



# Snowy Valleys Council

PLANNING PROPOSAL

TUMUT LEP 2012 (AMENDMENT NO.4)

Minor amendment consistent with Tumut Shire Growth Strategy  
2013-2033

September 2017

## Contents

Part 1 – Objectives.....	3
Part 2 – Explanation of the Provisions .....	3
Part 3 – Justification.....	3
Part 4 – Mapping .....	8
Part 5 – Community Consultation.....	14
Part 6 – Project Timeline .....	14
Attachments .....	15

## Part 1 – Objectives

The objective of the minor amendment is to rezone two areas of R5 land in the Town of Tumut to R2

## Part 2 – Explanation of the Provisions

To achieve the objective outlined in Part 1, this planning proposal seeks to:

1. Amend Tumut LEP 2012 zoning maps LZN-003E and LZN-003G to change the zoning of Lots 1 and 3 DP 506932 Tumut Plains Road Tumut and Lots 1 and 2 DP 836586 and Lots 2, 3 and 4 Section 2 DP 759004 Blowering Road Tumut from R5 Large Lot Residential to R2 Low Density Residential; and
2. Amend Tumut LEP 2012 lot size maps LSZ-003E and LSZ-003G to change the minimum lot size for this land from 5,000 m<sup>2</sup> to 600 m<sup>2</sup>.

## Part 3 – Justification

### Background

Tumut Shire Planning Proposal 2014 (PP 2014) proposed (among other things) the rezoning of land bounded by Tumut Plains Road, East Street, Bundara Crescent and Snowy Mountains Highway Tumut from R5 Large Lot Residential to R2 Low Density Residential. The minimum lot size for erection of a dwelling house was also to be reduced from 5,000 m<sup>2</sup> to 600 m<sup>2</sup>. The Planning Proposal was the culmination of a significant review of Tumut LEP 2012 and was to result in Tumut LEP 2012 (Amendment No.3).

PP 2014 was exhibited from 12 January to 6 March 2015 and a significant number of objections were made to this particular proposal and to the Tumut South East proposals generally. Council, after considering the submissions at its 26 May 2015 Ordinary Meeting, resolved not to proceed with the Tumut South East rezonings.

As the omission of the Tumut South East rezonings constituted a significant change to the Planning Proposal, a new one had to be prepared and re-submitted to the Department of Planning for approval under the Gateway process.

This new proposal (PP 2015) was approved by the Department and exhibited from 14 December 2015 to 29 January 2016. Only nine submissions were received this time but two of them were from landowners in the Tumut Plains Road/East Street area who were in favour of the original proposal and wanted their land to be rezoned. Council considered these submissions at its 22 March 2016 Ordinary Meeting and resolved to finalise the LEP amendment and to reinstate the Tumut Plains Road/East Street properties in the Planning Proposal

In the course of finalizing the LEP amendment, the Department advised Council that the land in Tumut Plains Road/East Street could not be reinstated in the proposal without preparing an amended Planning Proposal and re-exhibiting the whole proposal again.

It was decided, in consultation with the Department, to proceed with the Planning Proposal as exhibited and to prepare a new Planning Proposal for the Tumut Plains Road/East Street rezoning.

The Amalgamation of Tumut and Tumbarumba Councils cast some doubt on the validity of continuing with the 22 March 2016 resolution and so a similar resolution was passed by the newly constituted Snowy Valleys Council on 25<sup>th</sup> May 2017.

### **Strategic**

The proposed rezoning is consistent with the Tumut Shire Growth Strategy 2013-2033 which has been endorsed by the Department.

The proposal is consistent with Directions 22, 25 and 26 of the Riverina Murray Regional Plan.

## Section A – Need for the Planning Proposal

Description	1. Is the planning proposal a result of any strategic study or report?	2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?
<b>Land in Tumut Plains Road and Blowering Road To Be Rezoned From R5 To R2</b>	<p>Yes. The subject land was flagged in the Tumut Housing Strategy 2004 and the Tumut Shire Rural Land Use Strategy 2008 for consideration of higher density potential.</p> <p>The Tumut Shire Growth Strategy 2013 – 2033 suggests incorporation of this land as an alternative residential development area to help facilitate the provision of serviced residential land to meet any identified demand.</p>	<p>Yes. The Planning Proposal is the only means to achieve the intended outcomes to modify the zoning of the subject land and to formalise a minimum lot size appropriate to the site, ensuring development can proceed in an orderly manner.</p> <p>There are no other methods available to achieve the intended objectives and outcomes.</p>

