

Planning Services

Gateway Determination Report

LGA	Snowy Valleys Council
RPA	Snowy Valleys Council
NAME	Amend the Tumut Local Environmental Plan 2012 to rezone Lots 1 and 3 DP 506932, Lots 1 and 2 DP 836586 and Lots 2, 3 and 4 Section 62 DP 759004, located in the town of Tumut, from R5 Large Lot Residential to R2 Low Density Residential and change the minimum lot size from 5,000m ² to 600m ² (66 houses)
NUMBER	PP_2017_SVALL_001_00
LEP TO BE AMENDED	Tumut Local Environmental Plan 2012
ADDRESS	22-34 Tumut Plains Road 24-88 Blowering Road Tumut
DESCRIPTION	Lots 1 and 3 DP 506932, Lots 1 and 2 DP 836586 and Lots 2, 3 and 4 Section 62 DP 759004
RECEIVED	13 November 2017
FILE NO.	IRF17/415
QA NUMBER	EF17/13512
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

INTRODUCTION

Description of Planning Proposal

The planning proposal will amend the Tumut Local Environmental Plan 2012 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 change the minimum lot size for this land from 5,000 m² to 600 m².

Additional 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 m² to 600 m². 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 planning proposal 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.

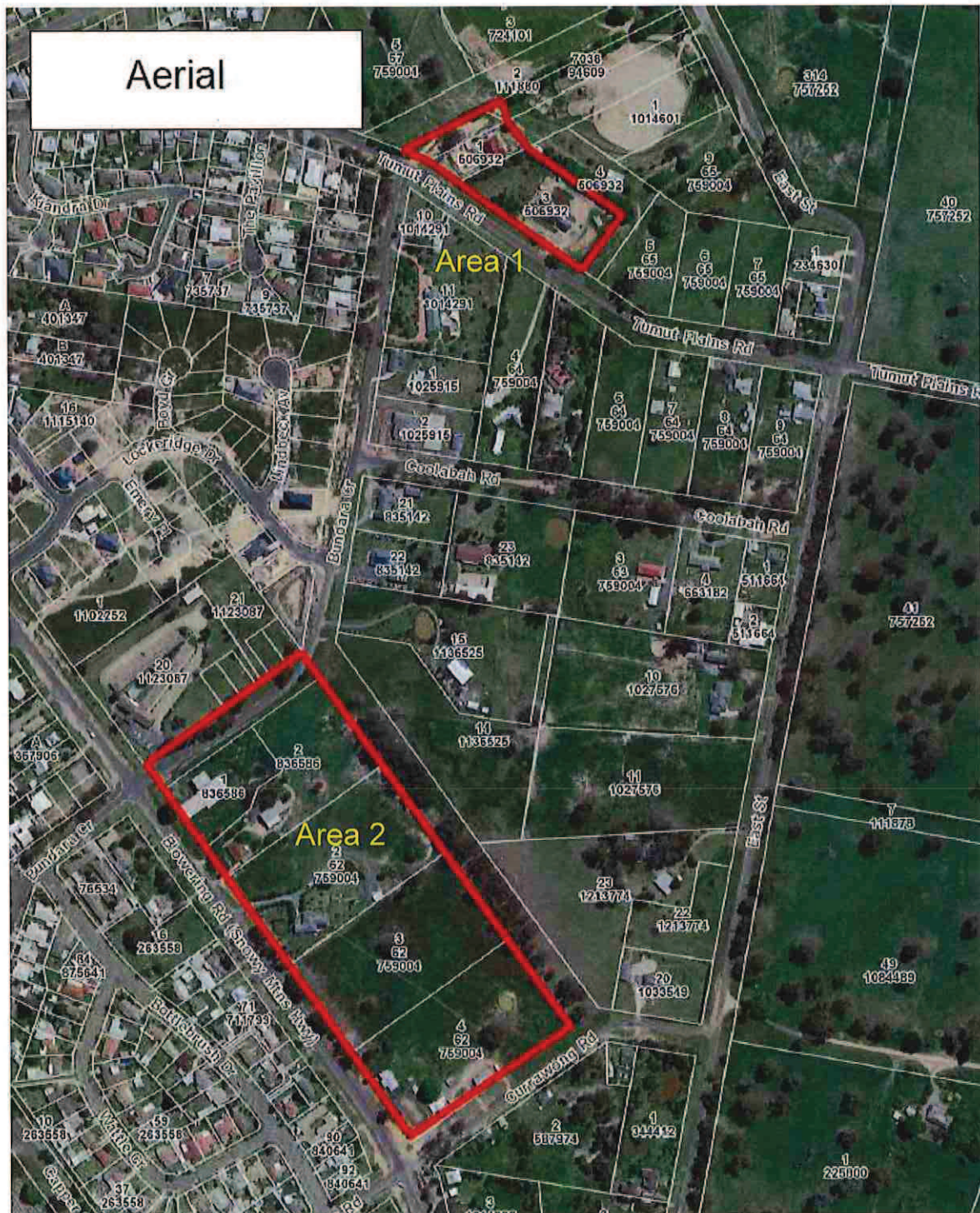
In the course of finalising the LEP amendment, the Department advised Council that the land in Tumut Plains Road/East Street could not be reinstated in the proposal without preparing an amended Planning Proposal and re-exhibiting the whole proposal again. It was decided, in consultation with the Department, 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 25th May 2017.

