p><i>Not inconsistent. The subject site, being 2.72 hectares in size and surrounded by other rural-residential scale development, disconnected by larger rural holdings by the Barry Way is not considered to comprise of important or significant rural land.</i></p> <p><i>The site provides an opportunity for rural residential scale development at a density commensurate with surrounding rural residential estates, with limited impact on services.</i></p> <p><i>This is consistent with the local strategy and regional strategy for the site.</i></p> <p><i>In regards to the rural subdivision principles, the reduction in minimum lot size for the site is considered not to further fragment rural land, as it is already only suitable for rural residential purposes.</i></p> <p><i>The site sits within and adjoins rural-residential and tourism development to the north, east and south, considered compatible with these land uses.</i></p> <p><i>The reduction of the minimum lot size is consistent with the future supply of rural residential land, at the same density as the latest rezoned land to the north, under the SR LEP, 2013.</i></p> <p><i>The site offers little natural and physical constraints for further subdivision as outlined in the concept subdivision plan provided in Appendix A.</i></p>

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	<p><i>This direction applies to planning proposals which affect land within an existing rural zone and states that a planning proposal must not rezone land from a rural zone to a residential zone.</i></p> <p><i>The inconsistency is justified in this instance as a residential zone is consistent with a strategy for the site, being the JGSP, 2007 and the adjacent residential zoned land.</i></p>
1.3 Mining, Petroleum Production and Extractive Industries	<i>Not applicable.</i>
1.4 Oyster Aquaculture	<i>Not applicable.</i>
1.5 Rural Lands	<p><i>This direction applies to planning proposals which affect land within an existing rural zone and changes the existing minimum lot size within a rural zone.</i></p> <p><i>As addressed above, the proposal is considered consistent with the Rural Planning Principles and Rural Subdivision Principles under State Environmental Planning Policy (Rural Lands) 2008.</i></p> <p><i>The inconsistency with the direction is justified in this instance as a residential zone is consistent with a strategy for the site, being the JGSP, 2007 and the adjacent residential zoned land.</i></p>
2. Environment and Heritage	
2.1 Environment Protection Zones	<i>Not applicable. The site is not zoned for environmental protection purposes.</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>This direction applies to planning proposals which affect land within a proposed residential zone.</i>

	<p><i>The rezoning of the land to R5 – Large Lot Residential and reduction in the minimum lot size will allow for additional housing and choice, use of the existing services and infrastructure in place and is of appropriate design, consistent with adjoining rural residential development.</i></p> <p><i>The inconsistency with the direction is justified in this instance as a residential zone is consistent with a strategy for the site, being the JGSP, 2007 and the adjacent residential zoned land.</i></p>
3.2 Caravan Parks and Manufactured Home Estates	<i>Not applicable.</i>
3.3 Home Occupations	<i>Home occupations are permitted without consent under the current RU1 zone and would be permitted without consent under the proposed R5 zone.</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: This Direction has been revised to include previous Directions 5.6 and 5.7).	<i>The Planning Proposal is consistent with the South East & Tablelands Regional Plan 2036 as discussed above.</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>Not applicable.</i>
6.3 Site Specific Provisions	<i>Consistent. The proposal does not contain or warrant any restrictive site specific planning controls.</i>

4.3.3 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?

A preliminary ecological constraints analysis of the subject site has been undertaken and provided in Appendix B.

This assessment has found that the site is unlikely to support significant vegetation or high biodiversity values and a future subdivision of the site is unlikely to generate significant impacts on threatened species or endangered ecological communities due to the previous and ongoing use of the site for grazing and horses, the extent of similar vegetation attributes on the adjoining land and throughout the locality and the limited scale of the development anticipated.

The concept subdivision plan provided in Appendix C, further shows how the location of the internal road and intersection, utilising the existing access and driveway will result in minimal disturbance to native vegetation with the suitable dwelling sites located where impacts on native vegetation can be minimised through the use of building envelope's (or exclusion zones) through the subdivision design process.

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

The rezoning of the site is unlikely to cause other environmental effects on water quality, bushfire, drainage, waste, noise, air quality and traffic as future development can connect with Council's sewer mains (thus not requiring on-site effluent); is not located within bushfire prone land; can accommodate stormwater drainage as set out in Appendix C; and will accommodate a housing density consistent with neighbouring rural residential scale development that generates similar and acceptable waste, noise, air quality and traffic.

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

The Planning Proposal will increase the supply of rural residential land amongst other established rural residential estates, located south of the town where the town is growing.

The Planning Proposal will have a positive economic impact upon the local construction industry, increasing the prospects of local employment with local businesses likely to benefit.

Additional residential population will have a positive impact on key employment industries and will generate increased demand for services, thereby providing economic benefits to the area.

The proposal will have positive social and economic contributions as outlined above in the various strategies, by providing much needed housing supply and choice.

4.3.4 Section D - State and Commonwealth interests

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

As outlined in Appendix C, the subject site has direct access to a public road via an approved entrance onto the Barry Way.

The site has access to Council sewer mains and is serviced by Electricity.

Stormwater can be drained by gravity to the Barry Way, via the existing pipe under the road.

The site enjoys the same level of access to infrastructure as Cobbin Estate to the south, with adequate infrastructure provided.

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

The Gateway determination will identify any consultation with State or Commonwealth Public Authorities.

This will include consultation required in accordance with the Ministerial Direction under S.117 of the EP&A Act, 1979 & consultation that is required as a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

Consultation would occur following the outcome of the Gateway Determination.

4.4 Part 4 – Mapping

Revised LEP maps will need to be produced as discussed in 4.2 above. The maps will need to be prepared in accordance with the Standard Technical Requirements for LEP Maps.

4.5 Part 5 – Community Consultation

Community consultation will need to be undertaken in accordance with “A Guide to Preparing Local Environmental Plans”, with public exhibition following Gateway determination.