## Section B – Relationship to Strategic Planning framework

Description	3. Is the planning proposal consistent with applicable regional or sub-regional strategy?	4. Is the Planning Proposal Consistent with the Council's Community Strategic Plan or other strategic plan?	5. Is the planning proposal consistent with applicable State Environmental Planning Policies?	6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?
<b>Land in Tumut Plains Road and Blowering Road To Be Rezoned From R5 To R2</b>	The Planning Proposal is consistent with the Riverina Murray Regional Plan	The Planning Proposal is consistent with the Tumut Shire Community Plan 2010 – 2020 and the Tumut Shire Growth Strategy 2013 - 2033.	There are no SEPPs that apply to this land.	Refer to the Table below headed: "Consideration of Section 117 Ministerial Directions"

## Section C – Environmental, Social and Economic Impact

Description	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?	8. Are there any other likely environmental effects as a result of the planning proposal and how are they to be managed?	9. How has the planning proposal adequately addressed any social and economic effects?
<b>Land in Tumut Plains Road and Blowering Road To Be Rezoned From R5 To R2</b>	No, given the land has been cleared and developed for the purpose of large lot residential development.	No, there are no anticipated environmental effects from the planning proposal.	It is determined that the best economic use of the land is to encourage higher density development to occur to respond to an emerging need to accommodate additional residential housing allotments. This land is currently served by essential infrastructure.

## Section D – State and Commonwealth Interests

Description	10. Is there adequate public infrastructure for the planning proposal?	11. What are the views of the State and Commonwealth public Authorities consulted in accordance with the Gateway determination?
<b>Land in Tumut Plains Road and Blowering Road To Be Rezoned From R5 To R2</b>	<p>Yes. The Planning Proposal seeks to rezone developed land to encourage higher density development on residential land already served by public infrastructure.</p> <p>The planning proposal will not significantly increase the demand on existing infrastructure.</p>	<p>The preparation of the Planning Proposal followed consultation with public authorities during the formulation of the Tumut Shire Growth Strategies.</p> <p>Relevant State and Commonwealth authorities will be further consulted once the Gateway determination has been issued and approval is granted to proceed further with the planning proposal.</p>

### Consideration of Section 117 Ministerial Directions

The planning proposal is consistent with the applicable Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act as shown in the below table:

#### Section 117 Ministerial Directions

<b>Ministerial Direction</b>	<b>Tumut Plains Road and Blowering Road Rezoning From R5 to R2</b>
<b>EMPLOYMENT AND RESOURCES</b>	
<b>1.1 Business and Industrial Zones</b>	Not applicable
<b>1.2 Rural Zones</b>	Not applicable
<b>1.5 Rural Lands</b>	Not applicable
<b>ENVIRONMENT AND HERITAGE</b>	
<b>2.1 Environmental Protection Zones</b> The planning proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Not applicable
<b>2.3 Heritage Conservation</b> The planning proposal must incorporate provisions for the conservation of post European and Aboriginal cultural heritage items and places.	Not applicable
<b>HOUSING INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
<b>3.1 Residential Zones</b>	Consistent. The current R5 Large Lot Residential zone and 5,000m <sup>2</sup> minimum lot size will change to the R2 Low Density Residential Zone with a 600m <sup>2</sup> minimum lot size. This change will enhance the opportunities for varied types and densities of residential accommodation.
<b>HAZARD AND RISK</b>	
<b>4.3 Flood Prone Land</b>	Not applicable
<b>4.4 Planning for Bushfire Protection</b>	Not applicable
<b>5. REGIONAL PLANNING</b>	
<b>5.10 Implementation of Regional Plans</b>	Directions 22, 25 and 26 of the Riverina Murray Regional Plan are relevant and the Planning Proposal is consistent with those Directions.

<b>6. LOCAL PLAN MAKING</b>	
<b>6.1 Approval and Referral Requirements</b>	Consistent as the planning proposal does not include any concurrence, consultation or referral requirements

## Part 4 – Mapping

The following maps show the location of the land affected and the current and proposed zoning and lot size in relation to surrounding land.

