



Planning Proposal

at

Lot 32 DP 1118132 Barry Way

Jindabyne

Prepared for

Highview Estate Properties-Erina Investments Holdings P/L

Village Style Retirement Services P/L

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Amended April 2019

(Project No 1809)

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Preliminary

This Planning Proposal has been drafted in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' dated August 2016.

Subject Site

The subject site is the western part of the site known as Lot 32 DP 1118132 Barry Way, Jindabyne as shown in appendix A, figure 1.

The land is irregular in shape having a frontage to Barry Way, proximate to its intersection with Jillamatong Street, Jindabyne. The subject site has a site area of approximately 2.6ha.

The land is currently zoned RU1 Primary Production under the *Snowy River Local Environmental Plan 2013* and adjoins land to the east that is part of the Highview Estate subdivision. It is only proposed to rezone part of the site as to enable it to be used for residential uses as the remaining part of the site is steep and contains a significant gully as such it is not suitable for residential use. It is proposed to rezone the subject site R2 Low Density Residential in accordance with the zoning of the immediately adjoining land to the north and east. It is the owner's intention to lodge an application for subdivision which will create the site that will be subject to the rezoning and an application for the erection of a childcare centre on the lot created by the subdivision.

Background

Under previous Environmental Planning Instruments, the subject site was reserved for construction of a bypass to Jindabyne, however, this proposal was later abandoned. On land immediately adjoining the subject site to the east, the development application for the Highview Estate subdivision utilised the **5.3 Development Near Zone Boundaries** provisions of the Snowy River Local Environmental Plan 2013, to allow for development of the subdivision 50m into zone RU1 Primary Production zoned land within the subject site, in accordance with the allowances under Clause 5.3(2)(a). The resultant subdivision as per the relevant consents, left a residual strip of land approximately 15m wide within zone RU1 Primary Production that is impractical for usage for primary production purposes or for residential development if the land was later rezoned for residential purposes.

Development Consent has been issued by Council for the erection of a Seniors Housing development on the part of the site that is subject to the rezoning and this consent has been commenced. It is not the intent of the proponent at this stage to proceed with the Seniors Housing Development on this site. Rather, a rezoning is being sort for a more efficient use of the land via residential and a child care development which will not result in an unusable residual lot.

This Planning Proposal is being prepared for the rezoning of that part of the site that is suitable to be included within the zone R2 Low Density residential zone with the remaining part of the site to be retained within the zones RU1 Primary Production and RE2 Private Recreation zones. The proposal also seeks to amend the lot size map to change the minimum lot size from 40ha to 700m².

PART 1 OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are:

- To rezone part of the existing Lot 32 DP 1118132 from RU1 Primary Production to R2 Low Density Residential as identified in the zoning map attached to this Planning Proposal.
- To amend the minimum lot size map in the SR LEP, 2013 to change the minimum lot size for the subject site from 40ha to 700m².
- Should the rezoning be successful the site would result in approximately 14 residential allotments and one childcare centre development.

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the Snowy River Local Environmental Plan 2013 zoning map as it currently applies to part of the subject site, by changing the zoning RU1 Primary Production to R2 Low Density Residential and by amending the minimum lot size map applying to the site from 40ha to 700m².

PART 3 JUSTIFICATION

As mentioned in the *Background* section of this report, the subject site was historically identified as the route for a bypass road to Jindabyne, however, the project was later

abandoned. The provisions Clause 5.3(2)(a) of the Snowy River Local Environmental Plan 2013 were utilised to enable a use of the majority of the subject site, as part of the Highview Estate residential subdivision to the east. The utilisation of these provisions in respect of the subject site effectively left a narrow strip of land unfit for the purposes of primary production and considered more suitable to permissible uses within a R2 Low Density Residential zone, as the land has similar attributes to the land that has been developed to the east. Development consent has been issued by Council for the erection of a Seniors Housing development on the part of the site that is subject to the rezoning and this consent has been commenced.

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any Strategic Study or report?

The subject site was strategically assessed in the Jindabyne Growth Structure Plan (JGSP) 2007 and the plan recommends that the site be rezoned to an urban scale development. The JGSP was adopted by Snowy River Shire Council in May 2007, in relation to the subject site the plan states *“Develop small area of land immediately south of High view Estate for general residential”* (p.12).

The JGSP made the following recommendation in regards to the subject site, *“Incorporate provisions in the new Urban LEP to appropriately zone the area immediately to the south of Highview Estate for general residential development”* (p.12). In 2013 the new SR LEP was gazetted though this recommendation was not addressed and a ‘like for like’ zoning was proceeded with. This planning proposal seeks to address the oversight and fulfil this recommendation from the JGSP. Zone R2 Low Density Residential is considered the most suitable zone due to the location of the subject site and surrounding land zones.

2. Is the planning proposal the best means of achieving the objectives or intended outcome or is there a better way?

The Planning Proposal is considered the best means of achieving the objectives and intended outcomes in this regard. The RU1 Primary Production zoning over the subject site is not appropriate, having regard to the minimal effective width and useable site area for that purpose. The existing and potential future uses on the subject site would more appropriately relate to the R2 Low Density Residential zone and Highview Estate subdivision to the east and a rezoning is the best way to achieve this outcome.

Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft Strategies?)

The South East Tablelands Regional Plan 2036 (SET RP) was released in July 2017 and applies to the region including Jindabyne. The following directions are relevant to the planning proposal.

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

The proposal will be consistent with this direction in that the rezoning of the land will provide opportunities for additional housing the residential zone which will enhance opportunities for visitation to the Snowy Mountains

Direction 24: Deliver greater housing supply and choice

The proposal will be consistent with this direction in that it will provide opportunities for additional housing which will promote increased housing choice within Jindabyne.

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

The planning proposal will be consistent with this direction in that the housing will be provided in Jindabyne where the infrastructure and services can be maximised.

4. Is the planning proposal consistent with the local councils Community Strategic Plan or other local Strategic Plan?

Town & Village Planning – Jindabyne

The subject site forms part of the western edge of the Jindabyne Action Plan, commencing a planning process for the urban areas of Jindabyne Kalkite, East Jindabyne and Tyrolean Village and their 3500 residents and visitors. The plan is still under development, but ultimately seeks to establish meaningful strategies for the coming 20 years so that long term planning issues such as climate change, ageing population, provision of community services and facilities, town centre revitalisation, transport, education and provision of infrastructure to sustain growth, can be addressed. The Planning Proposal is consistent with the Jindabyne

Growth Plan, being within the relevant catchment of where the broad level of growth should occur, and other identified strategies for Jindabyne.

Snowy River Rural Lands Strategy

The Snowy River Rural Lands Strategy and Rural Lands Study represent Council's direction into the future on rural land.

This document together with other strategic planning documents inform policy and planning on development of rural lands and settlement across the Shire.

The Planning Proposal to rezone the subject site which includes an unusable strip of land for primary production currently zoned RU1 Primary Production, to R2 Low Density Residential, will not conflict with the Rural Land Strategy or other strategic outcomes, given its unfit size and configuration for use as primary production.

Cooma-Monaro Comprehensive Koala Plan of Management

The CKPoM is required to be prepared in accordance with State Environmental Planning Policy No. 44 Koala Habitat Protection (SEPP 44). The management plan, which is currently in draft form, will seek to address the existing, future and continuing koala habitat issues to ensure the ongoing survival of the species in the study area.

The subject site is within the CKPoM catchment and identified as containing biodiversity under the Snowy River Local Environmental Plan 2013 mapping (see Appendix A to this report). Notwithstanding, given that the majority of the site has been developed as part of the Highview Estate subdivision, the residual area does not contain potential core habitat as defined under SEPP 44. This planning proposal will therefore not conflict with the aims, objectives or management measures within the Plan.

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

The following assessment of the planning proposal is provided in relation to relevant State Environmental Planning Policies (SEPP's).

Compliance with SEPP's is discussed only where applicable to the subject land or proposal.

State Environmental Planning Policy No. 44 Koala Habitat Protection (SEPP 44)

As discussed in the previous section whilst this policy applies to the subject site there is no koala habitat on the site therefore the provisions of the SEPP would not apply.

Whilst numerous State Environmental Planning Policies apply to the subject site, none are specifically relevant or adversely affected by this Planning Proposal. The relevant State Environmental Planning Policies would apply specifically to future development of the site if it is rezoned and would be assessed with any development application.

State Environmental Planning Policy Rural Lands

The aims of State Environmental Planning Policy (Rural Lands) 2008 are to:

- facilitate the orderly and economic use and development of rural lands for rural and related purposes
- identify Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State (refer Attachment B)
- implement measures designed to reduce land use conflicts
- identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations
- amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

In general, the SEPP achieves this by:

- introducing rural planning principles to provide guidance for local councils when preparing new comprehensive LEPs or amending LEPs in respect to rural and environment protection zones
- introducing rural subdivision principles to provide guidance for local councils which seek to vary existing minimum lot sizes in rural and environment protection zones

- enabling subdivision of rural land for the purpose of primary production below the minimum lot size without allowance for a dwelling
- introducing heads of consideration for the assessment of land use conflict when councils consider development applications in rural areas
- removing concessional lot provisions from LEPs to minimise land use conflicts and fragmentation of rural lands
- enabling the Minister to identify State significant agricultural land and limit certain types of development on such land
- enabling the Minister to establish rural lands planning panels to provide advice to the Director-General on developments that propose to vary development standards.

Rural Planning Principles

The rural planning principles in the SEPP identify the range of matters that should be considered when preparing LEPs for rural areas. Planned outcomes for rural lands should enable economic opportunity, protection of resources and environmental values, opportunities for a range of housing types in appropriately planned locations and the efficient provision of infrastructure. In general, the principles require councils to have regard for social, economic and environmental planning considerations when preparing a new LEP. Section 9.1 Direction 1.5 – Rural Lands requires that when a council prepares an LEP for land within a rural or environment protection zone it needs to be consistent with the rural planning principles listed in clause 7 of the SEPP. An assessment of this direction is provided in the following section of the Planning Proposal.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 directions)?

The following assessment is provided in respect of the consistency of the planning proposal with relevant Section 9.1 Directions applying to planning proposals lodged after 1 September 2009. Section 9.1 Directions are only discussed where applicable. The planning proposal is consistent with all other S9.1 Directions or they are not applicable.