APPENDIX A

CONCEPT SUBDIVISION LAYOUT

<div> <div> <p>Legend:</p> <p>Suitable Dwelling Site:</p> <p>Sewer Main:</p> <p>Private Road:</p> <p>Approx Lot Sizes:</p> <p>Lot 1: 3300m²</p> <p>Lot 2: 4200m²</p> <p>Lot 3: 4300m²</p> <p>Lot 4: 5200m²</p> <p>Lot 5: 5100m²</p> <p>Lot 6: 4500m²</p> </div>  </div>	Scale: 1:152
461 BARRY WAY, MOONBAH	21.8.17 1/2
CONCEPT SUBDIVISION PLAN FOR REZONING PURPOSES	DABYNE PLANNING

APPENDIX B

PRELIMINARY ECOLOGICAL CONSTRAINTS ANALYSIS

Preliminary Ecological Constraints Analysis

Re-zoning of 461 Barry Way, Moonbah

Lot 101 DP 817374

1.1 Introduction

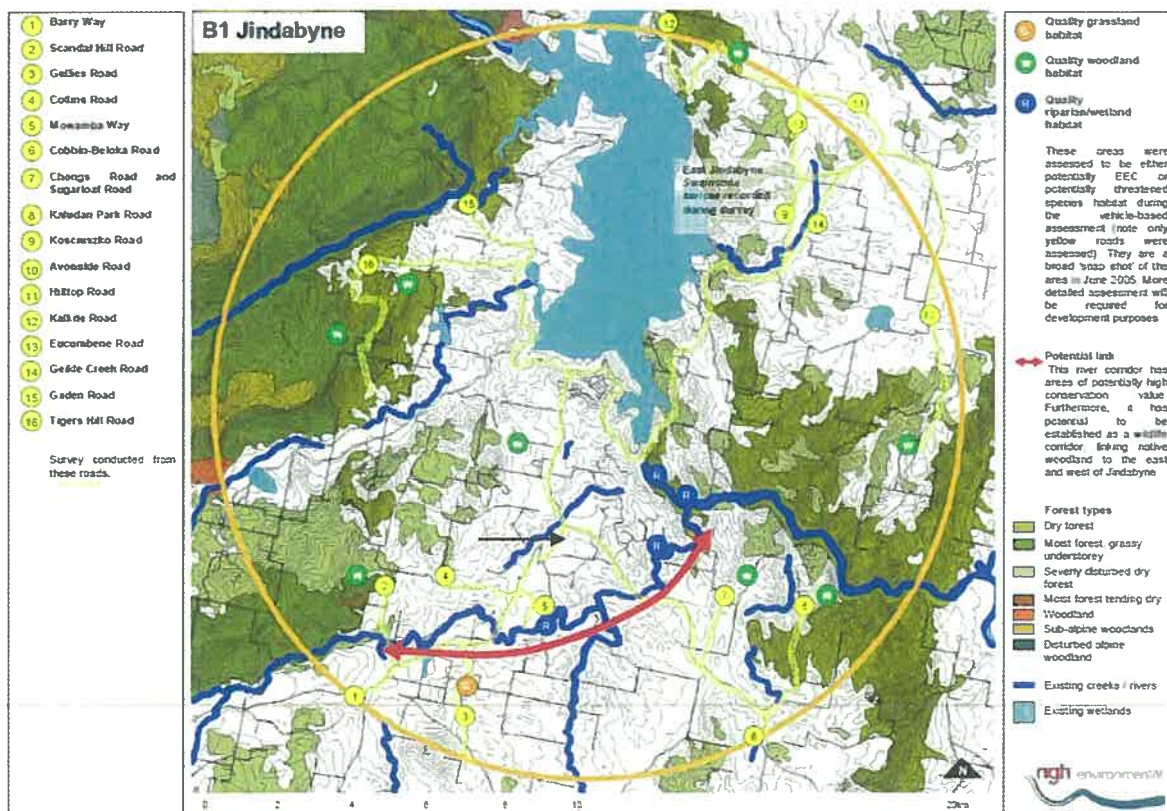
A preliminary ecological constraints analysis of the site was undertaken to inform the planning proposal to rezone an allotment of land located at 461 Barry Way, Moonbah, legally described as Lot 101 DP 817374.

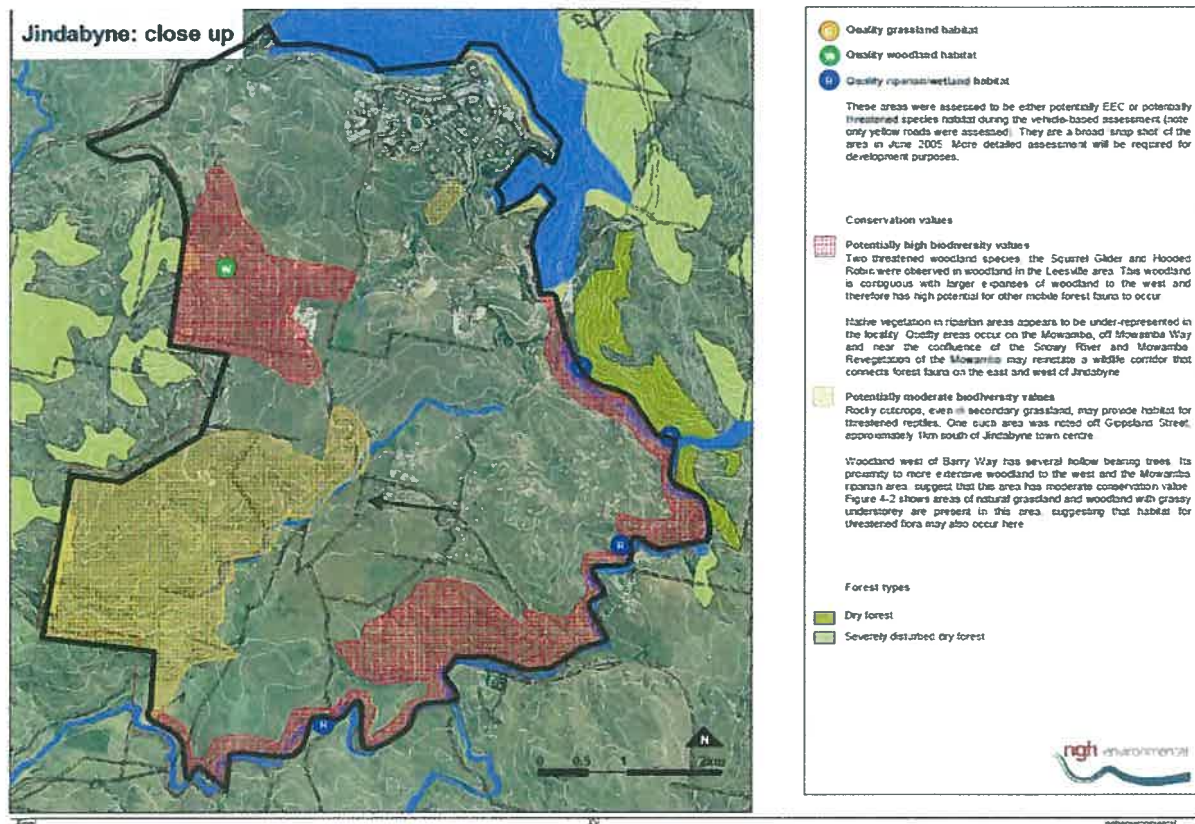
The focus of this analysis was to undertake a preliminary study to identify the potential for presence of significant flora and fauna, including threatened species, populations, endangered ecological communities and habitats.