Council requests that as these maps are sufficiently detailed for public exhibition purposes, maps consistent with the Department's Technical Guidelines not be prepared until finalisation of the LEP.



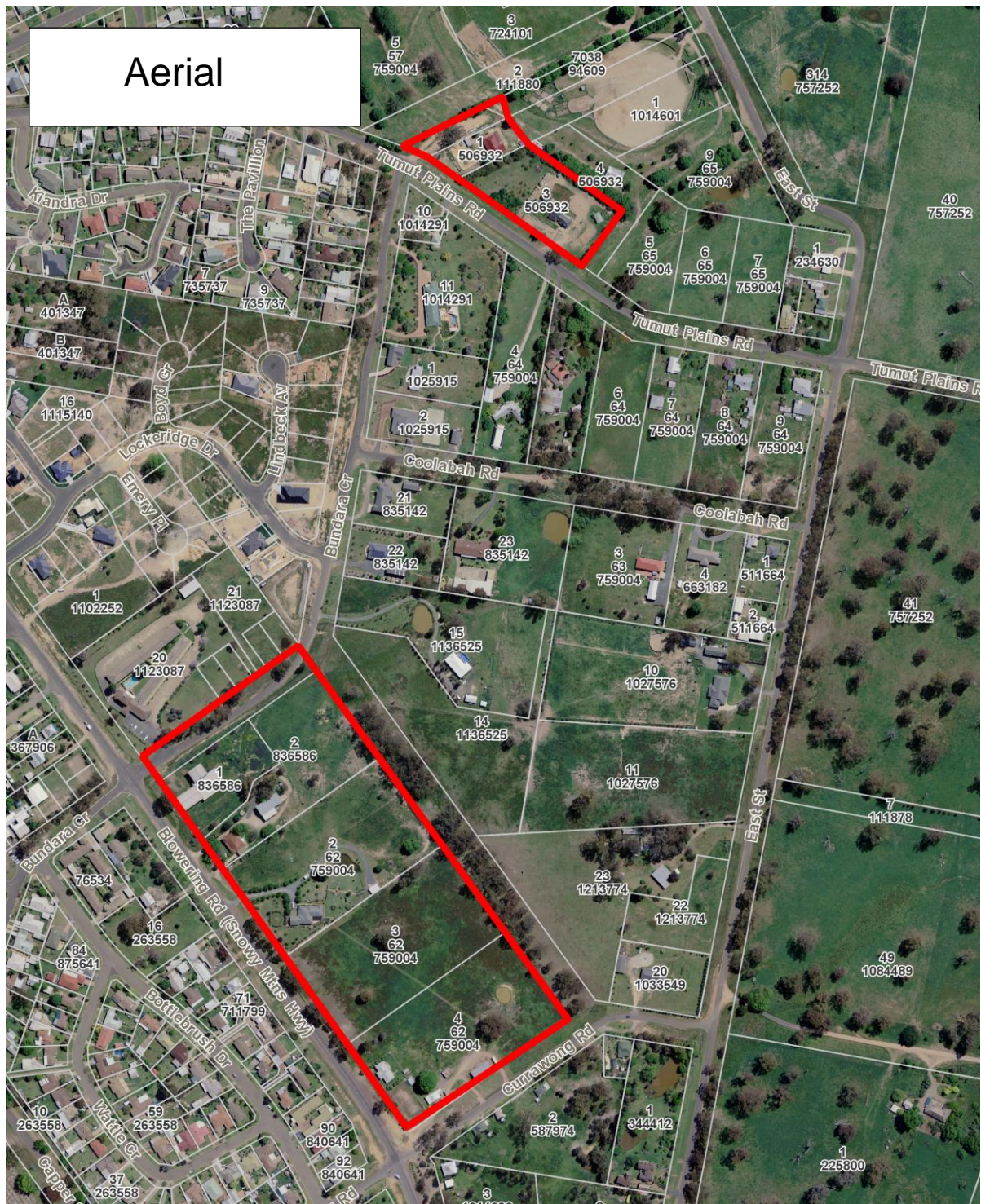


Figure 1. Aerial



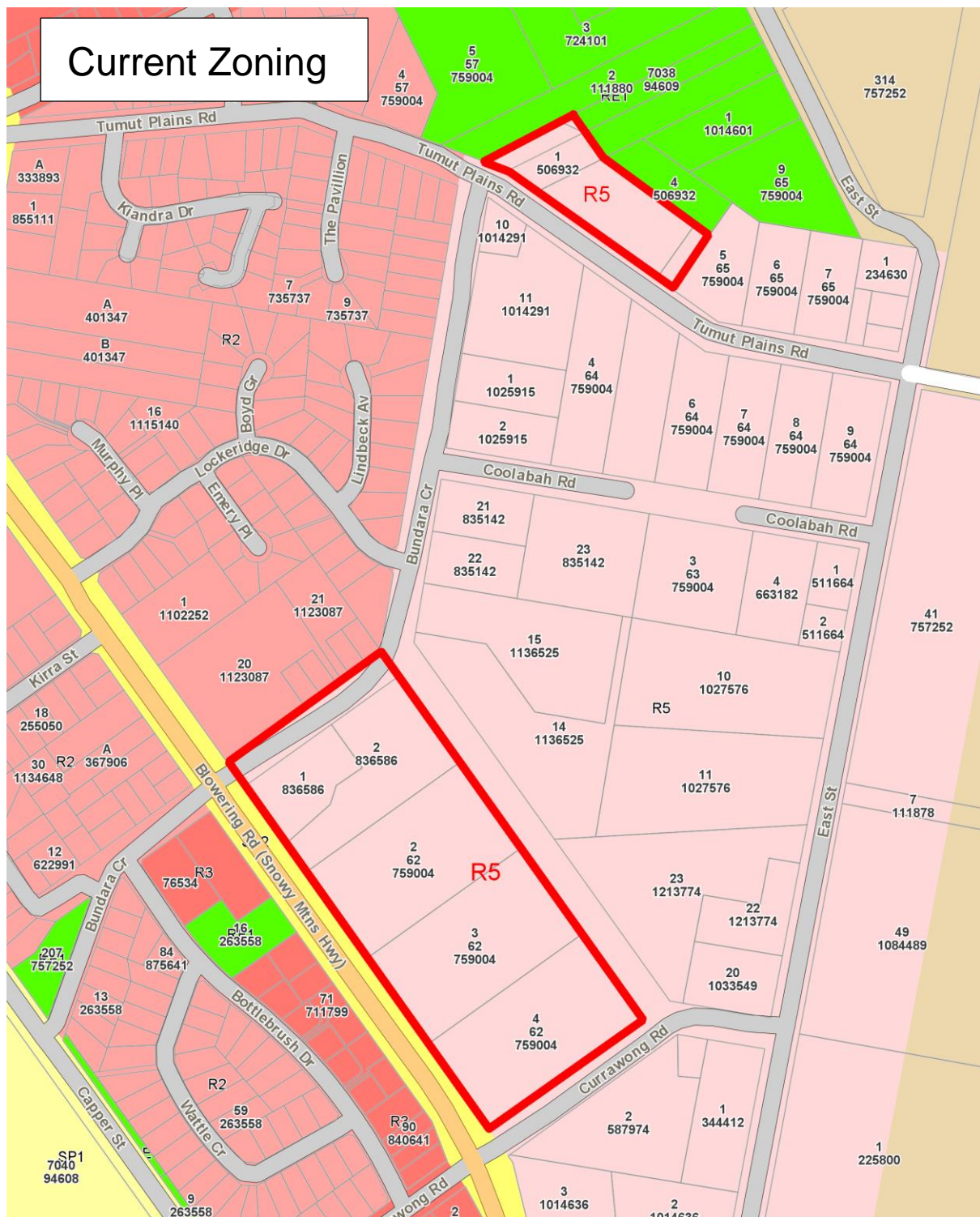