Direction 1.2 – Rural Zones

This direction applies when the planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.

However, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

In this regard the proposal is justified by the Jindabyne Growth Structure Plan 2007 is in accordance with the regional strategy and is of minor significance.

Direction 1.5 – Rural Lands

Direction 1.5 Rural Lands requires that when a council prepares an LEP for land within a rural or environment protection zone it needs to be consistent with the rural planning principles listed in clause 7 of the SEPP which are set out below.

7 Rural Planning Principles

The Rural Planning Principles are as follows:

(a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

(b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

(c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

(d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*

- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

In relation to the relevant Rural Planning Principles

- a) most of the subject site is currently permitted to be used for residential purposes under the provisions of Clause 5.3(2)(a) of the Snowy River LEP 2013. The remaining part of the site is not suitable for rural uses due to its size and narrow width.
- b) The proposal will not impact on the changing nature of agriculture and of trends, demands and issues in agriculture in the area.
- c) The proposal will only affect a small area of land in the rural zone and the rezoning of this land will not affect the social and economic benefits of rural land use and development.
- d) N/A
- e) The rezoning of the land will not impact on biodiversity, the protection of native vegetation, the importance of water resources and will avoid constrained land
- f) N/A
- g) The rezoning proposal will not be serviced by existing infrastructure.
- h) The Snowy River Rural Lands Strategy and Rural Lands Study has been addressed above and there is no regional strategy of the Department of Planning applicable to the land.

This planning proposal is consistent with the relevant rural planning principles as justified above and as such is consistent with ministerial direction 1.5 Rural Lands.

Direction 2.3 - Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The subject site is not far removed from the Jindabyne Winter Sports Academy at 207 Barry Way identified as a Heritage Item of Local Significance under Schedule 5 of the Snowy River Local Environmental Plan 2013 (see Figure 4 in Appendix A).

The Planning Proposal will have a negligible impact on this item and facilitate its conservation.

An Aboriginal Heritage Assessment Report has been prepared for this part of the site as part of the application for subdivision of the Highview Estate. The report has not identified any items of Aboriginal heritage on the subject site.

As such the planning proposal is entirely consistent with this direction

3. Housing, Infrastructure and Urban Development

Direction 3.1 - Residential Zones Objectives

- (1) The objectives of this direction are:
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands.*

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
 - (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*
- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*

- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*
- (5) A planning proposal must, in relation to land to which this direction applies:
 - (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
 - (b) *not contain provisions which will reduce the permissible residential density of land.*

The Planning Proposal is consistent with this direction in that:

- It involves a small strip of RU1 Primary Production zoned land, partly used as part of the Highview Estate subdivision by way of the “rubber boundary provisions” of the SR LEP, 2013 and a residual area no longer suitable for use for primary production due to its narrow width and size.
- The rezoning of this land to R2 Low Density residential in accordance with the zoning of land immediately to the east will broaden the choice of building types and locations available within the housing market in this locality and take advantage of the existing infrastructure capacity, currently provided to the Highview Estate subdivision.
- It will form a logical boundary between urban development and the urban fringe.
- The land will be adequately serviced as the servicing of the land has been addressed in the development of part of the site for a seniors housing development and the Highview Estate.
- It does not include any provisions which seek to reduce the permissible residential density of the land to be rezoned.

Direction 3.4 - Integrating Land Use and Transport Objectives

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*
 - (e) *providing for the efficient movement of freight.*
- (4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
 - (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
 - (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001)*

The Planning Proposal involves the logical extension of a R2 Low Density Residential zone to include the subject site, where the Highview Estate subdivision is currently under construction. The further extension of the R2 zone to include the narrow residual strip of unused land will allow for future development consistent with the objectives of this direction and that will give effect to and are consistent with the aims, objectives and principles of the documents mentioned in 4 (a) and (b) above.

Direction 5.1 - Implementation of Regional Strategies

Clause (4) of the Direction requires planning proposals to be consistent with a Regional Strategy released by the Minister for Planning.

Direction 5.1 Identifies regionals strategies which have been superseded by the South East and Tablelands Regional Plan 2036, this is addressed in direction 5.10 below.

The Regional Strategies identified in this direction are not applicable to the Planning Proposal.

Direction 5.2 - Sydney Water Catchment

The objective of this Direction is to protect water quality in the Sydney Water Drinking Catchment.

The subject site is not land located in Sydney Drinking water catchment and as such direction 5.2 is not relevant to this planning proposal.

Direction 5.10 – Implementation of Regional Plans

This direction requires that the planning proposal be consistent with the Regional Plan prepared by the Minister for Planning.

The South East & Tablelands Regional Plan 2036 (SET RP) applies to the region including Jindabyne. Section B of this report indicates that the planning proposal is consistent with the SET RP.

Direction 6.1 - Approval and Referral Requirements

Clause (4) of the Direction requires a planning proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This planning proposal is consistent with this direction as no such inclusions or designation is proposed.

Direction 6.2 - Reserving Land for Public Purposes

The objectives of this direction are:

- (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
- (b) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

Clause 4 of the direction provides:

- (4) *A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*

The Planning Proposal will not create, alter or reduce any existing zoning or reservations of land for public purposes.