2. Jindabyne & Villages Planning Project

As part of the Jindabyne & Villages Planning Project, which included the Jindabyne Growth Structure Plan, 2007 (JGSP, 2007) Council commissioned an Analysis of Natural and Archaeological Values around the Jindabyne, Adaminaby, Berridale and Dalgety townships. This was undertaken by NGH Environmental in December 2005.

This analysis generated the following biodiversity field assessment maps for Jindabyne, with the subject site shown by the arrow.





As shown above, the site was not mapped with potential high biodiversity values or incorporated quality woodland habitat, and hence the site was included within 'Area F' under the JGSP, 2007, suitable for rural residential scale development.

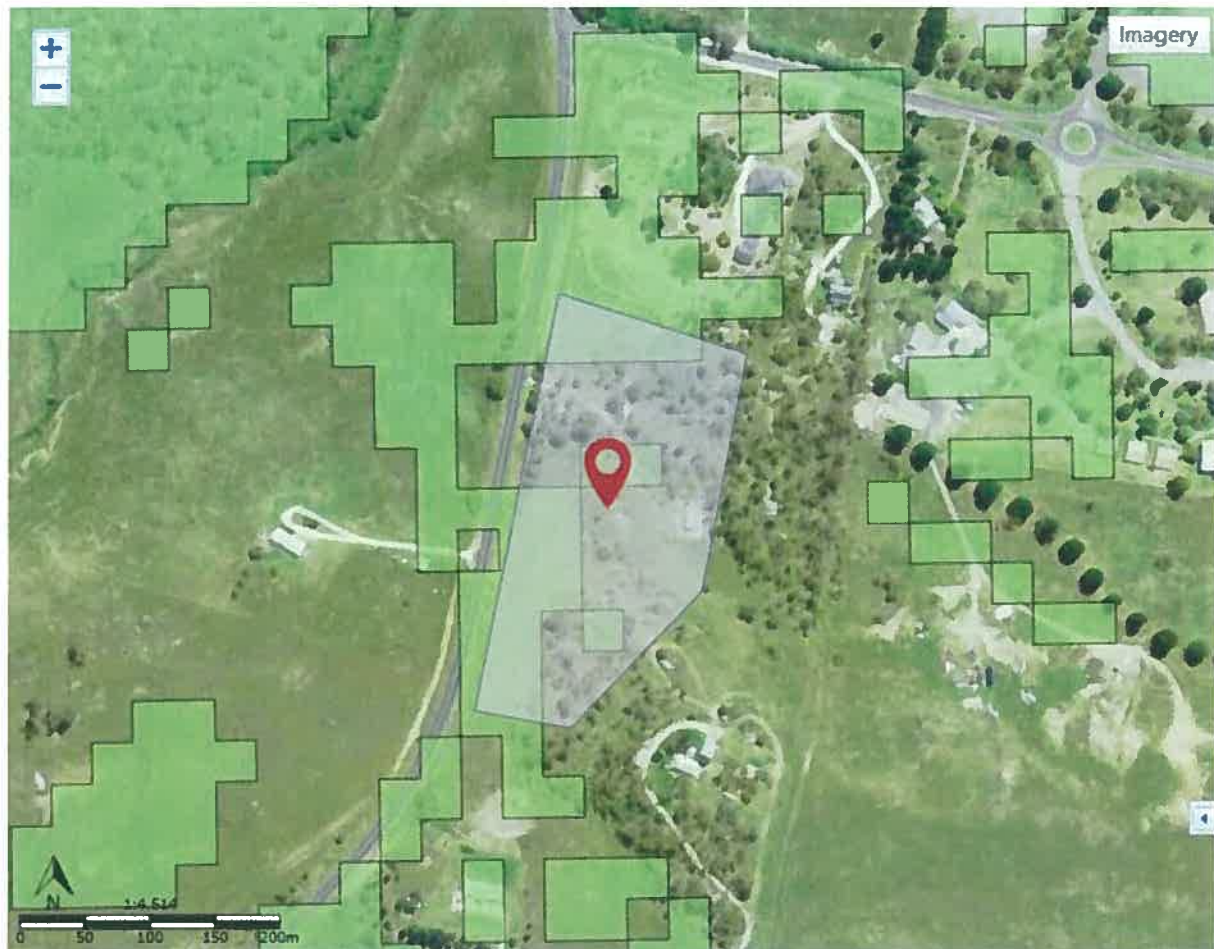
3. Snowy River LEP, 2013 – Biodiversity Map

The subject site has been mapped with pockets of land as comprising 'terrestrial biodiversity' under the Snowy River LEP, 2013.

A wider view of the locality shows the subject site is mapped similar to the rural-residential areas to the north, east and south of the site with hundreds of small polygons indicating potential terrestrial biodiversity values, often at odds to the level of disturbance or actual ground cover comprising little to no native vegetation.



A closer view of the site, indicates that the northern corner and western edge of the site comprises potential terrestrial biodiversity values, however the highly disturbed land to the north and west of the site, which includes roads, buildings and carparks has also been similarly mapped.