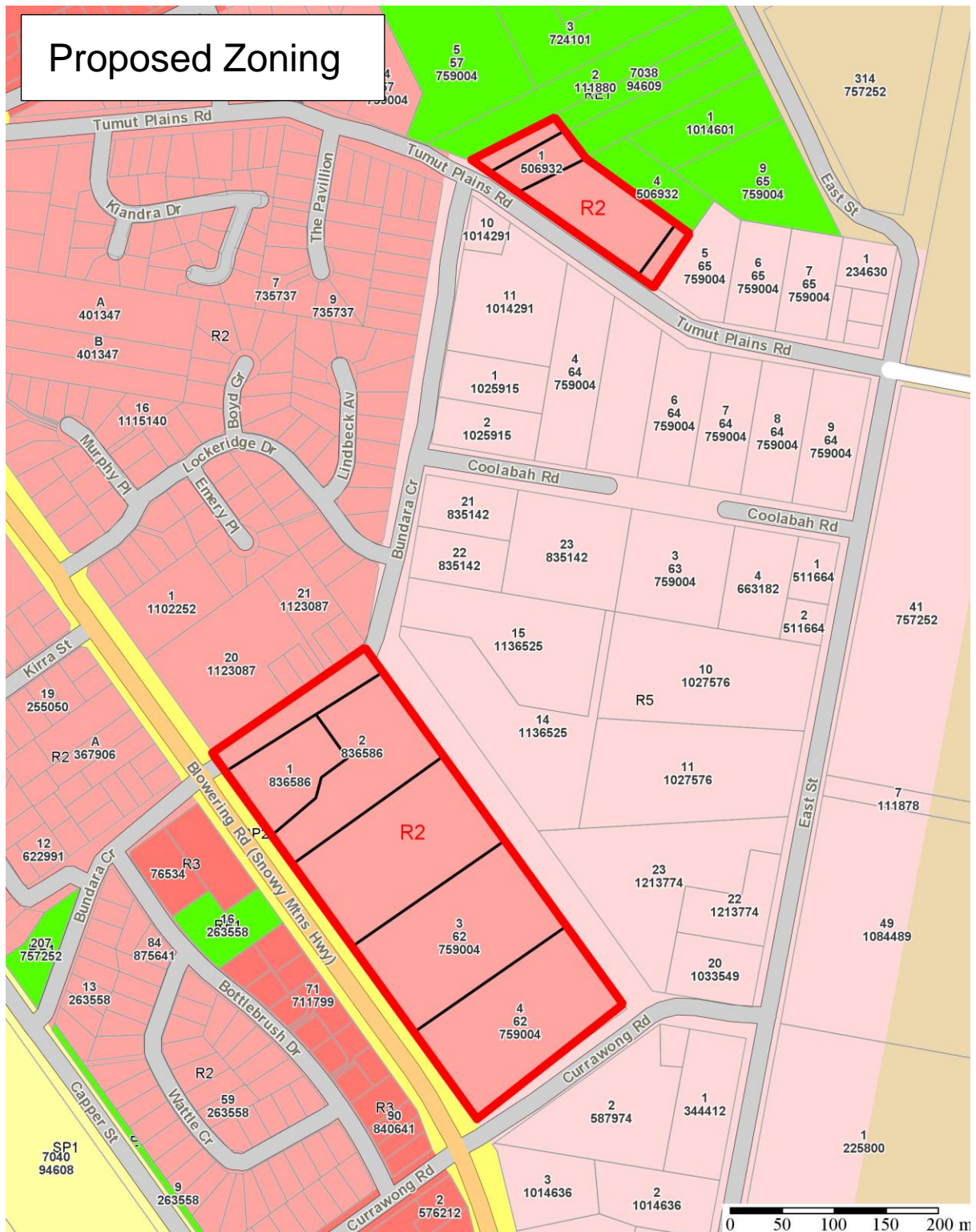
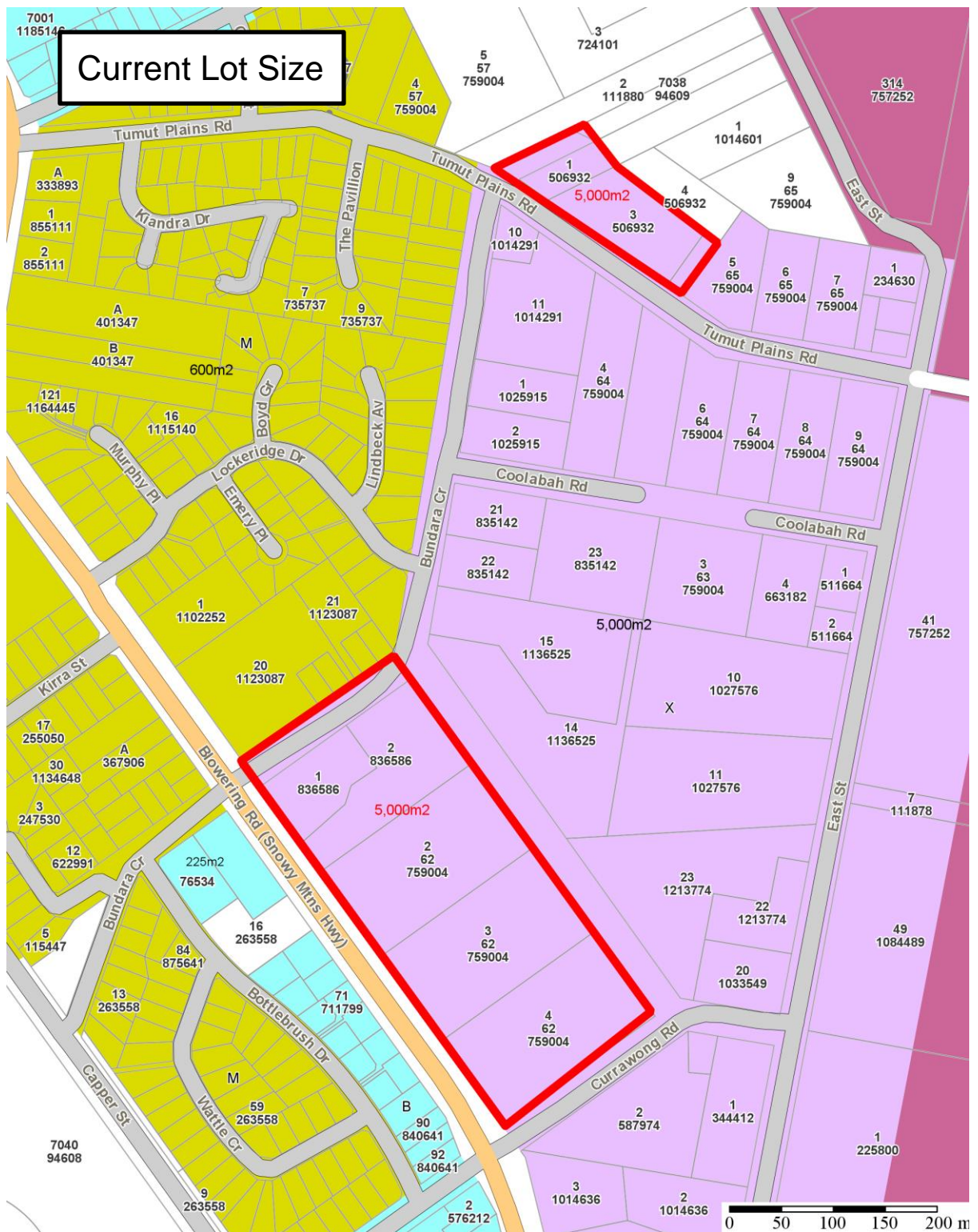