Direction 6.3 - Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
- (a) *allow that land use to be carried out in the zone the land is situated on, or*
 - (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The Planning Proposal will rezone the site to R2 Low Density Residential, an existing zone already applying in the Snowy River Local Environmental Plan 2013, without imposing any development standards or requirements additional to those already contained in that zone and the respective LEP. As such, the Planning Proposal is consistent with this Direction.

Section C - Environmental, Social and Economic Impact

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?

Notwithstanding the general biodiversity affectation on Council's mapping, it is evident that no critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the Planning Proposal. A Flora and Fauna Assessment was carried out for the development of the Highview Estate on. However, since this time several species that may occur in this locality have been listed as Threatened

Species. This may require some further investigation should the application for rezoning be supported.

The site has been heavily disturbed as part of the Highview Estate Subdivision, or the application for the seniors housing on the site. The narrow residual strip to the western boundary of the lot contains little remnant vegetation. It is therefore evident that the planning proposal is unlikely to have any significant environmental impact and is unlikely to result in threatened species, populations or their habitats being adversely affected.

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

There are no other likely environmental effects as a result of the planning proposal.

There are no hazards of Flooding, Acid Sulfate Soils, Mine Subsidence and Unstable Land and the land is not identified as Bushfire Prone land on Councils Bushfire Prone Land Map.

9. How has the planning proposal adequately addressed any social and economic effects?

The likely social and economic benefits resulting from the rezoning of the land will be:

- No items or places of European or Aboriginal cultural heritage or proximate heritage items will be adversely impacted.
- A strip of land currently zoned R1 Primary Production will be rezoned R2 Low Density Residential, a more appropriate zoning of the land having regard to the existing Highview Estate subdivision currently under construction, partially within the subject site and immediately to the east of that area to be rezoned. The inclusion of the subject site for this purpose will have a positive social and economic impact on the availability of housing and other permissible uses in this locality.
- Employment resulting from potential future uses of the site for different purposes in accordance with the R2 Low Residential zone, which will have a positive economic outcome.

Section D - State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The existing adequate infrastructure is available within the Highview Estate subdivision immediately to the east and within that section of the subject site currently included. The Planning Proposal will not alter the adequacy of provision of infrastructure to cater for any

future use of the land in accordance with that permissible under the R2 Low Density Residential zone, within the residual portion of the land.

11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultation has yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued. Notwithstanding, it is evident that the requirements of any State and/or Commonwealth agencies will not likely result in any variations to this Planning Proposal.

Part 4 Mapping

The existing zoning map and a map showing the location of the subject site and that area to be rezoned are included in Appendix A. Extracts identifying the land zoning, height of building and minimum lot size and terrestrial bio-diversity affectations under the Snowy River LEP are also attached.

Amendments will be required to the following map sheets:

- Land Zoning Map – Sheet LZN_003AA
- Lot Size Map – Sheet LSZ_003AA

The subject site as identified in the plan in Figure 1 of Appendix A would be rezoned R2 Low Density Residential.

PART 5 COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN

S3.33 (2) (e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

No consultation has yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Other Matters for Consideration

There are no other matters relevant to the consideration of this Planning Proposal.

CONCLUSION

This Planning Proposal provides for the rezoning of part of Lot 32 DP 1118132 from RU1 Primary Production to R2 Low Density Residential under the *Snowy River Local Environmental Plan 2013*.

The proposed rezoning will facilitate the rezoning of a strip of land within the RU1 Primary Production zone on the subject site which is located on the western edge of the Highview Estate immediately to the east. Part of the subject could be developed as part of the Highview Estate subdivision under the provisions of Clause 5.3(2)(a) of the *Snowy River LEP 2013* with the residual land including a narrow strip of land. This is not considered a desired outcome.

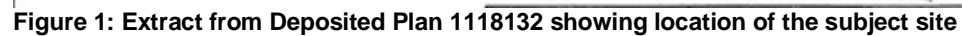
In accordance with the Planning Proposal, the subject site is suitable for including within the R2 Low Density Residential zone. This rezoning will be intended to facilitate approximately 14 residential allotments and a childcare facility which is considered the best use of the site.

The Planning Proposal is consistent with The South East Tablelands Regional Plan 2036, Jindabyne Growth Structure Plan, Snowy River Town & Village Planning – Jindabyne, Snowy River Rural Lands Strategy and Cooma-Monaro Comprehensive Koala Plan of Management. The proposal is generally consistent with all relevant 9.1 Directions; Direction 1.2 – Rural Zones 2.3 Heritage Conservation, Direction 3.4 - Integrating Land Use and Transport Objectives, Direction 5.1 - Implementation of Regional Strategies, Direction 5.2 - Sydney Water Catchment, Direction 5.10 Implementation of Regional Plans. Direction 6.1 - Approval and Referral Requirements, Direction 6.2 - Reserving Land for Public Purposes and Direction 6.3 - Site Specific Provisions.

Whilst the site is identified as containing biodiversity, the site has been heavily disturbed as part of the Highview Estate Subdivision, or the application for the seniors housing on the site. The narrow residual strip to the western boundary of the lot contains little remnant vegetation. It is therefore evident that the planning proposal is unlikely to have any significant environmental impact and is unlikely to result in threatened species, populations or their habitats being adversely affected.