Site Description

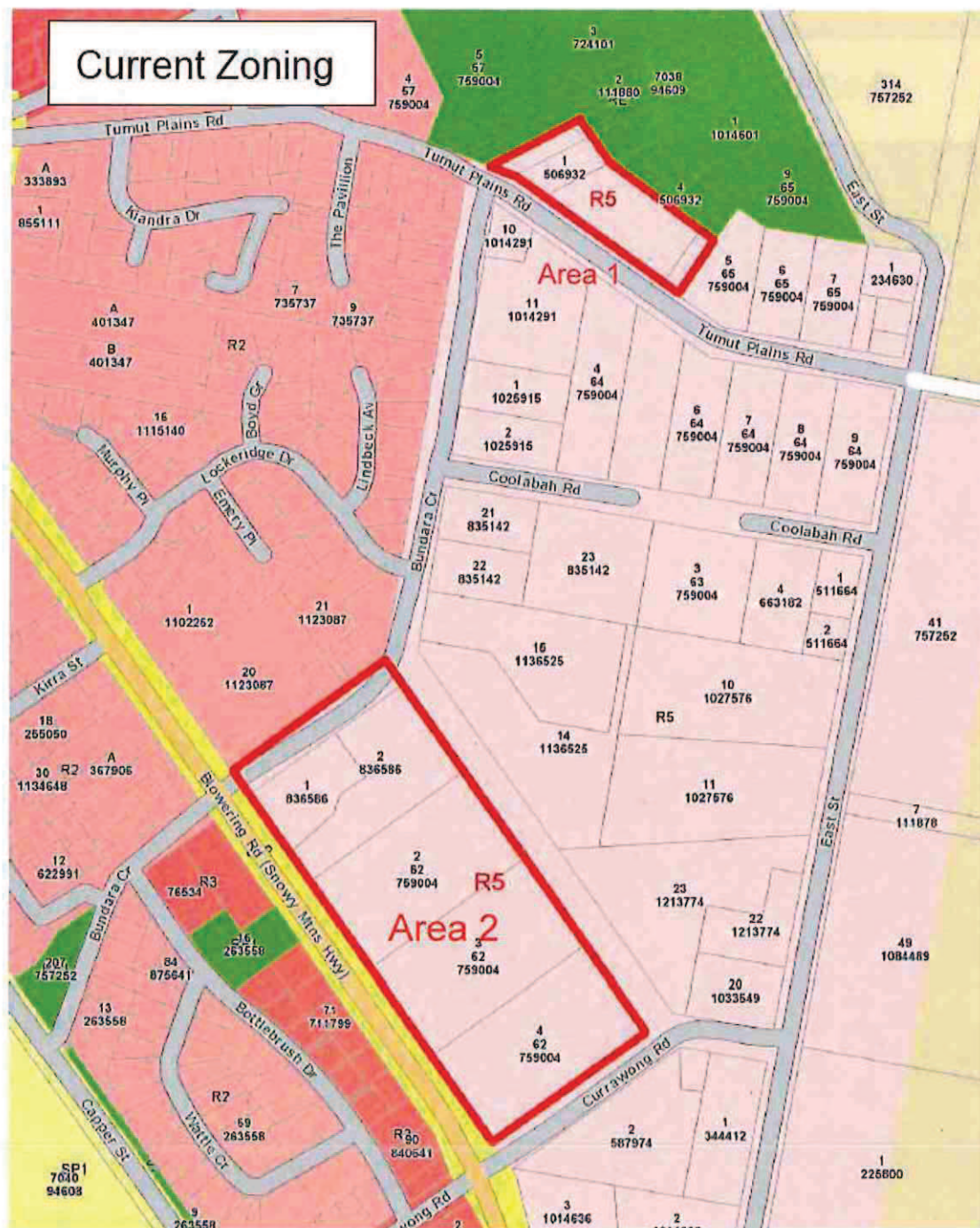
The Planning proposal will impact seven allotments which can be separated into two general areas as shown in the aerial map below;