This mapping has been based on the predictive Endangered Ecological Communities and Threatened Species Habitat map prepared by Snowy Monaro Regional Council, which indicates these areas potentially comprise of a secondary Snowgum Grassy Woodland EEC.



Ecologically Endangered Communities, Threatened Species Habitat

Data source: S. Friday (2012). Data supplied in preparation of Terrestrial Biodiversity Mapping Snowy River Shire LEP 2013.

Threatened Species Habitat based on modelling for 13 threatened species:

Gang-gang Cockatoo (*Callocephalon fimbriatum*), Flame Robin (*Petroica phoenicea*), Scarlet Robin (*Petroica boodang*), Olive Whistler (*Pachycephala olivacea*), Spotted Warbler (*Pyrholaemus sagittatus*), Brown Treecreeper (*Climacteris picinnus*), Diamond Firetail (*Stagonopleura guttata*), Spotted-tailed Quail (*Turnix maculatus*), Noosa (*Phascolarctos cinereus*), Grassland Earless Dragon (*Tympanocryptis pinguicula*), Leafy Anchor Plant (*Urosia nitida*), Raleigh Sedge (*Carex lasiocarpa*), Creeping Hopbush (*Dodonaea procumbens*)



Cadastral and imagery supplied by LPI Bathurst
Aerial Imagery 2011



Although the accuracy of this mapping is highly questionable, particularly when highly disturbed or paved areas have been mapped with the same secondary Woodland vegetation, the concept subdivision plan provided in Appendix A has been designed to minimise potential impacts on these areas with the lot yield and layout designed to locate future dwellings along the eastern and southern end of the proposed lots and utilisation of the existing intersection and driveway for road access.

4. Biodiversity Offsets Scheme

Under the new Biodiversity Conservation Act, 2016, the Biodiversity Offsets Scheme includes a Biodiversity Values Map.

A search for the subject site indicates that the site is not mapped as comprising high biodiversity value, see below.



Therefore under the clearing threshold, the site has a minimum lot size of 250ha, which allows up to 1ha (10,000m²) of clearing of native vegetation without having to undertake a Biodiversity Assessment Method (BAM) assessment and therefore triggering the Biodiversity Offsets Scheme.

A future subdivision of the site, similar to that contemplated in the concept subdivision plan provided in Appendix A would not require clearing of native vegetation of the site in excess of 10,000m². This is due to the site already being partly disturbed and particularly as the new internal road would follow the existing driveway, with no asset protection zones required or on-site effluent not being required with the existing sewer and electricity infrastructure is largely in place.

A BAM assessment would therefore unlikely be required and the Biodiversity Offsets Scheme would therefore not be triggered.

Given that the site has been modified by previous grazing and horses over time and shares the same vegetation attributes as the adjoining land and locality, the proposed rezoning and future subdivision as contemplated in Appendix A, is highly unlikely to generate significant impacts on threatened species and endangered ecological communities.

APPENDIX C

PRELIMINARY INFRASTRUCTURE ANALYSIS

Preliminary Infrastructure Analysis

Re-zoning of 461 Barry Way, Moonbah

Lot 101 DP 817374

1. Introduction

In 2012, Robert Staples and Associates [Consulting Engineers and Project Managers] were engaged to undertake an 'Urban Infrastructure (utilities) and Engineering Review' of the properties at 415 & 417 Barry Way, Moonbah, to the north of the subject site as part of the Preliminary Urban Capability Assessment that informed the rezoning of this land (in part) to R5 – Large Lot Residential under the Snowy River LEP, 2013.

Robert Staples has provided authorisation to Dabyne Planning Pty Ltd (Attachment 1) that these reports can be used to inform a preliminary infrastructure analysis of the subject site as part of the planning proposal for rezoning of the land to R5 – Large Lot Residential.

Given the subject site will largely rely on the same infrastructure as that contemplated for 415 & 417 Barry Way, it is considered appropriate that the same infrastructure analysis can be used, where relevant as discussed below.

2. Water Supply

Council has previously commissioned two particular studies which has been incorporated into Council's strategic plans and capital works planning for future growth.

The studies are:

'Jindabyne and Villages Planning Project - Analysis of Infrastructure Capacity and Needs Assessment', Robert Staples and Associates [December 2005].

'Jindabyne Water Supply System - Servicing Strategy', Hunter Water Australia [Final 30 October 2009].

The study by Staples, 2005 was used by Council to develop the broader 'Jindabyne Growth Strategy' identifying areas for potential expansion of Jindabyne.

The Staples report produced a serviceability assessment of the potential growth parcels with respect to water supply. This is reproduced below in figure 1. The subject site is located within an area that is identified as difficult to service on the serviceability map.

