PWG000723

PO Box 61 Tumbarumba NSW 2653
Phone: 02 6948 9100 Fax: 02 6948 2865
Email: mail@tumbashire.nsw.gov.au
Web: www.tumbashire.nsw.gov.au
ABN 95 644 350 020

Tumbarumba
SHIRE COUNCIL
Experience the Magic

11/13956

File No.
TRIM Ref:

Contact: Russell Boyd

Wednesday, 17 August 2011

Department of Planning
RECEIVED
22 AUG 2011
Southern Region

Mr Luke Musgrave
Regional Director
Department of Planning and Infrastructure
PO Box 5475
Wollongong NSW 2525

Dear Sir/ Madam

Subject: Tumbarumba Shire Council Planning Proposal

Please find enclosed a copy of the amended Planning Proposal with the map references amended as per your email queries on the 11/8/11.

Should you have any queries or require clarification on any part of the Planning Proposal I can be contacted on 6948 9116 during normal business hours.

Yours faithfully

Russell Boyd
Director Environmental Services

snowy valleys way

PLANNING PROPOSAL AMENDMENTS TO TUMBARUMBA LOCAL ENVIRONMENTAL PLAN 2010

Prepared for
Tumbarumba Shire Council

Building and Environmental Services Today
26 Goulburn Street
JUNEE NSW 2663

Ph: (02) 6924 3986
ABN 11 489 259 978

CONTENTS

Executive Summary 4
1 Introduction 5
1.1 Precinct 1 - Mate Street Tumbarumba Township 5
1.2 Precinct 2 - Black Range Road and Batlow Road 5
1.3 Precinct 3 - Murray Crossing Road 9
1.4 Precinct 4 - Emerson Street Tumbarumba 9
2 Statement of Objectives or Intended Outcomes 9
3 Explanation of Provisions 12
4 Justification of the Proposal 12
4.1 Need for the Planning Proposal 13
4.2 Relationship to the Strategic Planning Framework 14
4.2.1 Tumbarumba Shire Council Residential Housing Strategy – June 2006 15
4.2.2 Tumbarumba Shire Rural Lands Settlement Strategy - February 2007 15
4.3 Statutory Planning context 16
4.3.1 Tumbarumba Local Environmental Plan 2010 16
4.3.2 State Environmental Planning Policies (SEPPs) 17
4.3.3 Regional Environmental Plans 21
4.3.4 Draft Local Environmental Plans 22
4.3.5 Development Control Plans 22
4.3.6 Ministerial Directions under Section 117(2) 22
5 Social, Economic and Environmental Impacts 24
5.2 Social impacts 24
5.3 Economic impacts 25
5.4 Environmental impacts 25
6 State and Commonwealth interests 26
7 Consultation 27
8 Benefits of the proposal 27
Appendices 29
Appendix 1 Precinct 1 Mate Street Lot Size Map 30
Appendix 2 Precinct 2 Black Range and Batlow Road Lot Size Map 31
Appendix 3 Precinct 3 Murray Crossing Road Lot Size Map 32
Appendix 4 Precinct 4 Emerson Street Land Zoning Map 33

REPORT ISSUE AUTHORISATION

Project: Planning Proposal Amendments to Tumbarumba Local Environmental Plan 2010
At: Various lands in Tumbarumba Shire
Client: Tumbarumba Shire Council

Version	Date	Status	Prepared	Authorised
Issue A	13 April 2011	Draft Version 1	DO	
Issue A	18 April 2011	Draft Version 2	DO	
Issue A	5 May 2011	Draft Version 3	DO	
Issue A	17 May 2011	Draft Final Version 4	DO	
Issue A	24/25 May 2011	Draft Final Version 5	DO	
Issue A	29 June 2011	Revised Version 1	DO	

This report caters specifically for the requirements for this project and this client. No warranty is intended or implied for use by any third party and no responsibility is undertaken to any third party for any material contained herein.

Written by:

Neil Smith
Bach App. Sc. (Env. Health), M.A.I.B.S., M.E.H.A., J.P.

Executive Summary

The Planning Proposal has been prepared by Building Environment Services Today (BEST) for Tumbarumba Shire Council.

The Planning Proposal outlines the intended effect of a number of site specific amendments to adjust the operation of the *Tumbarumba Local Environmental Plan 2010* on certain land within the Shire.