1. Area 1- consists of Lots 1 and 3 DP 506932, 22-34 Tumut Plains Road, Tumut. The total area of the two lots is approximately 1 ha. The lots have direct frontage to Tumut Plains Road to the south and a Crown road reserve to the west. Both lots contain existing dwellings; associated outbuildings.
2. Area 2 - consists of Lots 1 and 2 DP 836586 and Lots 2, 3 and 4 Section 62 DP 759004 24-88 Blowering Road, Tumut. The total area of the five lots is approximately 7.3 ha. All lots have direct frontage to Blowering Road to the south. Lots 1 and 2 DP 836586 have frontage to Bundara Crescent to the north-west and Lot 4 Section 62 DP 759004 has frontage to Currawong Road to the south east. A Crown road reserve runs along the rear of all lots. Lots 1 and 2 DP 836586 and Lots 2 and 4 Section 62 DP 759004 contain existing dwellings, associated outbuildings and are residential in nature.



Surrounding Area

The two areas are located on the edge of an existing R5 Large Lot Residential area adjacent to an existing R2 Low Density Residential area. An existing R3 Medium Density Residential area is located south west from the southern area. The below map identifies the sites, existing and surrounding zones.



Summary of Recommendation

It is recommended that the Planning Proposal proceed subject to the following conditions:

- Community consultation is required for a minimum of 28 days.
- A public hearing is not required to be held into the matter.
- The timeframe for completing the LEP is to be 12 months.

PROPOSAL

Objectives or Intended Outcomes

The objectives of the proposal are to rezone land in the town of Tumut from R5 Large Lot Residential to R2 Low Density Residential and change the minimum lot size from 5,000m² to 600m².

The intended outcome of the planning proposal has been clearly explained.

Explanation of Provisions

The amended planning proposal will:

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 m2 to 600 m2.

The intended outcome of the planning proposal has been explained.

Mapping

The mapping is adequate for public exhibition.

Final Maps consistent with the Department's Technical Guidelines will need to be prepared prior to finalising the LEP.

NEED FOR THE PLANNING PROPOSAL

As identified in the additional background information, the areas were subject to a previous planning proposal which was supported by the Department and subsequently altered as per the request made by Council. The rezoning requests form part of the Tumut Shire Growth Strategy 2013-2023 which has been endorsed by the Department.

A planning proposal to rezone the identified sites and change the minimum lot sizes is the best means to achieve the desired outcome.

STRATEGIC ASSESSMENT

Riverina-Murray Regional Plan

The planning proposal is consistent with Directions 22, 25 and 26 of the Riverina Murray Regional Plan 2036.

- Direction 22: Promote the growth of regional cities and local centres
- Direction 25: Build housing capacity to meet demand
- Direction 26: Provide greater housing choice

The planning proposal promotes the growth of the town of Tumut and is consistent with the Tumut Growth Strategy 2013-2036 (endorsed by DPE on 7 August 2014) which demonstrates the demand for housing and provides for greater housing choices.

Local

The planning proposal is consistent with the Tumut Shire Growth Strategy 2013-2036, Section 10 Potential Growth Areas (as per the below map extract), which was endorsed by the Department on the 7 August 2014.

