

Planning Services

IRF19/1931

Gateway determination report

LGA	Snowy Monaro
PPA	Snowy Monaro Regional Council
NAME	Rezoning of part Lot 32 DP1118132 Barry Way Jindabyne (15 homes, 0 jobs)
NUMBER	PP_2019_SMONA_001_00
LEP TO BE AMENDED	Snowy River LEP 2013
ADDRESS	Barry Way, Jindabyne
DESCRIPTION	Lot 32 DP111832
RECEIVED	Revised planning proposal received 5 April 2019
FILE NO.	EF19/12887
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1 INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to rezone 2.6ha of land from RU1 Primary Production to R2 Low Density Residential and reduce the applicable minimum lot size from 40 hectares (ha) to 700m² to facilitate the development of 14 residential allotments and the development of a childcare facility.

1.2 Site description

The subject site is located on the western part of Lot 32, DP111832, Barry Way, Jindabyne. The site is irregular in shape, has undulating topography and is largely grass covered with scattered trees.

The site adjoins other RU1 Primary Production zoned land to the south and west and adjoins R2 Low Density Residential zoned land to the north-east known as the Highview Estate, which comprises a partially developed residential subdivision (see Site Map).

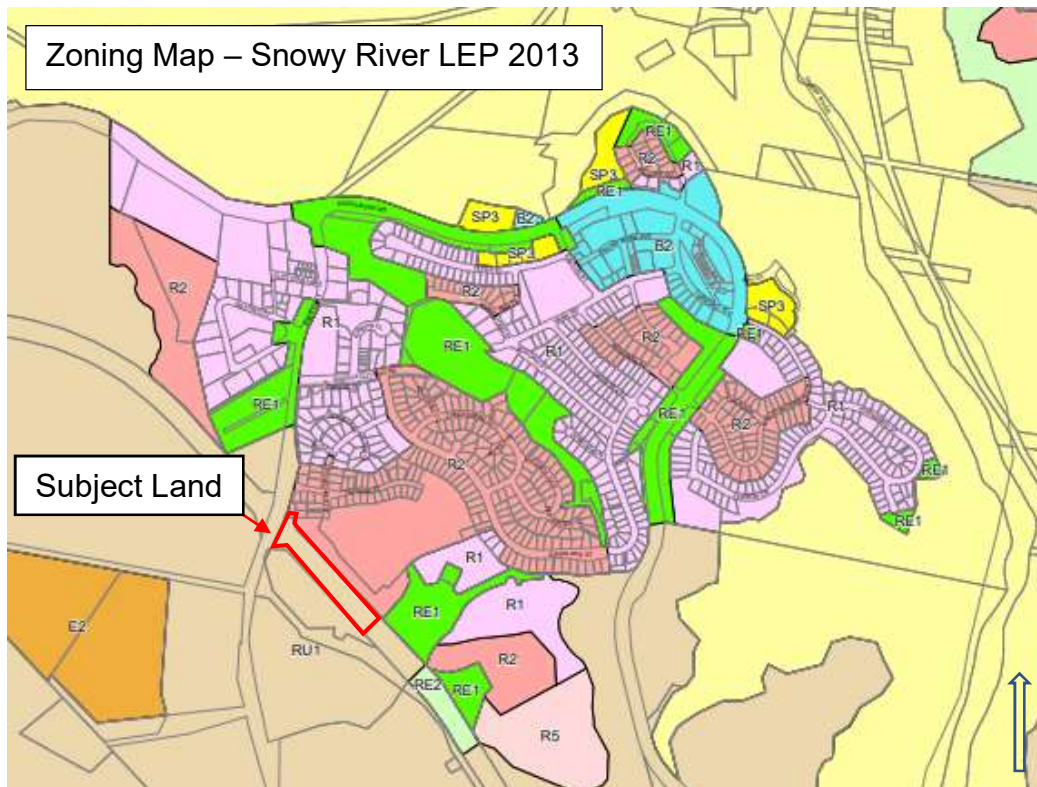


Source: Nearmap

1.3 Existing planning controls

The subject site is currently zoned RU1 Primary Production under the Snowy River LEP 2013 (LEP), with a minimum lot size of 40ha. Dwellings are permissible within the RU1 Primary Production zone, however the minimum lot size prevents subdivision for the purpose of residential development (see below LEP Zoning Map).

Part of the subject land is mapped as having terrestrial biodiversity values, and therefore Clause 7.2 Terrestrial Biodiversity of the LEP applies.



Source: legislation.nsw.gov.au

1.4 Surrounding area

The subject land adjoins the southern part of the Jindabyne urban area and interfaces with surrounding rural lands to the south and to the west (see locality map below).



Source: maps.six.nsw.gov.au

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to the following conditions:

- The NSW Government has commenced a strategic review and preparation of a masterplan for Jindabyne and surrounding areas, including land which is the subject of this planning proposal. Prior to finalisation, the planning proposal is required to be reviewed to ensure consistency with the completed Jindabyne Masterplan.