The Planning Proposal is unlikely to result in any adverse social or economic impact. There is adequate public infrastructure available for the existing and potential future uses of the land.

An assessment of the proposed Local Environmental Plan, in accordance with the Guide to Preparing Planning Proposals indicates that the planning proposal is worthy of support.



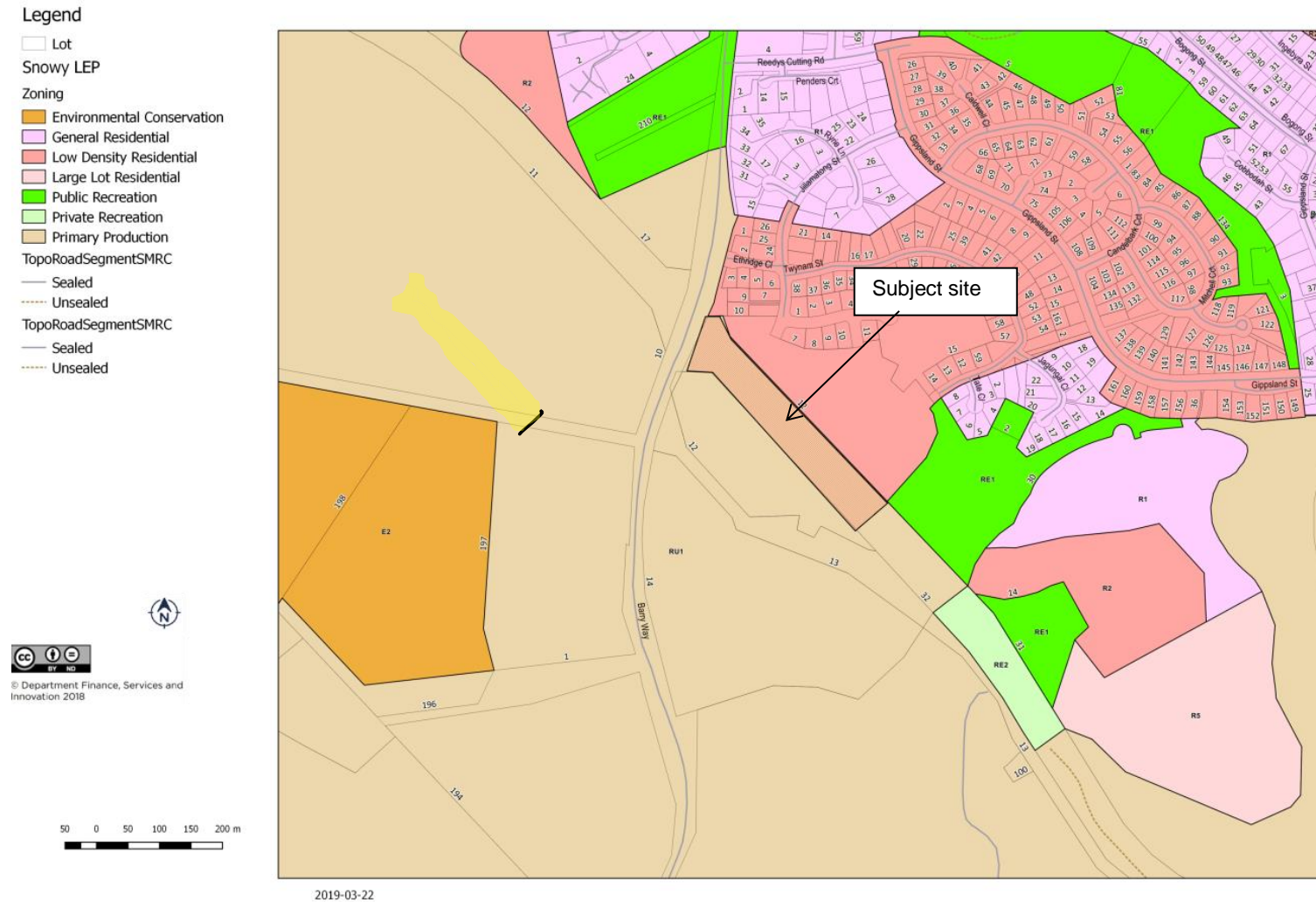


Figure 2: Existing zoning showing current RU1 zoning of the subject site (Source: Snowy River LEP 2013 mapping)



Figure 3: Height of Buildings map – Area J – Maximum Building Height 9m (Source: Snowy River LEP 2013 mapping)

