



Tumut Shire
COUNCIL

PLANNING PROPOSAL

Reclassification of Community Land (Lot 1, DP 361209 and Lot 1 DP1163661) to Operational Land and Rezoning of Lot 1, DP 409950 from RU1 to RU5.

PLANNING PROPOSAL

This planning proposal is for both the reclassification of community land to operational land (Lot 1 DP 361209 and Lot 1 DP1163661), and also, the rezoning of certain land (Lot 1 DP 409950) from RU1 Primary Production zone to RU5 Village zone under *Tumut Local Environmental Plan 2012*.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The planning proposal in this instance seeks to undertake the specific planning amendments as set out below:

Item 1(a): Lynch Street Adelong: To reclassify lot 1, DP 361209, a former reservoir site, from Community to Operational land to enable its disposal (together with lot 1, DP 409950) to an adjoining landowner.

Item 1(b): Lynch Street Adelong: To rezone lot 1, DP 409950 from RU1 to RU5 to enable its disposal (together with lot 1, DP 361209)

Item 2: Capper Street Tumut: To reclassify lot 1, DP 1163661 from Community to Operational land.

PART 2 – EXPLANATION OF THE PROVISIONS.

Items 1(a) and (b).

Lot 1, DP 361209 and Lot 1, DP 409950 together comprised the former Adelong Reservoir site. The reservoir structure is located on Lot 1, DP 361209, while decommissioned water pipes and associated infrastructure are located on Lot 1, DP 409950.

When, in accordance with Sections 25 and 26 of the *Local Government Act, 1993*, Council previously resolved to classify its public lands on 21st June, 1994, only Lot 1, DP 409950 of the 2 reservoir lots was classified as operational. Accordingly, Lot 1 DP 361209 has defaulted to 'community status' and needs to be reclassified.

In *Tumut LEP 1990*, Lot 1 DP 361209 was zoned 2(v) (Residential (Village or Township) while Lot 1, DP 409950 was zoned 1(a) (Rural Zone).

Both lots should have been zoned 2(v) and classified Operational as they were the site of village infrastructure. This error was not rectified in the recently made *Tumut LEP 2012*.

This proposal seeks to rectify the previous error in classification and zoning to enable disposal of the former reservoir site to an adjoining land owner.

Item 2.

Lot 1, DP 1163661 in Capper Street, Tumut was acquired by Council from the then State Forests in 1999 for the purpose of an "Interpretive Centre" and, as required by the Local Government Act 1993, Council resolved to classify the land as "Community Land" at its Ordinary Meeting held on 15th June, 1999

Although initial investigations were carried out regarding the possible erection of an Interpretive Centre, no budget was provided and no further action was taken.

In a recent review of Council owned land, this site was identified as surplus to requirements. At its Ordinary Meeting held on 24th September, 2013, Council resolved to retain the land pending further review but to reclassify it as Operational in the meantime.

Council is aware that the acquisition of the land from State Forests may have created a Statutory Trust and that the opinion of the Forest Corporation needs to be obtained.

The reclassification will require an amendment to the Tumut LEP 2012 by including the following in Part 1 of Schedule 4.

Column 1. Locality

Column 2. Description

Lynch Street, Adelong

Lot 1, DP 361209

and the following in Part 2 of Schedule 4:

Capper Street, Tumut

Lot 1, DP 1163661

Item 1 includes both reclassification and rezoning, which will require a change to the Lot Zoning map (LZN 001B). Lot 1, DP 409950 is to be rezoned from RU1 to RU5. The Lot Size Map for Lot 1, DP 409950 will also be amended (L.SZ 001B) to change the minimum lot size from 150ha to 225m².

PART 3 – JUSTIFICATION.

Section A – Need for the Planning Proposal.

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

Item 1: No. Item 1 of the planning proposal is the result of a review of Council land and the proposal seeks to rectify errors made in the classification and zoning of the former Adelong Reservoir site.

Item 2: No. Item 2 was identified in the same review and the proposal is to reclassify this R2 Low Density Residential zoned parcel to enable consideration of development or disposal options.

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

Item 1: Yes. The reclassification and rezoning of the site is the only way that the former reservoir site can be disposed of as an entire parcel.

Item 2: Yes. Although the site is already zoned R2, it must be reclassified for development to occur.

Is there a net community benefit?

Yes. Both sites are surplus to Council requirements and their disposal will enable funds to be allocated to community purposes. Funds from the sale of Item 1 have been allocated for embellishment of the new Adelong Swimming Pool. Item 2 is being retained for the time being.

Section B – Relationship to Strategic Planning framework.

3. Is the planning proposal consistent with applicable regional or sub-regional strategy?

There are no applicable regional or sub-regional strategies applying to the Tumut LGA.

4. Is the planning proposal consistent with the Council's Community Strategic Plan or other local strategic plan?

All elements of the Planning Proposal are consistent with the Tumut Shire Community Plan 2010 – 2020 and the Tumut Shire Growth Strategy 2013 – 2033.

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

The planning proposal is consistent with applicable State Environmental Planning policies.

Site inspections, aerial photographs and Council records indicate that the sites have not contained any activities that may cause contamination within Table 1 of the Contaminated Lands Planning Guidelines. For the purposes of Clause 7 of SEPP 55, Council is satisfied that the sites are not contaminated and are suitable for the intended uses.

6. Is the Planning Proposal consistent with applicable S.117 directions?

Local Directions 1.2 and 1.5 are relevant.

Direction 1.2 applies to Item 1 as land zoned RU1 is proposed to be rezoned RU5. However, it is Council's opinion that as the land affected has an area of

only 2,867 m² and immediately adjoins the village of Adelong, the rezoning is of minor significance.

Direction 1.5 is also relevant to Item 1 in that the lot size map for Lot 1, DP 409950 will be amended to reduce the minimum lot size from 150 ha to 225m². This is a minor change appropriate to the proposed RU5 zone.

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.

Both lots within Item 1 are populated with open vegetation and have been significantly disturbed by the construction of (now decommissioned) water supply infrastructure. There are no known threatened species in the locality and any future use of the site for residential purposes is unlikely to have any significant effect.

The land within Item 2 is cleared and has been used for grazing for many years. There are no known threatened species on or adjacent to the site.

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

There are no other known environmental effects that could arise from the planning proposal.

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

The rezoning and reclassification proposed for Item 1 is unlikely to have any social and economic effects beyond the proceeds of the sale being directed to the embellishment of the new Adelong Swimming Pool.

The future use of the reclassified Item 2 has not yet been determined but any effect is likely to be minor.

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

Yes. All relevant urban infrastructure is available to both sites.

11. What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?

No State or Commonwealth authorities have been consulted at this stage. If any consultation is required, it will be included as a requirement of the gateway determination.

PART 4 – COMMUNITY CONSULTATION.

Council intends to conduct a public hearing in relation to the reclassification of Item 1(a) (Lot 1, DP 361209) and Item 2 (Lot 1, DP 1163661) after exhibition of the Planning Proposal. This is in accordance with both the Local Government Act 1993 and the consultation requirements of the Department of Planning and Infrastructure.

ADDITIONAL INFORMATION

Annexure A addresses the Director-General's requirements for the reclassification of public land.

Annexure B is the Council report and resolution for the Adelong site.

Annexure C is the Council report and resolution for the Tumut site.

The following map attachments have been provided:

- A Adelong Site Identification**
- B Adelong Lot Size**
- C Adelong Land Zoning**
- D Adelong Aerial**
- E Tumut Site Identification**
- F Tumut Aerial**