These amendments seek to:

- vary the minimum lot size from 160ha to 2ha for land within the *E3 Environmental Management Zone* between Mate Street & Chaffey Close in Tumbarumba Township
- vary the minimum lot size from 40ha to 8ha for certain land located within the *RU1 Primary Production Zone* in the vicinity of Black Range Road, Bogong Road & Batlow Road
- vary the minimum lot size from 40ha to 8ha for certain land within the *RU1 Primary Production Zone* located within the vicinity of Murray Crossing Road, and
- rezone specific land in Emerson Street Tumbarumba from *RU4 Rural Smallholdings Zone to R1 General Residential Zone.*

This proposal has been prepared in accordance with the NSW Department of Planning Guideline *"A guide to preparing planning proposals"* dated June 2009.

The purpose of the Planning Proposal is to provide:

- a written and graphical description of the Planning Proposal including the objectives and intended outcomes of the proposal
- a review of local, state and regional planning provisions relevant to the Planning Proposal, including an assessment of whether the proposal is inconsistent with any of these provisions
- a summary of previous investigations identifying key issues to be addressed in the Planning Proposal, and
- to respond to those matters previously identified by the NSW Department of Planning to Council on 11 July 2010.

1 Introduction

The Planning Proposal aims to:

- permit the variation to minimum lot sizes contained within the *Tumbarumba Local Environmental Plan 2010 (TLEP 2010)* for certain land, and
- permit minor alterations to zone boundaries within the Tumbarumba township

The proposed variations to the TLEP 2010 are summarised in **Table 1.** These are referred to as separate Precincts.

Table 1: Summary of variations to TLEP 2010

Precinct Reference	Location	Zoning	Applicable minimum lot size standards	Proposed variation
1	Mate Street Tumbarumba Township	E3	160ha	**2ha**
2	Black Range Road and Batlow Road	RU1	40ha	8ha
3	Murray Crossing Road	RU1	40ha	8ha
4	Emerson Street Tumbarumba Township	RU4	n/a	Rezone to R1

This project proposal consists of four specific alterations and changes to the TLEP 2010.

Each component of the Planning Proposal is summarised separately below.

1.1 Precinct 1 - Mate Street Tumbarumba Township

This includes that land currently within the *E3 Environmental Management Zone* located to the immediate west of the Tumbarumba Township **(Figure 1)**

The land partially abuts existing residential land zoned R1-General Residential, under the Tumbarumba Local Environmental Plan 2010 in Albury Street, Chaffey Close and Mate Street. The land also abuts land zoned R5 Large Lot residential on the remaining adjoining land.

The land is generally bounded to the east by Mate Street, to the south Albury Street and extends to the west to Boundary Road and Chaffey Close. This proposal affects 9 parcels of land.

The aim is to reduce the current minimum lot size of 160ha that applies to this land. Council is of the view that a 2ha minimum lot size is more appropriate for this land.

1.2 Precinct 2 - Black Range Road and Batlow Road

This includes that land currently within the *RU1 Primary Production Zone* located to the north of the Tumbarumba Township. **(Figure 2)**

This land is generally bounded to the north by Hilltop Road, to the west by Black Range Road, to the south by the Batlow Road and to the east by Hill Top Road. This proposal affects 37 parcels of land. The aim is to reduce the current minimum lot size of 40 ha that applies to this land. Council is of the view that an 8 ha minimum lot size is more appropriate for this land.

Figure 1 – Precinct 1 - Mate Street and Chaffey Close

Figure 2 – Precinct 2 - Black Range and Batlow Road

1.3 Precinct 3 - Murray Crossing Road

This includes that land currently within the *RU1 Primary Production Zone* located to the south of Tumbarumba Township. (Figure 3)

The land generally follows the alignment of Murray Crossing Road south from Tumbarumba Township. The precinct of land is bounded generally to the east by land adjoining Ramsay Road, to the north and west by the Tumbarumba Creek and to the south by McClelland Lane.

This proposal affects 16 parcels of land.

The aim is to reduce the current minimum lot size of 40 ha that applies to this land. Council is of the view that an 8 ha minimum lot size is more appropriate for this land.

1.4 Precinct 4 - Emerson Street Tumbarumba

This includes that land currently within the *RU4 Rural Smallholding Zone* located to the south of Tumbarumba Township **(Figure 4)**

The land is located on the eastern side of Emerson Street and is bounded to the east by William Street (Tooma Road) and Byatt Street to the south. This proposal affects 1 parcel of land.