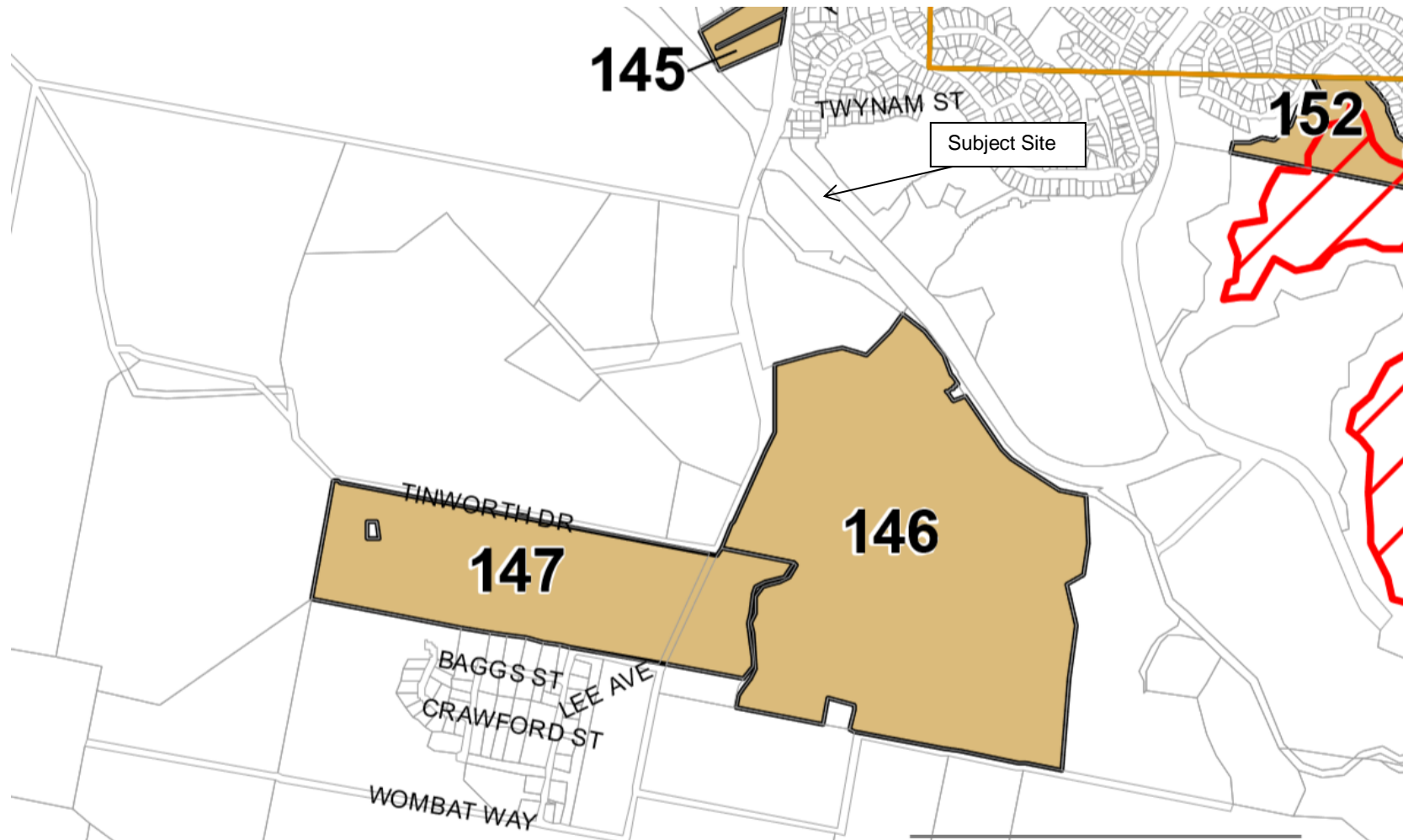


Figure 4: Heritage mapping showing proximity of Heritage Item 146 in respect of the subject site (Source: Snowy River LEP 2013 mapping)

Legend

☐ Lot
 Snowy LEP
☒ Terrestrial Biodiversity
 BestImageryDates

TopoRoadSegmentSMRC
 — Sealed
 - - - Unsealed
 TopoRoadSegmentSMRC
 — Sealed
 - - - Unsealed



50 0 50 100 150 200 m



2019-03-22

Figure 5: Biodiversity Mapping overlaid over aerial image – (Source: Snowy River LEP 2013 mapping)