2 PROPOSAL

2.1 Objectives or intended outcomes

The objectives/intended outcomes of the planning proposal are to amend the zoning and lot size maps applying to the subject land to allow for the development of up to 14 residential lots and a childcare facility.

2.2 Explanation of provisions

The planning proposal involves amending the zoning map to change the land zoning from RU1 Primary Production to R2 Low density residential, and to amend the lot size map to reduce the minimum lot size from 40ha to 700m².

2.3 Mapping

The planning proposal includes amendments to the applicable land zoning and lot size maps in the LEP. The mapping included in Council's planning proposal shows the current controls applying to the subject land, and the location of the subject site.

It is considered that the planning proposal should be amended prior to exhibition to clearly illustrate the proposed planning controls identified in the planning proposal. LEP standard mapping will need to be produced in order to finalise the LEP amendment.

3 NEED FOR THE PLANNING PROPOSAL

The planning proposal states that the proposal is required in order to implement the Jindabyne Growth Structure Plan (2007), to correct an oversight in the zoning under the LEP, and to ensure that an appropriate zone is applied having regard to the location, limited agricultural value, surrounding uses and the existing and potential uses of the subject land.

Comment: The proposed rezoning would provide a logical extension to the existing Jindabyne urban area and provide additional residential and associated development opportunities. It is considered that the planning proposal represents the most appropriate mechanism to facilitate an amendment to the LEP.

4 STRATEGIC ASSESSMENT

4.1 State

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

Comment: Prior to finalisation, the planning proposal will be required to be reviewed to ensure consistency with the completed Jindabyne Masterplan. This approach allows the planning proposal to continue to progress in parallel with the preparation of the Masterplan, whilst also ensuring that the planning proposal, when finalised, is consistent with the outcomes of the completed Masterplan.

4.2 Regional / District

The South East and Tablelands Regional Plan 2036 applies to the subject land. As identified in the planning proposal, the provision of additional residential zoned land in a location immediately adjacent to the existing Jindabyne urban area is consistent with a number of Directions including:

Direction 3 – Develop the Snowy Mountains into Australia’s premier year-round alpine destination.

Direction 24 – Deliver greater housing supply and choice.

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

Comment: For the reasons identified by Council, the planning proposal is considered consistent with the Regional Plan, including through the provision of additional housing supply/choice in a location with access to services and infrastructure in Jindabyne.

4.3 Local

The Jindabyne Growth Structure Plan (JGSP) 2007 adopted by the former Snowy River Shire Council recommended “incorporate provisions in the new Urban LEP to appropriately zone the area immediately to the south of the Highview Estate for general residential development”.

Council notes that this recommendation was not implemented in the LEP in 2013, and was likely an oversight, resulting in a like for like zoning of RU1 Primary Production being applied.

Council’s Rural Lands Strategy applies to the subject land as it is land currently zoned RU1 Primary Production. Council has formed the opinion that the land is unfit for use as primary production given its small size and shape.

Comment: It is agreed that the proposed rezoning of 2.6ha of RU1 Primary Production zoned land for residential uses is compatible with the immediately adjoining residential land, and is consistent with the recommendation of the JGSP. For the same reason, and due to the location, scale and limited agricultural viability, the planning proposal is not considered to be inconsistent with Councils Rural Lands Strategy.

As the NSW Government has initiated a strategic review and master planning process for Jindabyne and surrounding areas to guide future development and growth in the Jindabyne area, it is considered inappropriate to allow this proposal to be finalised prior to the master planning process being completed. Prior to finalisation, the planning proposal will be required to be reviewed to ensure consistency with the completed Jindabyne Masterplan.

4.4 Section 9.1 Ministerial Directions

The following Section 9.1 Directions are considered relevant to this planning proposal, and are discussed below:

1.2 - Rural Zones – The planning proposal is inconsistent with the Direction as it proposes to rezone existing RU1 Primary Production zoned land to a residential zone.

Comment: The inconsistency is justified by Council's Jindabyne Growth Strategy 2007 which identifies the area for future residential land use. Further, the inconsistency is considered minor as the subject land comprises a small area adjoining existing residential zoned land, and is therefore not considered suitable for primary production.

1.5 - Rural Land – The planning proposal is inconsistent with the Direction as it proposes to rezone existing rural zoned land to a residential zone.

Comment: The inconsistency is justified by Council's Jindabyne Growth Strategy 2007 which identifies the area for future residential land use. Further, the inconsistency is considered minor as the subject land comprises a small area adjoining existing residential zoned land, and is therefore not considered suitable for primary production.

2.3 Heritage Conservation – An Aboriginal Heritage Assessment Report has been prepared for the subject land and did not identify any heritage items. The site is located in the vicinity of the Jindabyne Winter Sports Academy, a listed local heritage site under the LEP.