The aim is to rezone the land from to *R1 General Residential Zone* as the land was by default serviced with reticulated sewerage. Council is of the view that a residential zoning is more appropriate to address this historical servicing anomaly.

2 Statement of Objectives or Intended Outcomes

The objective of the project proposal is to amend the *Tumbarumba Local Environmental Plan 2010* to:

- adjust the minimum lot size applying to certain land within *E3 Environmental Management Zone* and *RU1 Primary Production Zone,* and
- rezone certain land to reflect historical servicing arrangements

The objectives of these changes to the Plan are:

- to expand the choice in rural living options within proximity to Tumbarumba Township
- to permit additional rural living development while retaining locally significant landscapes and without compromising local planning objectives, and
- to apply residential planning controls and standards to reflect the historical extension of reticulated sewerage to certain rural residential land that is adjacent to residential land.

Figure 3 – Precinct 3 - Murray Crossing Road

Figure 4 – Precinct 4 - Emerson Street

3 Explanation of Provisions

The Planning Proposal seeks to amend TLEP 2010 as outlined below:

- amend the Lot Size Map – Sheet LSZ_ 0003A and LSZ_0003B as it applies to the subject land, being (Pt Lot 37, DP 755892, Pt Lot 5 DP 849997, Lot 1 DP 603695, Lot 188 and 189 DP 755892, Lot 13 DP 1083568, Lot 2 DP 502257, Lot 1 DP 818057 and Lot 246 DP 755892) Albury Close, Mate Street and unnamed roads, Tumbarumba from "160 ha" to '2 ha' (in accordance with the proposed Lot Size Map shown in Appendix 1).
- amend the Lot Size Map – Sheet LSZ_0003, LSZ_0003A and LSZ_0003C as it applies to the subject land, being (Lot 43 DP 755892, Lots 126 and 127 DP 755892, Lots 131– 133 DP 755892, Lot 166 DP 755892, Lot 272 DP 755892, Lots 340 – 351 DP 755892, Lot 393 DP 755892, Lots 476 – 478 DP 755892, Lots 500 – 506 DP 755892, Lot 624 DP 755892, Lot 1 and 2 DP 816881, Lot 1 DP 1133189, Lot 3 DP 111860, Lot 7007 DP 1001028, Lot 1 DP 618664) Batlow Road, Black Range Road, Bogong Street, Hilltop Road, Union Jack Road and unnamed roads Tumbarumba from "40 ha" to '8 ha' (in accordance with the proposed Lot Size Map shown in Appendix 2).
- amend the Lot Size Map – Sheet LSZ_0003, LSZ_0003B and LSZ_0003E as it applies to the subject land, being (Lots 27 DP 755892, Lot 91 DP 755892, Lot 97 DP 755892, Lot 99 DP 755892, Lot 253 DP 755892, Lot 443 to 445 DP 755892,Lot 564 DP 755892, Lots 1 and 3 DP 516703,, Lots A and B DP 382268, Lot 2 DP 819786, Lots 1 and 3 DP 1140658) Murray Crossing Road, Ramsay Road, McLelland Lane, Doughty Lane and unnamed roads, Tumbarumba from "40 ha" to '8 ha' (in accordance with the proposed Lot Size Map shown in Appendix 3), and
- amend the Land Zoning Map – Sheet No LSZ_0003B as it applies to the subject land, being (Lot 5 DP 259502) from 'RU4 Rural Smallholdings Zone' to 'R1 General Residential Zone' Emerson Street, Tumbarumba (in accordance with the proposed Land Zoning Map shown in Appendix 4)

4 Justification of the Proposal

As outlined in Part 3 of *A guide to preparing planning proposals* the level of justification should be proportionate to the impact the planning proposal will have.

Table 2, 3 and 4 provide a preliminary assessment of the potential englobo development yields for each component of the Planning Proposal.

Table 2 Preliminary assessment expected development yields minimum lot size changes (2ha)

Component of Planning Proposal	No of existing lots greater than 2 ha	No of existing lots less than 2ha	Expected additional new lots
Precinct 1 Mate Street	7	2	10

From Table 2 the potential development yield will be approximately **ten (10) new allotments/dwellings** within the Mate Street precinct.