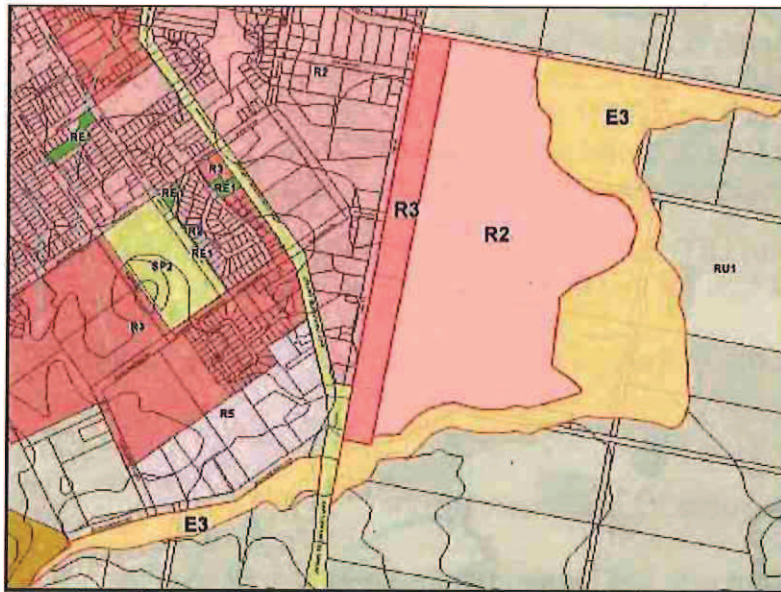


Figure 10: Draft Concept Zoning Plan – Tumut South East Investigation Area
(Source: TSC)

The R2 and R3 residential zones are to have 600 m² and 225 m² minimum lot sizes respectively and the E3 zone to retain the current 30 ha and 150 ha lot sizes. The entire area is to be designated an Urban Land Release Area. The E3 Land Use Table is to ensure that existing agricultural uses remain permissible.

Section 117(2) Ministerial Directions

3.1 Residential Zones

Section 117 Direction 3.1 Residential Zones applies as the site is located in an existing residential zone which is proposed to be altered to allow additional residential development. The planning proposal states that the Tumut Growth Strategy (endorsed by the Department) supports the rezoning of the subject sites.

Comment: The Tumut Growth Strategy identified that the sites (amongst others) should be rezoned from R5 to R2. The Tumut Growth Strategy was endorsed by the Department on the 7 August 2014 and the site was part of a previous Gateway determination issued by the Department.

Recommendation: That the Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

3.4 Integrating Land Use and Transport

The planning proposal does not identify Section 117 Direction 3.4 Integrating Land Use and Transport. However, Section 117 Direction 3.4 Integrating Land Use and Transport does apply to the planning proposal as it will alter a zone relating to urban land.

Comment: The subject sites will utilise existing road networks. The design of future subdivisions will ensure adequate access is provided to all proposed residential development.

Recommendation: That the Secretary's delegate can be satisfied that the PP is consistent with the Direction.

5.10 Implementation of Regional Plans

The planning proposal states that the proposal is consistent with the applicable Riverina Murray Regional Plan 2036. As discussed previously, the view is supported.

Recommendation: That the Secretary's delegate can be satisfied that the planning proposal is consistent with the Direction.

State Environmental Planning Policies

There are no SEPPs that apply to the planning proposal.

SITE SPECIFIC ASSESSMENT

Environmental, Social and Economic impacts

The planning proposal does not present any significant environmental, social or economic impacts. The planning proposal intends to rezone R5 Large Lot Residential land to R2 Low Density Residential land in accordance with an endorsed land use strategy.

It is considered that the public consultation period of 28 days is an appropriate timeframe to address any potential social impacts that arise. Additionally, it has been made clear by Council that the planning proposal and previous alterations to Amendment No. 3 have appropriately responded to the concerns/submissions made by the local land owners.

The planning proposal intends to rezone R5 Large Lot Residential land to R2 Low Density Residential land. It is considered that there will be minimal impacts on significant environmental areas.

CONSULTATION

Community

Council has advised that the planning proposal is to be publicly exhibited for 28 days. Notification of the planning proposal will be undertaken by the following means:

- a notice in the local newspaper(s);
- placement of the planning proposal in Council's customer service areas;
- posting on Council's website; and
- written notification to landowners adjacent to identified sites.

Agencies

Council has not proposed any consultation with any agencies.

TIMEFRAME

Council has prepared a six month project timeframe to complete the rezoning process. Given the nature of the planning proposal a twelve month timeframe is considered to be appropriate.

DELEGATION

Council has requested Council Officer Delegation to prepare the draft LEP under Section 59 of the Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.

Due to the minor nature of the planning proposal, it is considered appropriate that delegations are given to Council.

CONCLUSION

- Preparation of the planning proposal is supported to proceed with conditions.
- The planning proposal addresses the Department's 'A guide to preparing planning proposals'.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

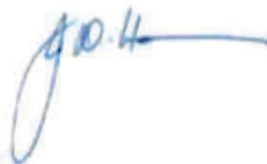
1. Agree that the planning proposal is consistent with Section 117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans.

It is recommended that the delegate of the Minister for Planning, 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. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
3. No consultation is required with public authorities/organisations under section 56(2)(d) of the Act.



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18/12/17



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21/12/2017

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