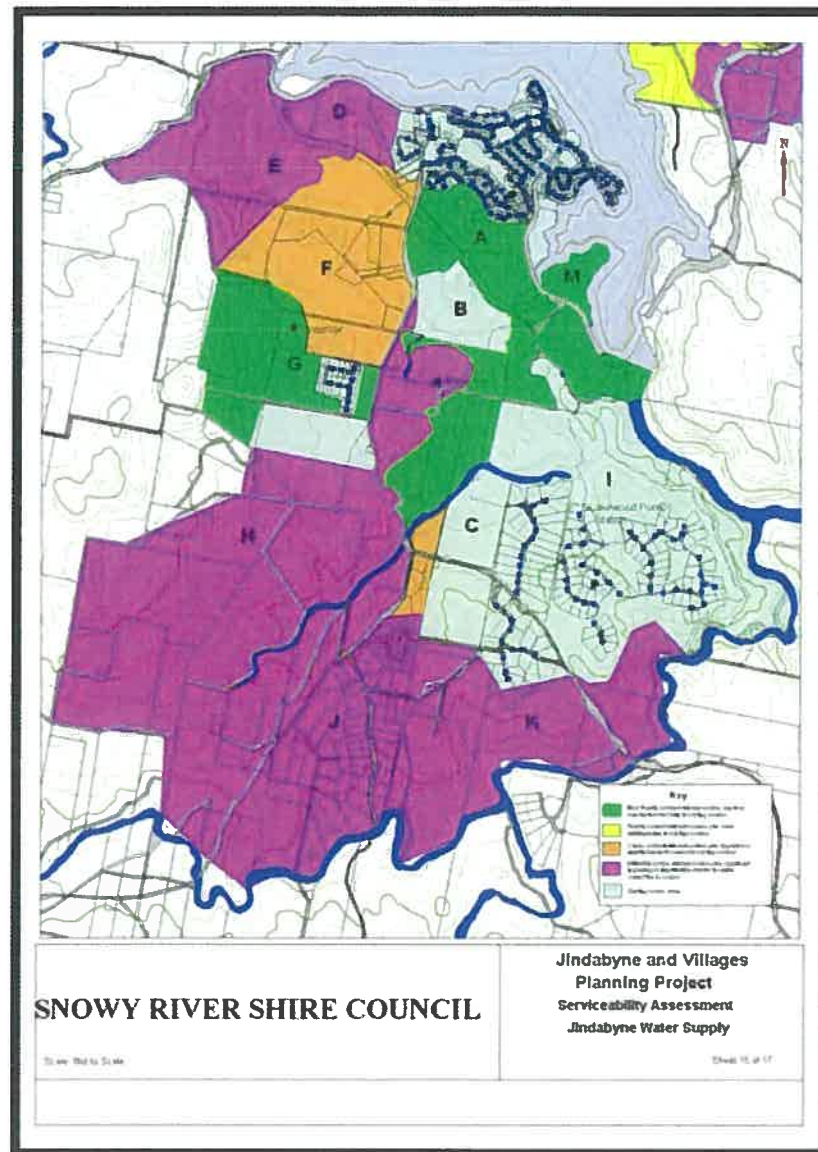


Figure 1: - Serviceability Assessment Jindabyne Water Supply
Source: Jindabyne and Villages Planning Project - Staples (2005)

As shown in the Jindabyne Water Supply System map produced by Hunter Water Australia and provided in figure 2 below, the closest reticulated water supply trunk main services the Station Resort and High Country Estate at a considerable distance to the north-west.

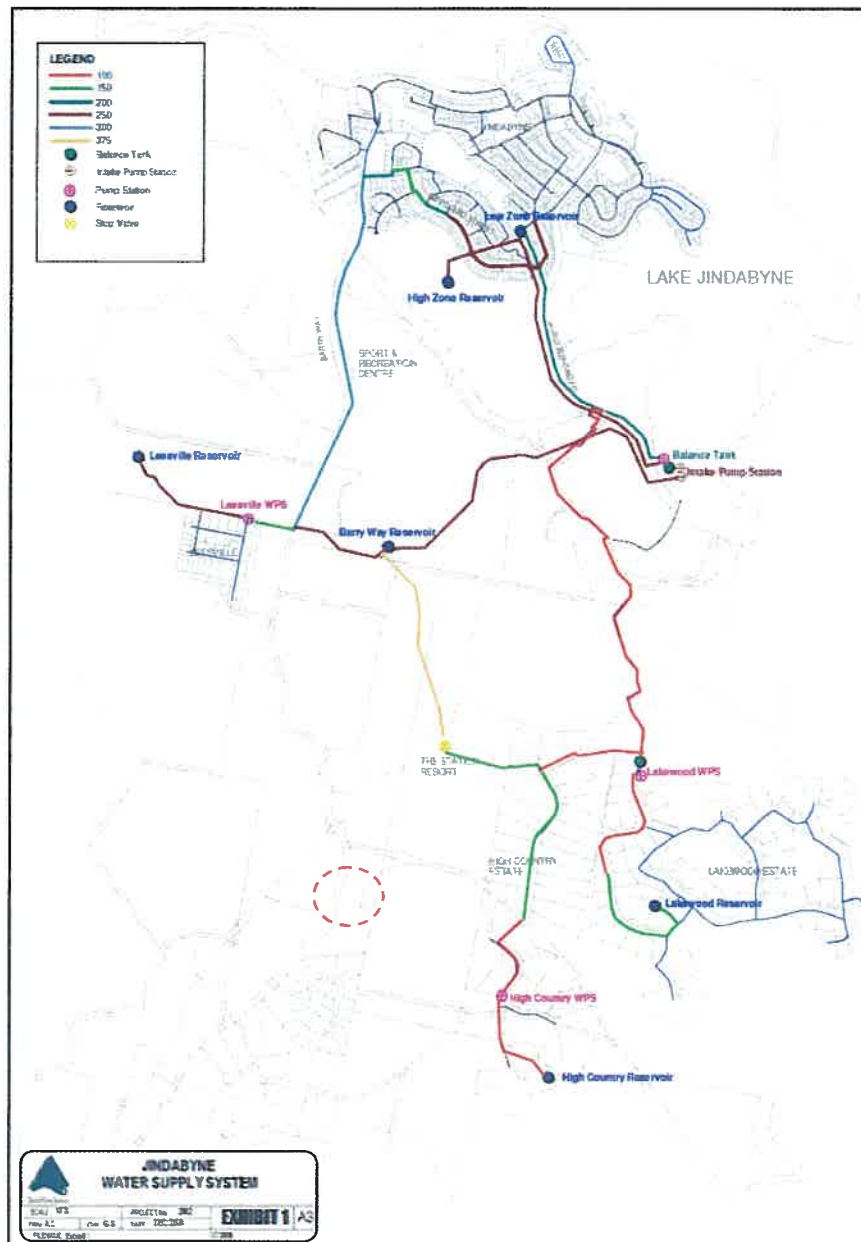


Figure 2: Jindabyne Water Supply System

[Source: Jindabyne Water Supply System Servicing Strategy - Hunter Water, 2009]

On the basis that Cobbin Estate Stages 1 & 2 to the south of the site is not serviced with reticulated water and given the scale of and density of the site to be rezoned, it is not considered feasible for the water supply mains to be augmented and extended to the subject site, with only a potential yield for five (5) additional dwellings as contemplated in the concept subdivision plan provided in Appendix A.

Potable water supply can be achieved via roofwater collection and tank storage, which is supported in the 'Jindabyne and Villages Planning Project – Water Resources Study', 2005.

3. SEWER

Council has previously commissioned two particular studies which has been incorporated into Council's strategic plans and capital works planning for future growth.