Table 3 Preliminary assessment expected development yields minimum lot size changes (8ha)

Component of Planning Proposal	No of existing lots greater than 8ha	No of existing lots less than 8ha	Expected additional new lots
Precinct 2 Black Range and Batlow Road	5	32	5
Precinct 3 Murray Crossing Road	10	6	15

From Table 3 the potential development yield will be approximately **two (2) new allotments/dwellings** within the Black Range and Batlow Road precinct and **fifteen (15) new allotments/dwellings** within the Murray Crossing Road precinct.

Table 4 Preliminary assessment expected development yield rezoning R1 General Residential

Component of Planning Proposal	Total area of land to be rezoned (m2 approx)	No of existing allotments	Expected additional new lots
Emerson Street	20,094m2	3	41

From Table 4 the potential for additional development from the rezoning will only affect 3 existing allotments. The total future development in this area will be determined by the capacity of existing sewerage and other services.

As noted in the guide

in some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

The Planning Proposal **identifies where studies and investigations** are considered necessary to justify specific outcomes of the Planning Proposal.

The following section outlines the justification of the Planning Proposal.

4.1 Need for the Planning Proposal

Consistent with *A guide to preparing planning proposals* the following are those responses to key questions for the need for the Planning Proposal

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

Precincts 1 to 3 of the Planning Proposal are the result of previous strategies prepared by Council. Council has recently completed the review of the previous *Tumbarumba Local Environmental Plan 1988.* This review provided the basis for implementing a range of land use recommendations associated with housing and rural residential development within the Shire. This review also provided strategy recommendations to enable it to undertake further investigation into housing choice and rural lifestyle options within the Shire.

Precinct 4 of the Planning Proposal is not the result of a strategic study or report as Council only seeks to undertake minor zone boundary adjustments to correct an existing servicing anomaly

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

Council has resolved not to seek to alter current land use zonings within Precinct 1 to 3 and to reconsider the options for rural lifestyle provisions through altering minimum lot sizes.

For Precinct 4 the proposed R1 zone extension in Emerson Street this is considered to be the most logical approach.

In terms of alternatives there is no scope within the Standard Instrument to effect rural lifestyle objectives considered suitable for Precinct 1 to 3 in Tumbarumba Shire.

The previous provisions permitting development within close proximity to zone boundaries as existed within the previous 1988 LEP no longer apply under the Standard Instrument.

Is there a net community benefit?

The Planning Proposal is consistent with broader local community strategic directions and will provide a net community benefit.

4.2 Relationship to the Strategic Planning Framework

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Precincts 1 to 3 of the Planning Proposal are directly related to the development of the strategic land use planning framework for Tumbarumba Shire.

This framework, is based around Council's ongoing response to local community changes and commenced with the development of the Community Strategic Plan entitled "Sustaining the Magic" in July 2002

The community plan identified a core strategy that identified the need to review the current planning controls for land use within the Shire.

This core strategy and key features of this strategy are listed below:

- *Tumbarumba will sustain the magic through the retention and enhancement of its caring, proactive community culture.*
- *The viability and further expansion of existing services, including schools, health and medical facilities, will be assured as population growth generated by industrial development results in new families settling in the area.*
- *Infrastructure to support the community and the expansion of existing and new industries must be funded and established.*

- *Housing stock in the town must be improved in order that the expectations of those seeking to move to the area are met.*
- *Roads on key routes will require upgrading to improve safety and to cope with the anticipated 100% increase in freight volumes.*
- *Telecommunications will be enhanced to facilitate wide area coverage for mobile telephones, improved television reception and greatly improved internet speed.*
- *The ongoing sustainability of the area and key industries within it will be assured through the pursuit of environmentally responsible policies and practice.*

This strategic plan set the direction for a number of ongoing investigations and actions by Council and key community and agency stakeholders since 2002 including the review of the Tumbarumba Local Environmental Plan 1988.

Two strategies are of particular relevance to the Planning Proposal. These are discussed below.

4.2.1 Tumbarumba Shire Council Residential Housing Strategy – June 2006

The broad aims of this Strategy were to identify the key existing housing and future housing demands within the Shire.

The Strategy specifically identifies:

The demand for housing highlights the need, over the short to long term, to provide a range of housing options to meet the varying needs of the dynamic population group, while appropriately catering for the changing demographics and related lifestyle choices of residents, and putting in place support measures for older members of the community.

The Strategy found in particular demand for rural lifestyle options including rural residential. This Strategy provides a strategic framework in which to enable consideration of further rural settlement options.