Comment: The subject land will facilitate development not inconsistent with permissible and developed land uses on immediately adjacent land. Noting that the subject land is located over 200m from the nearest point of the sports facility, a similar distance to existing urban zoned land, it is unlikely that the proposal will impact upon the significance of the local heritage item. This issue can be considered further in the assessment of any subsequent development proposals. The planning proposal is considered to be consistent with the Direction.

3.1 Residential Zones – The proposal seeks to rezone land to a residential zone.

Comment: The proposal seeks to facilitate further opportunities for residential development in an area adjacent to existing serviced residential zoned and developed land. Further, the planning proposal is not to proceed to finalisation until the completion of the NSW Governments masterplan for Jindabyne has been completed, and only if the proposal is considered to be consistent with the completed masterplan. Therefore, the planning proposal is considered to be consistent with the Direction.

3.4 Integrating Lands Use and Transport Objectives – The planning proposal seeks to rezone rural land for urban purposes.

Comment: The planning proposal represents a small-scale extension to the urban area of Jindabyne and is located immediately adjacent to the Highview Estate residential release area. The location and type of development proposed is consistent with the adjacent land use and will offer further residential development opportunities in a location that is able to make use of existing infrastructure, transport, and services. Therefore, the planning proposal is considered to be consistent with the Direction.

5.10 Implementation of Regional Plans – The proposal is required to be consistent with the applicable South East and Tablelands Regional Plan 2036.

Comment: As discussed earlier in this report, the planning proposal is consistent with a number of Directions in the Regional Plan, including:

Direction 3 – Develop the Snowy Mountains into Australia’s premier year-round alpine destination.

Direction 24 – Deliver greater housing supply and choice.

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

Therefore, the planning proposal is considered to be consistent with the Direction.

4.5 State environmental planning policies (SEPPs)

The planning proposal identifies the following SEPPs as being applicable to the proposal.

SEPP 44 – Koala Habitat Protection: The Koala Habitat Protection SEPP applies to the area, but given no Koala Habitat is present on the subject land, the provisions of the SEPP do not apply.

Comment: The Office of Environment and Heritage (OEH) are required to be consulted with regards to this proposal. Should any matters regarding SEPP 44 arise, these will need to be addressed in the planning proposal.

The planning proposal is not considered to be inconsistent with any applicable SEPPs. It is also noted that a Site Compatibility Certificate was issued by the Department under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to allow for the consideration by Council of development of the land for the purposes of seniors housing. Council has advised of an existing consent for this purpose, however the development is not proceeding.

5 SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal states that the inclusion of the subject site for the purpose of residential development will have a positive social impact due to the provision of additional housing supply and other permissible uses in this locality.

5.2 Environmental

The subject land is mapped as containing terrestrial biodiversity in the LEP. The planning proposal indicates that no critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected by the proposal.

The planning proposal identifies that the site appears largely void of any vegetation and is heavily disturbed from existing development with a history of small-scale agricultural land use activities.

Comment: As the site and surrounding areas are mapped as having environmental attributes, it is considered appropriate for Council to consult with the Office of Environment and Heritage to ensure that the proposed land use has minimal impact on any important environmental attributes on the subject land.

5.3 Economic

The planning proposal to rezone the subject land to facilitate residential and other permissible development within the R2 Low Density Residential zoning would facilitate temporary construction jobs.

A modest increase in residential dwelling numbers will also contribute positively to the ongoing viability of retail and other commercial activities within Jindabyne.

It is noted that Jindabyne has existing sewerage system capacity issues and Council will investigate the need to upgrade capacity in order to facilitate this and other future growth in and around Jindabyne. This issue will also be considered through the Jindabyne master planning process which will consider servicing capacity and identify required upgrades to support future growth opportunities.

5.4 Infrastructure

The provision/funding of state infrastructure is not considered relevant to this proposal noting the scale, proximity to existing services and type of development outcomes proposed.

It is however noted that the subject land is located in an area identified historically as a potential bypass route for Jindabyne. The Jindabyne Masterplan Process will consider a bypass of Jindabyne as an option to be investigated.

6 CONSULTATION

6.1 Community

No community consultation has been undertaken to date, and Council has not proposed any specific community consultation details within the planning proposal. It is recommended that the planning proposal be made available for community consultation for a minimum of 28 days.

6.2 Agencies

Council has not identified any specific agency consultation and is relying on the Gateway to determine what agency consultation is required. Given that the land is mapped as containing Terrestrial Biodiversity, it is considered appropriate that Council consult with the Office of Environment and Heritage on the proposal.

7 TIME FRAME

Council has not nominated a timeframe for completion of the LEP. Given the recommendation that, prior to finalisation, the proposal show consistency with the NSW Government's completed masterplan for Jindabyne, an 18 month timeframe for completion is considered appropriate to allow both processes to be finalised.

8 LOCAL PLAN-MAKING AUTHORITY

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

9 CONCLUSION

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

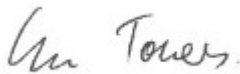
10 RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands are minor or justified by strategies;

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

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



3/5/19

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8/5/19

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