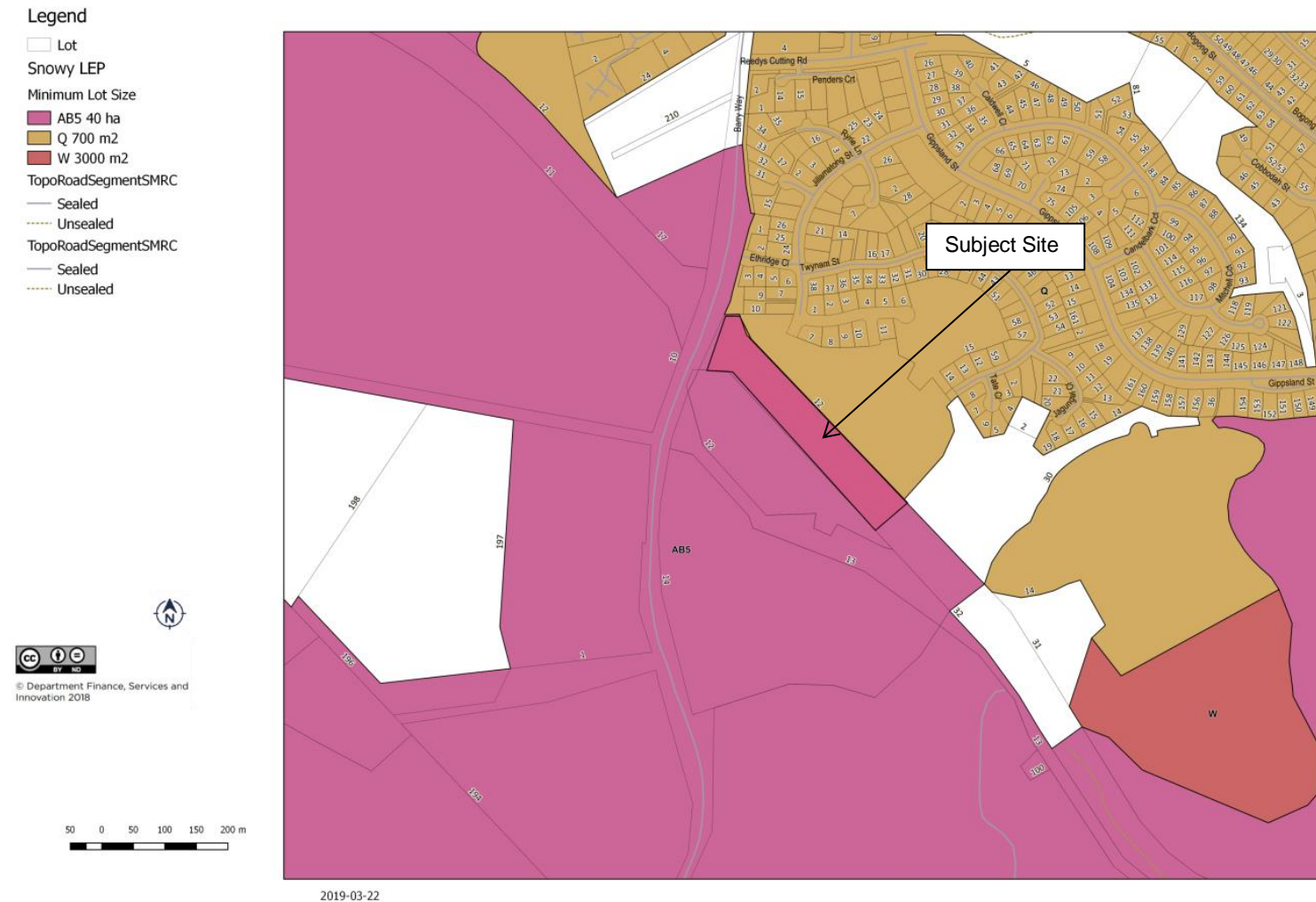


Figure 6: Minimum Lot Size Mapping – Area AB5 40ha. Adjoining land immediately to the east in Highview Estate – Area Q minimum lot size 700m² (Source: Snowy River LEP 2013 mapping)