4.2.2 Tumbarumba Shire Rural Lands Settlement Strategy - February 2007

The two broad aims of this Rural Settlement Strategy were:

- *Develop a practical strategy that provides direction for existing and future rural settlement*
- *Provide planning controls that support the strategy and can be incorporated within Tumbarumba Local Environmental Plan review.*

Emphasis in the strategy was to create a positive atmosphere for future housing and economic development taking into account:

- *the economic viability of ensuring a rationalisation of infrastructure needs*
- *environmental considerations - adopting an approach that eliminates concessional lots - reinforcing existing development patterns.*

This strategy also examined a range of rural land use issues including the opportunities for closer rural settlement. Significantly this strategy examined the options for rural residential development within close proximity to a number of existing villages and towns.

The Strategy specifically examined rural lot sizes across the Council area and **Table 4** is extracted from that Strategy relating to the 40 and 160ha minimum rural lot sizes across the Shire.

Table 4 Range of existing rural lot sizes

Minimum Lot Size (ha)	Existing Lots Less than Minimum Size	% of total	Existing Lots Greater than Minimum Size	% of total
40	2258	63	1300	37
160	6425	96	252	4

Table 4 clearly indicates that in 2007 there was substantial number of existing lots below 40 ha and 160ha minimum lot size.

The Strategy provided the following suggestions to Council for minimum lot sizes within rural areas:

- *40 hectares in the more northern and eastern section of the shire*
- *40 hectares where ever irrigation is available and also along the land with higher rural capability along the river*
- *160 hectares in the lower section of the shire "lower slopes"*
- *160 hectares in the Australian Alps Bioregion (identified as more marginal land)*

However despite prescribing minimum lot sizes that are now reflected in the current TLEP 2010 the Strategy went further to state:

It is considered that future prescribed rural lot sizes that will attract dwelling permits ***could vary from location to location within the shire***

Council's view is that the Strategy provided further opportunity to revisit rural settlement options.

Council also considers that consistent with the outcomes of this Strategy there is potential for investigating changes to minimum rural lot sizes. Council has adopted the key principle of the Strategy recommendation that this review only extends to specific precincts of the Shire. In the Planning Proposal this includes Precinct 1 to 3.

4.3 Statutory Planning context

The following is a summary of the relevant statutory planning controls applying to the Planning Proposal.

4.3.1 Tumbarumba Local Environmental Plan 2010

Tumbarumba Local Environmental Plan 2010 was gazetted on 30 June 2010.

The aims of this Plan are as follows:

(a) *to develop local planning controls that manage human settlement, rural activities and the natural environment in a manner that contributes to the unique quality of Tumbarumba,*

(b) *to encourage development that supports the long term economic viability of the local community,*

(c) *to ensure development is undertaken in a manner that mitigates impacts on the natural environment,*

(d) *to encourage development that promotes positive social outcomes for the local community.*

The current Planning Proposal is consistent with the aims of the Plan.

Of relevance to the Planning Proposal are the objectives of the RU1 Primary Production Zone, E3 Environmental Management Zone and the R1 General Residential Zone.

Table 5 examines the consistency of the components of the Planning Proposal to these zone objectives.

4.3.2 State Environmental Planning Policies (SEPPs)

Is the planning proposal consistent with applicable state environmental planning policies?

The following are relevant SEPPs that apply to the Planning Proposal.

SEPP 55 – Remediation of Land
SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and
(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
(c if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

In accordance with DUAP & the EPA's (1998) Managing Land Contamination Planning Guidelines, Council has undertaken a review of its contaminated lands register and no land within the precincts under consideration were identified as containing contaminated lands.

State Environmental Planning Policy (Rural Lands) 2008
The NSW Department of Planning advised Council in July 2010 that in considering the current Planning Proposals applying to rural lands within the Shire Council will need to consider the principles in *State Environmental Planning Policy (Rural Lands) 2008.*

State Environmental Planning Policy (Rural Lands) 2008 Managing Land Contamination Planning Guidelines, Council has reviewed Councils Contaminated Land Register and no land was identified as being contaminated land.