The studies are:

- *'Jindabyne and Villages Planning Project - Analysis of Infrastructure Capacity and Needs Assessment', Robert Staples and Associates (December 2005).*
- *'Jindabyne Sewerage Scheme', MWH (Melbourne), (October 2010).*

The study by Staples was used by Council to develop the broader 'Jindabyne Growth Strategy' identifying areas for potential expansion of Jindabyne. The subsequent detailed engineering design study undertaken by MWH analysed the Jindabyne Sewerage System having regard to existing system capacity and augmentation requirements to facilitate servicing of the identified growth areas.

The Staples report produced a serviceability assessment of the potential growth parcels with respect to sewerage servicing. This is reproduced provided in figure 3 below.

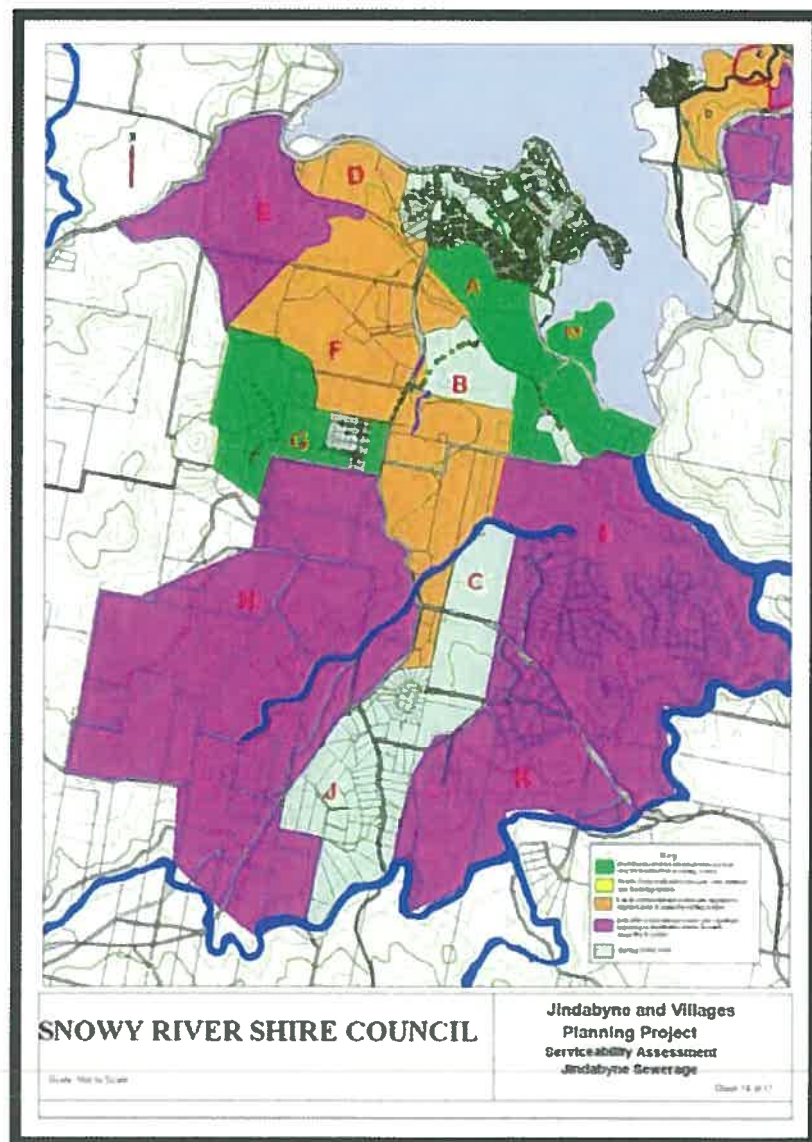


Figure 3: Serviceability Assessment Jindabyne Sewerage Scheme
(Source: Jindabyne and Villages Planning Project – Staples, 2005)

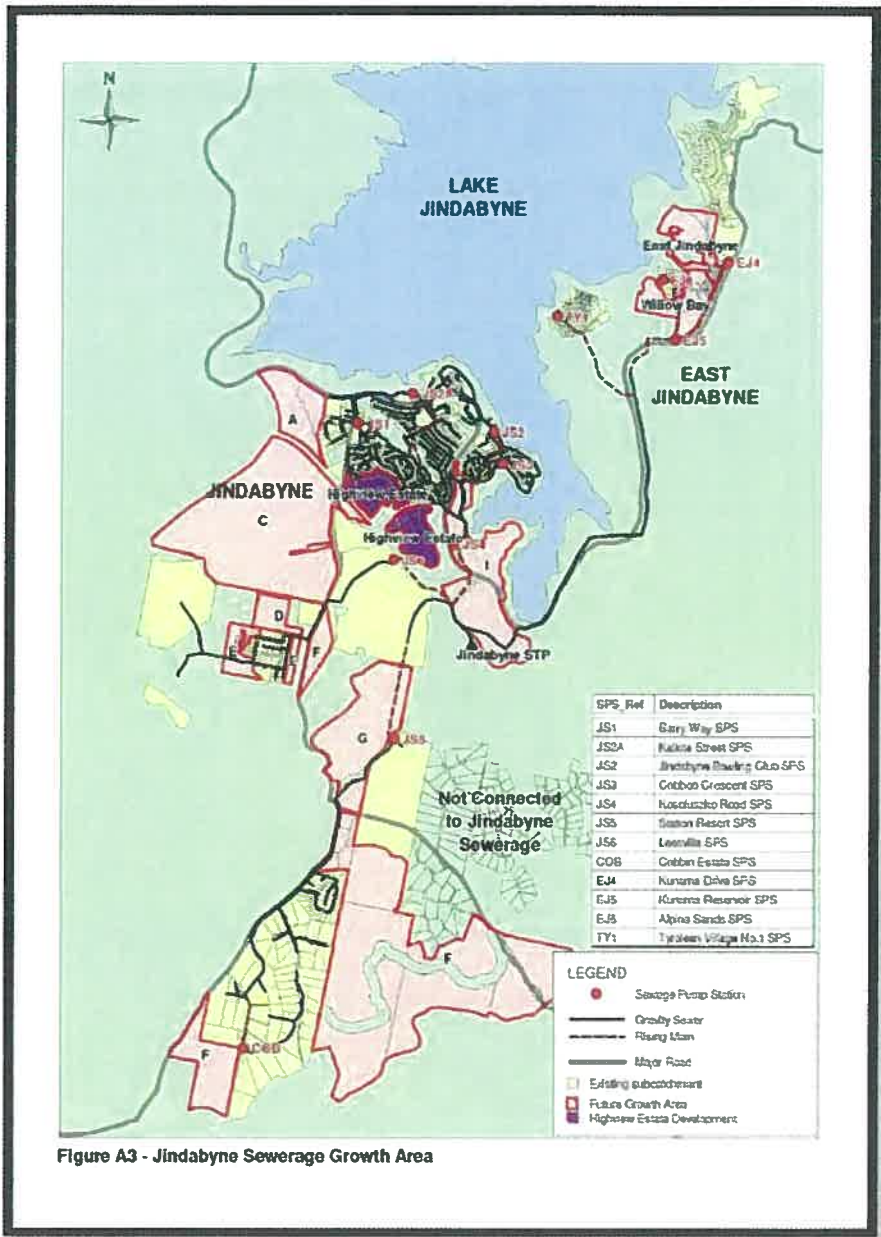
The more detailed analysis contained in the MWH report focussed upon system capacity and the costs associated with upgrading the existing sewerage system to cater for future growth.

