

Mate Street, Black Range Road, Murrays Crossing Road and Emerson Street Precincts

Proposal Title : **Mate Street, Black Range Road, Murrays Crossing Road and Emerson Street Precincts**

Proposal Summary : It is proposed to amend the minimum lot size for 3 separate precincts and rezone 1 parcel of land under Tumbarumba LEP 2010 in the following ways:

- 1) Precinct 1, Mate St - vary the minimum lot size (MLS) from 160ha to 2ha for land within the E3 Environmental Management Zone.
- 2) Precinct 2, Black Range Rd - vary the MLS from 40ha to 8ha for certain land within the RU1 Primary Production Zone.
- 3) Precinct 3, Murrays Crossing Rd - vary the MLS from 40ha to 8ha for certain land within the RU1 Primary Production Zone.
- 4) Precinct 4, Emerson St - rezone certain land from RU4 Primary Production Small Lots to R1 General Residential with a MLS of 450 square metres.

PP Number : **PP_2011_TUMBA_001_00** Dop File No : **11/13956-2**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
3.1 Residential Zones**

Additional Information : **It is recommended that the proposal proceed through the Gateway with the following changes and recommendations:**

Precinct 1 Mate Street:

1) The proposal as submitted cannot be supported as it is inconsistent with s117 Directions 1.5 Rural Lands and 2.1 Environmental Protection Zones. In its current form it fragments rural lands; does not respect the natural and physical constraints of the site nor react to them for dwelling opportunities; and significantly reduces the minimum lot size standard. These proposed changes have not been justified through a strategy endorsed by the Director General, or a study prepared by Council. The proposal is also not considered to be of minor significance creating a potential for about an additional 10 lots and dwellings spread across this significant scenic backdrop to the township of Tumbarumba.

2) It is recommended that the Gateway request Council to apply a 5ha minimum lot size for the steeper slopes and that it would also support Council considering Lot 2 DP 502257 (3.7ha) on the ridge crest for R5 Large Lot Residential Zoning similar to the R5 Zoned lands adjoining to the south. These changes could be considered to be consistent with the s117 Directions and for any inconsistencies the Director General could be satisfied they are of minor significance.

Precinct 2 Black Range Road

3) The proposal to reduce the minimum lot size from 40ha to 8ha is inconsistent with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands, however, the Director General can be satisfied that the inconsistency is of minor significance as it will only result in an additional 3 lots and dwellings. If Council determines that this number is higher then it will need to justify the proposal against the s117 Directions 1.2 and 1.5.

Precinct 3 Murrays Crossing Road

4) The proposal as submitted is inconsistent with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands because it creates about an additional 15 lots and is not consistent with the Rural Subdivision Principles of State Environmental Planning Policy (Rural Lands) 2008 in

that it fragments agricultural lands; could lead to land use conflict; does not consider existing agricultural holdings; and does not appropriately consider or respond to the natural physical constraints and opportunities of the land. This inconsistency has not been justified by a strategy endorsed by the Director General or a study prepared by Council. It is not of minor significance.

5) It is recommended that the land to the south east of Murrays Crossing Road be deleted. The Director General could then be satisfied that any inconsistency would be of minor significance as it would represent the current subdivision pattern and only result in about an additional 2 lots.

6) It is also recommended that the Council be requested to reconsider the selected minimum lot size for this land. The proposed 8 ha minimum lot size may not support the erection of a dwelling on any lots below 7.2ha, as clause 4.6 of the Tumbarumba LEP 2010 only supports a variation of up to 10% from the standard and it is noted that the majority of lots in this vicinity are about 6ha. A minimum lot size of 6ha may be more appropriate and would be supported.

Precinct 4 Emerson Street

7) The proposal for a residential rezoning at Emerson Street is inconsistent with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands as it rezones rural land to residential. The proposal is generally consistent with s117 Direction 3.1 Residential Zones. However, it is inconsistent in proposing residential development on the urban fringe. The Director General can be satisfied that these inconsistencies are of minor significance as the area is only 2ha, is serviced with water and sewer, adjoins other residential zones and is a logical expansion of the town.

The following additional conditions are also recommended:

8) Council may wish to prepare a strategy to justify the inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands for that area deleted from this proposal south east of Murrays Crossing Road. However, the strategy should not necessarily be limited to that land and could investigate other lands that may provide similar opportunities. This may be best dealt with in a separate Planning Proposal at a later date rather than delay the other aspects of this proposal that are supported. In addition if this strategy outcome is pursued then the Director General's endorsement should be sought to overcome any inconsistencies with s117 Directions.

9) Council is to prepare amended map sheets for the Tumbarumba LEP 2010 prior to the exhibition of the draft Planning Proposal including the following maps:

- a) Land Zoning Map; and
- b) Lot Size Map.

10) The Council is to submit the amended map sheets to the Regional Director Southern Region of the Department for endorsement before Council exhibits the Planning Proposal.

11) The Planning Proposal is to be exhibited for a minimum of 28 days.

12) Consultation is required with the identified public authorities, being:
Catchment Management Authority - Murray
Office of Environment and Heritage
Department of Trade and Investment, Regional Infrastructure and Services (Primary Industries Agriculture)
Transport for NSW (Roads and Maritime Services)

13) The timeframe for the completion of the LEP is 9 months.

Supporting Reasons :

There is no strategic justification to support certain land identified in this Planning Proposal. These lands have the potential to provide a viable agricultural activity into the future which should be recognised and protected.

Minimum lot sizes chosen for environmental protection land forming a scenic backdrop to town require review to reduce development intensity in inappropriate locations.

Panel Recommendation

Recommendation Date : **22-Sep-2011**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to provide further justification for the proposed 2ha minimum lot size for land at Precinct 1, and how the expected lot yield from the land ensures the scenic and visual qualities are protected.
 2. In regards to Precinct 3, the inclusion of land to the South East of Murrays Crossing Road in the planning proposal is not supported and is to be removed from the proposal. Council is to consult the Regional Director, Southern Region, to clarify the extent of the land to be removed from the planning proposal.
 3. Council is to ensure that all mapping included with the planning proposal is prepared in accordance with the Department's Standard Technical Requirements for LEP Maps.
 4. Council is to include existing and proposed Lot Size Maps for Precinct 1-3 with the planning proposal for exhibition purposes.
 5. Council is to submit the amended map sheets to the Regional Director of the Department's Southern Regional Office prior to the commencement of community consultation.
 6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
 7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Murray
 - Office of Environment and Heritage
 - Department of Industry & Investment (Agriculture)
 - Roads and Traffic Authority
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 9. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Mate Street, Black Range Road, Murrays Crossing Road and Emerson Street Precincts

Signature:



Printed Name:

Neil McEaffin

Date:

28.9.11