Figure 2. Current Zoning

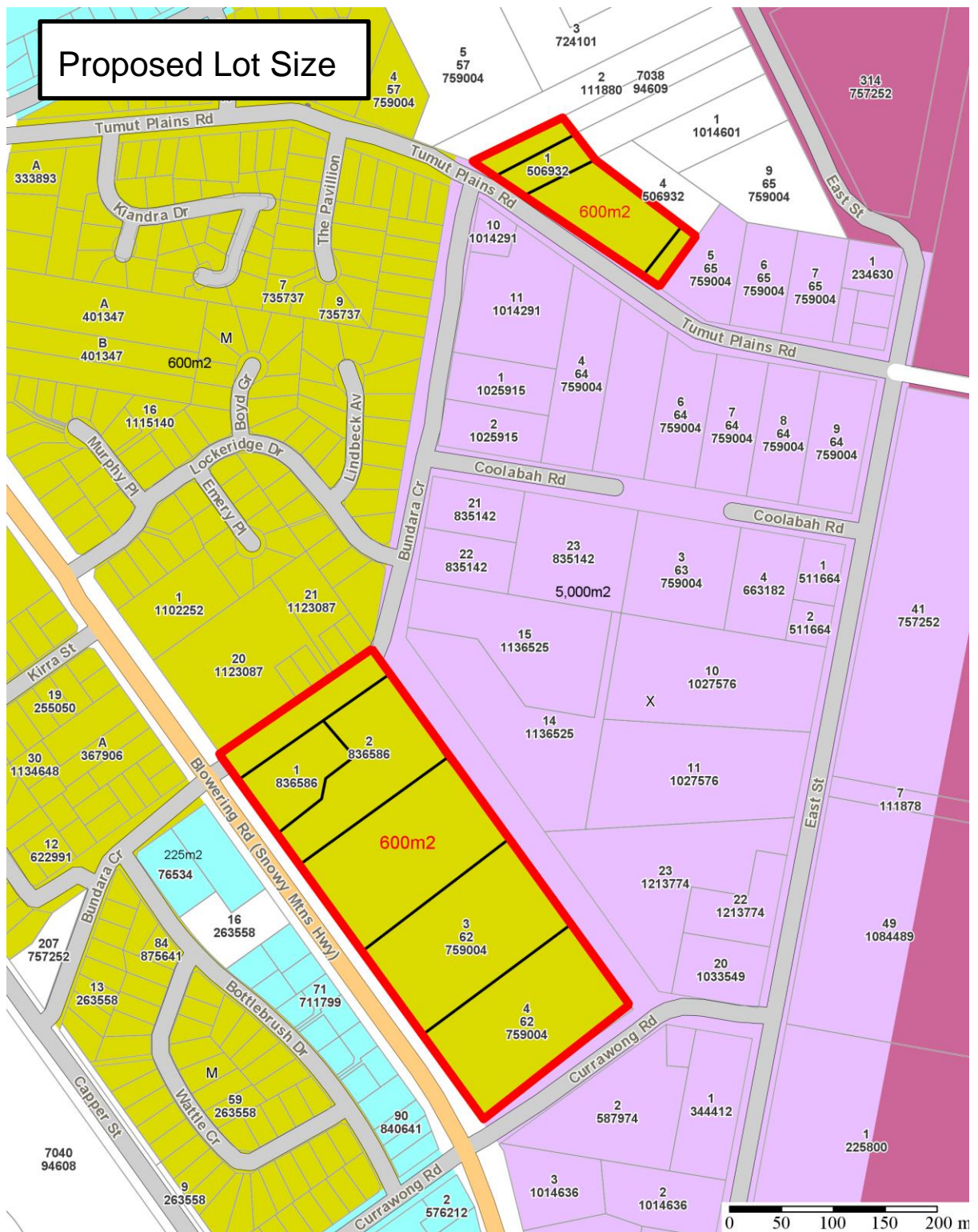


**Figure 3. Proposed Zoning**





**Figure 4, Current Lot Size**



### Figure 5, Proposed Lot Size



The following maps, listed in the Table below, are proposed for amendment once approval to proceed is issued under the Gateway Determination.

<b>Lot Size Maps</b>	
LSZ_003E LSZ_003G	7500_COM_LSZ_003E 7500_COM_LSZ_003G
<b>Land Zoning Maps</b>	
LZN_003E LZN_003G	7500_COM_LZN_003E 7500_COM_LZN_003G

## Part 5 – Community Consultation

Community consultation will be undertaken in accordance with The Department's guidelines and instructions under the Gateway Determination. As is Council's normal practice, the Proposal will be placed on Council's website and notified in the local newspaper, the "Tumut and Adelong Times". All affected and adjacent landowners will be notified by letter and invited to make a submission.

In this instance, due to the extensive consultation carried out during the Tumut Shire Growth Strategy process and Tumut LEP 2012 (Amendment No.3), Council considers that a 28-day period of exhibition would be adequate.

## Part 6 – Project Timeline

<b>Task</b>	<b>Anticipated Timeline</b>
Gateway Determination	22 <sup>nd</sup> November 2017
Agency Consultation	27 <sup>th</sup> November 2017 – 5 <sup>th</sup> January 2018
Public Exhibition Period	27 <sup>th</sup> November 2017 - 5 <sup>th</sup> January 2018
Report to Council on Planning Proposal including consideration of submissions	25 <sup>th</sup> January 2018
Submission to Department to Finalise the LEP	2 <sup>nd</sup> February 2018

## Attachments

1. Council Report, Ordinary Meeting 25<sup>th</sup> May 2017
2. Minutes, Council Ordinary Meeting 25<sup>th</sup> May 2017
3. Council Report, Ordinary Meeting 26<sup>th</sup> October 2017
4. Minutes, Council Ordinary Meeting 26<sup>th</sup> October 2017
5. Tumut Shire Growth Strategy 2013 - 2033