An analysis of the site indicates that it can be serviced by Council's existing sewerage. The land is contained within the natural catchment of Sewage Pump Station 5 (located to the south of Cobbin Creek – JS 5) as shown in the extracted map provided in figure 4 below.

The Staples report notes that JS 5 has been designed as the high lift delivery facility for all sewage within the catchment to the Jindabyne Sewage Treatment Plant (JSTP). Thus, as with Cobbin Estate to the south, sewage flows from the adjoining development areas are directed to JS 5 for delivery to JSTP.

It is clear from the MWH Report that provision has been made in Council's strategic planning for sewerage services to the land. Further the land is within the identified growth areas for Jindabyne and potential future growth from the site has been incorporated into the infrastructure capacity assessments and asset planning.

The map provided in figure 5 below shows the growth areas taken into consideration by the MWH report and clearly shows the site is within growth area 'F'.



Being located with frontage to the sewer main from Cobbin Estate to JS 5, the site and future subdivision is therefore able to connect into Council's sewer infrastructure.

4. Electricity

The subject site already has electricity supply, with two branches of single phase overhead power supply provided as illustrated in figure 5 below.

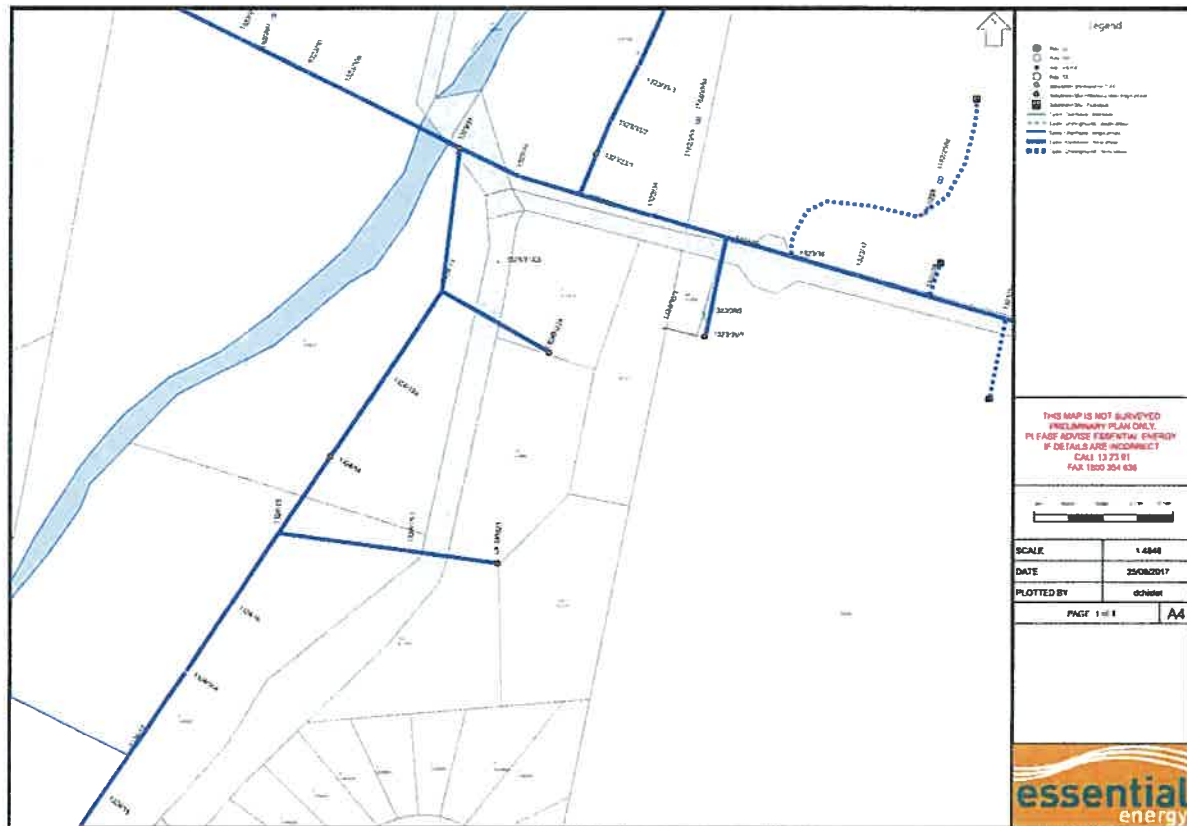


Figure 5: Electrical provisioning map (Source: Essential Energy)

Electricity is therefore available at the subject site.

4. STORMWATER DRAINAGE

The subject site is located within the catchment of Cobbin Creek. Cobbin Creek normally flows into the Snowy River below Jindabyne dam wall, however Robert Staples advises that there is a diversion weir across Cobbin Creek downstream of the site which can direct water via an aqueduct to the Jindabyne Dam as part of the Snowy Mountain Hydro Electric Scheme.