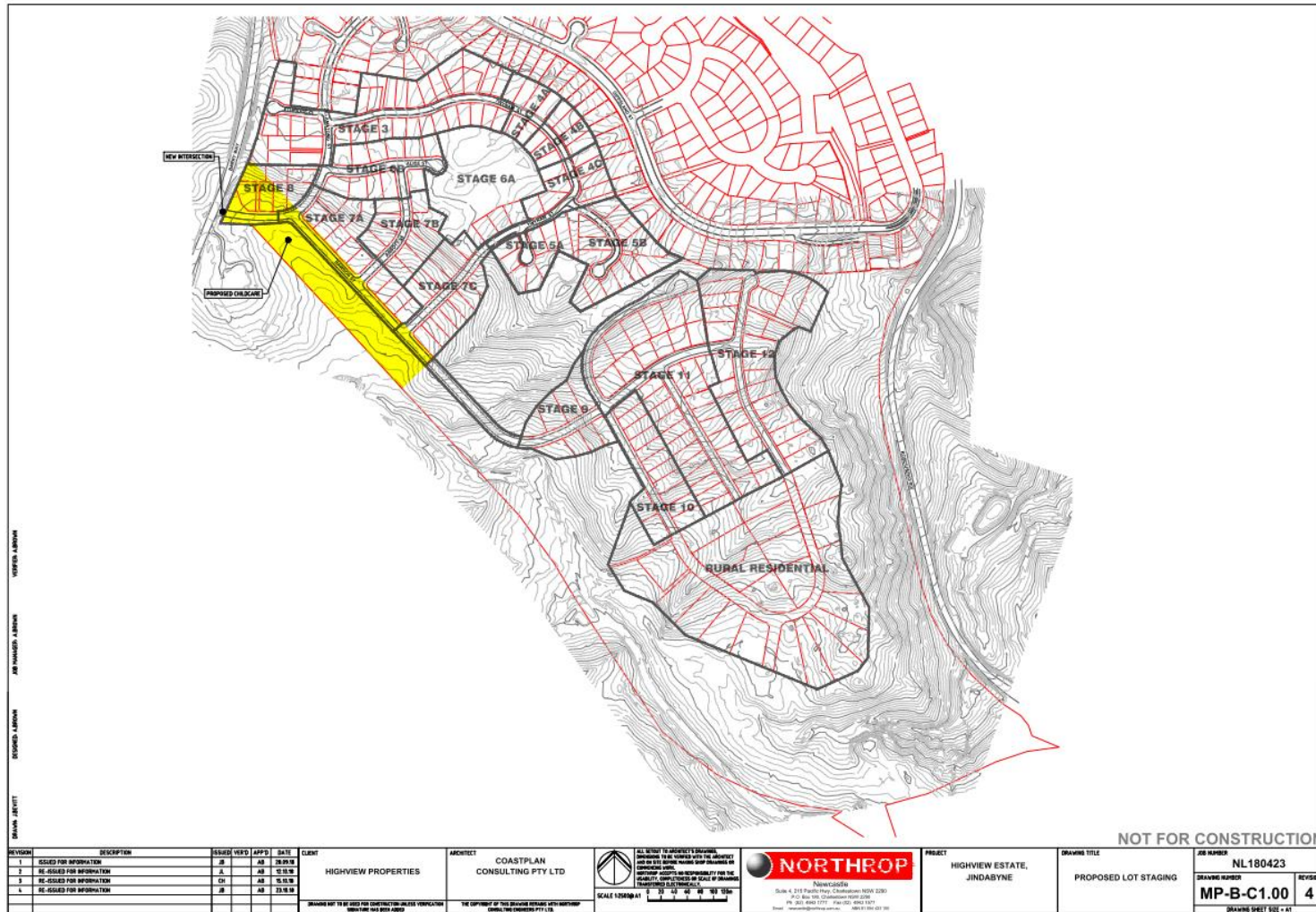


Figure 7: Subject Site in relation to Highview Estate Staged Development

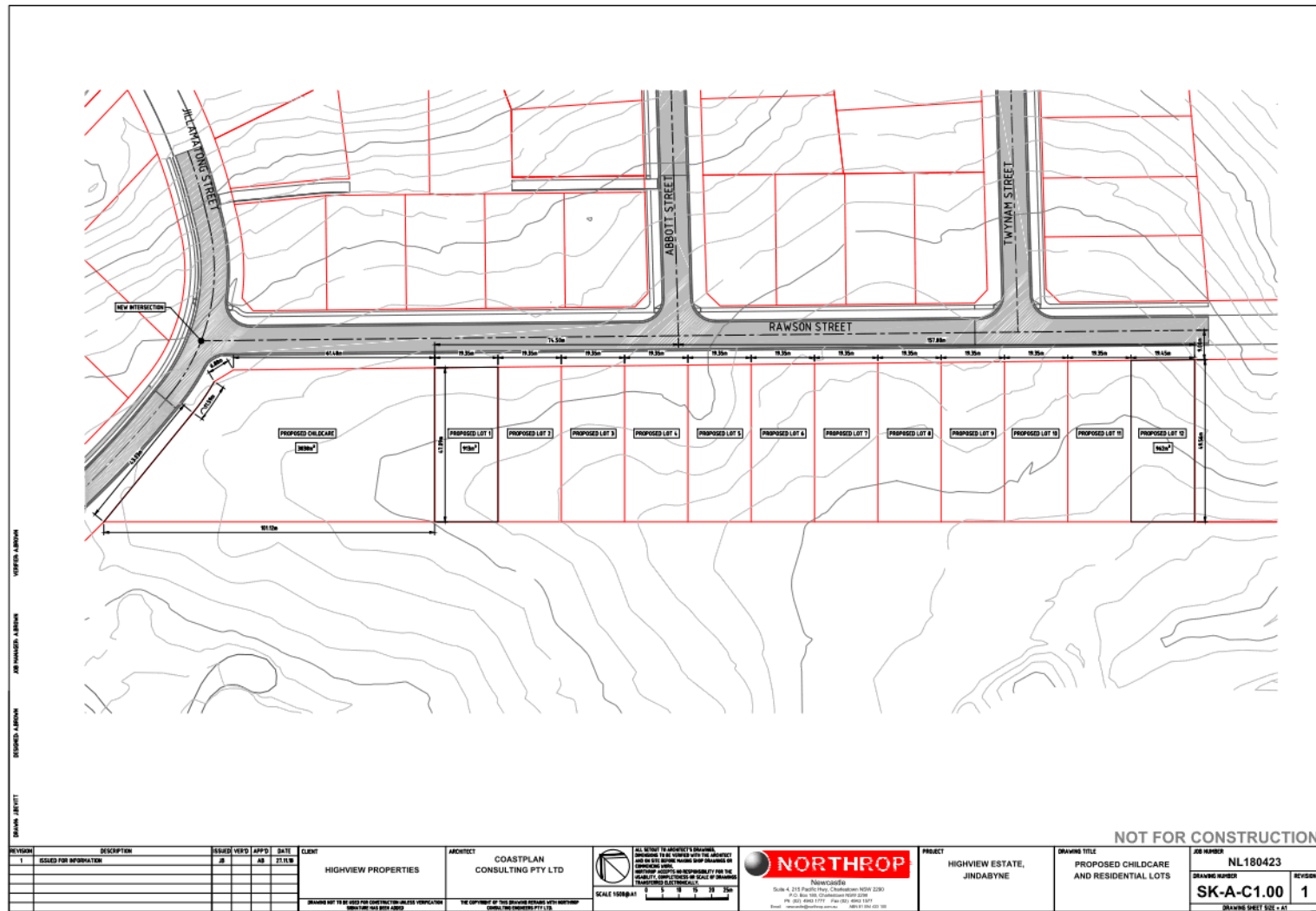


Figure 8: Potential Future Subdivision should the Planning Proposal be successful