Surface water on the site will flow westwards, with the Barry Way being at the lowest end of the site, with a swale drain located along the eastern edge of the road (western edge of the site), which then is piped under the road before dispersing into Cobbin Creek, 230m to the west, as shown below in figure 6.

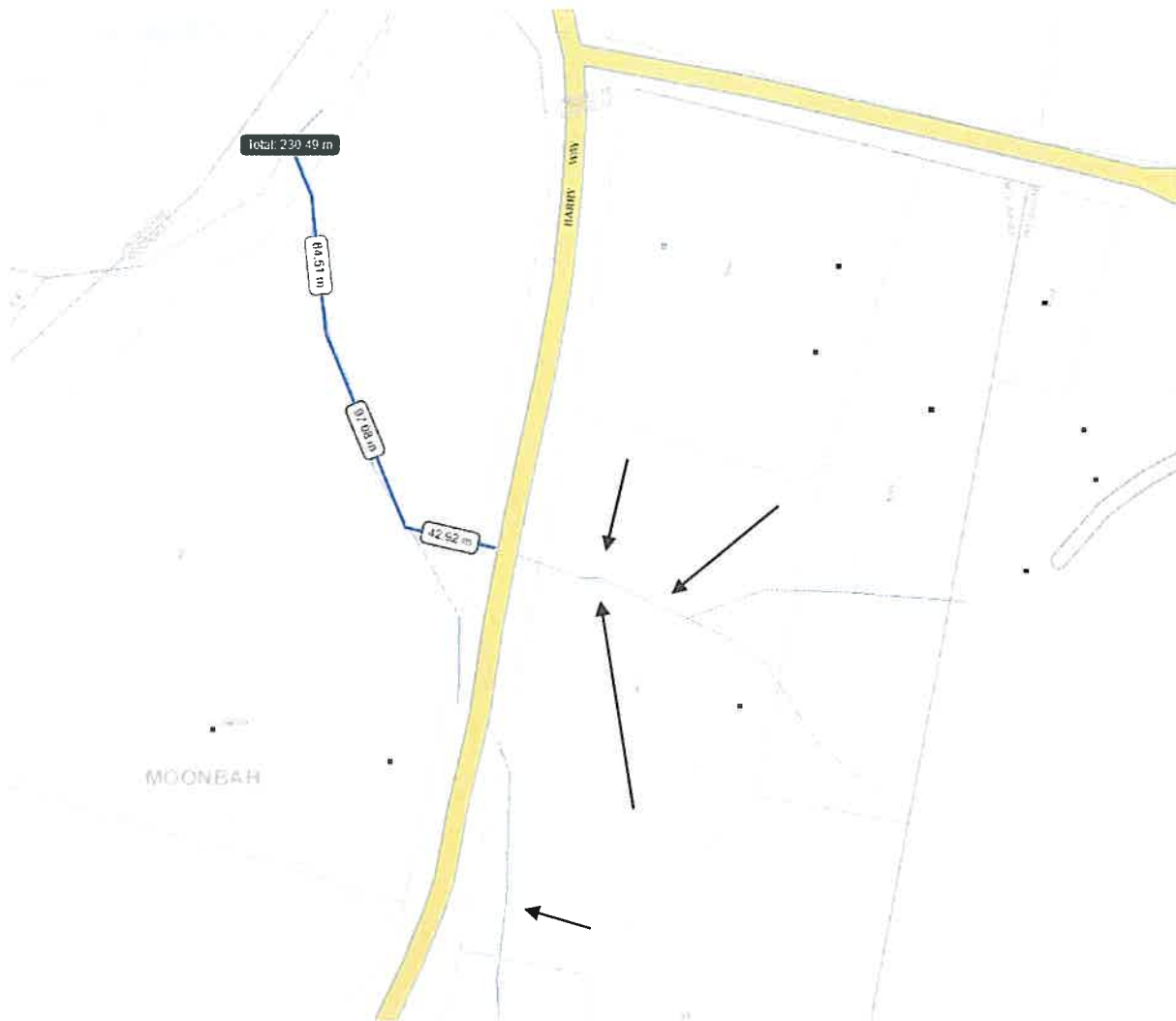


Figure 6: Overland flow paths and drainage

The overland flow paths are shown above, noting the blue lines which represent watercourses are only dry gullies with no formed banks or perennial water flow. This is due to the watercourses having been piped and the drainage on the site modified.

Therefore the collection and discharge of surface flows and stormwater drainage from the site is not considered to be a significant design or environmental issue for the site and Councils existing standards contained in its Development Control plans for subdivision and water sensitive urban design can be applied to a future subdivision of the site.

Attachment 1



21 July 2017

Our Ref: PN173

Mr Ivan Pasalich
Principal
Dabyne Planning Pty Ltd
PO Box 179
JINDABYNE NSW 2627

Dear Ivan,

Re: Authorisation to use reports.

I refer to your request to use the following reports prepared by me to inform and support the preparation of a Planning Proposal for 461 Barry Way, Jindabyne

1. 417 Barry Way Jindabyne – Urban Infrastructure (Utilities) and Engineering Review - *Robert Staples and Associates (22 February 2012 – Report No. 127-1)*
2. 415 Barry Way Jindabyne – Urban Infrastructure (Utilities) and Engineering Review - *Robert Staples and Associates (22 February 2012 – Report No. 130-1)*

This is to certify that I give my permission and authorisation as the author and owner of the above reports for those reports, including plans and maps, to be used for the purpose of informing a submission with respect to 461 Barry Way subject to the limitations as described below. I note that there is a gravity sewer main adjoining the land and that on preliminary assessment it seems feasible that this sewer could service 5-6 Lots as part of Area F development zone. It is further noted that the above reports were prepared specifically for the identified lots. The use of the information in those reports whilst useful and informative is limited by the fact they are not site specific to 461 Barry Way. The disclaimer to this authorisation is that a site specific assessment will be required to accurately define the servicing parameters for the site. Use of the reports and information therein is at the risk of Dabyne Planning and Robert Staples and Associates will take no responsibility for any assumptions or conclusions drawn by others in the use of those reports.

Yours sincerely

Robert Staples JP

MBA, BE(Civil), Grad.Dip.LG Mgt, LGE
FIPWEA, LGEA
Principal
Robert Staples and Associates