The Rural Planning Principles include:

- *The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas*
- *Identification and protection of natural resources*

- *The provision of opportunities for rural settlement that contribute to the social and economic welfare of rural communities.*

The Rural Subdivision Principles include:

- *The minimisation of rural land use fragmentation and land use conflicts*
- *The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands*
- *Consideration of natural and physical constraints and opportunities. The Strategy addresses these principles as outlined in the following discussion.*

Council acknowledges the importance of these planning principles that unmanaged residential development in the rural balance of land has lead to a number of issues including:

- The creation of land use conflicts as new residents in the rural areas develop objection to the operational practices of established farms
- The scattering of residential allotments throughout the Shire increases the cost of delivering services and infrastructure
- The creation of isolated communities distant from social networks and essential services such as health, education and supplies of basic household goods is unsustainable

Council is of the view that rural residential living is a preferred lifestyle choice for many. It is a legitimate housing choice and the best outcome is to plan for provision of rural residential lot sizes to meet this demand.

This rationale is based on achieving the following strategic planning outcomes through the Planning Proposal:

- changes to rural lot size to provide for rural residential lifestyle allotments only to occur in those precincts that are easily accessible to towns and villages
- identify precincts that aim to consolidate this type of development within, or immediately adjacent to small-lot rural precincts, and
- the physical form of rural residential lifestyle lots is controlled to enable the connection to services at a time in the future when demand warrants

The application of Council's strategy outlined above is discussed and demonstrated in **Section 5** of the Planning Proposal.

Table 5 Consistency with TLEP 2010 Zone Objectives

Relevant Zone	Zone Objectives	Proposal No (ref Table 1)	Consistency
RU1 Primary Production Zone			
	To encourage sustainable primary industry production by maintaining and enhancing the natural resource base	2 and 3	The Planning Proposal does not reduce the land available for primary production
	To encourage diversity in primary industry enterprises and systems appropriate for the area.	2 and 3	The Planning Proposal does not reduce the options for diversity in primary industry enterprises
	To minimise the fragmentation and alienation of resource lands.	2 and 3	The Planning Proposal is consistent with the surrounding land use pattern and will not increase fragmentation of rural lands
	To minimise conflict between land uses within the zone and land uses within adjoining zones	2 and 3	The Planning Proposal does not alter the land uses permitted within the zone and will not increase the potential for land use conflicts
	To protect and enhance the scenic qualities of rural areas of Tumbarumba in a manner that encourages and promotes tourist orientated development and activities	2 and 3	The Planning Proposal will not impact on the scenic qualities of rural areas
E3 Environmental Management Zone			
	To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	1	This land has been identified as being of aesthetic value since 1988. The Planning Proposal is consistent with the LEP objectives
	To provide for a limited range of development that does not have an adverse effect on those values	1	The Planning Proposal proposes to introduce changes in minimum lot sizes which will require specific controls to ensure that scenic qualities are not diminished.
	To identify land of high conservation value and apply appropriate planning controls	1	The land has been identified as of high scenic quality not high conservation value
	To protect native vegetation and existing landforms for their scenic values and to maintain the unique visual identity of the landscape	1	This land has been identified as being of aesthetic value since 1988. The Planning Proposal is consistent with the LEP objectives

	To recognise and protect conservation reserves and sub-regional linkages to maintain viable ecosystems	1	The land subject to the Planning Proposal has not been identified as a conservation reserve or regional linkage
R1 General Residential Zone			
	To provide for the housing needs of the community	4	The Planning Proposal is consistent with the zone objectives and will facilitate the housing needs within the community
	To provide for a variety of housing types and densities	4	The Planning Proposal is consistent with the zone objectives and does not alter housing types or densities
	To enable other land uses that provides facilities or services to meet the day to day needs of residents.	4	n/a
	To promote orderly, efficient and sustainable development.	4	The Planning Proposal provides for the orderly and economic use of land
	To recognise and protect areas that contains natural and man-made structures, vegetation or areas of architectural, historic or cultural significance.	4	The Planning Proposal will not impact on areas requiring specific protection
	To promote adaptable housing.	4	The Planning Proposal is consistent with the zone objectives
	To recognise and improve residential amenity within Tumbarumba.	4	The Planning Proposal is consistent the zone objectives and will not impact on residential amenity

4.3.3 Regional Environmental Plans

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are no specific Regional Environmental Plans that affect Tumbarumba Shire. The following are the relevant regional strategies and guidelines that impact on rural land use within the Shire.

New South Wales Alpine Region Strategy
Initiated by the New South Wales (NSW) Government the Alpine Region Strategy was devised to provide the community with a focus to guide the management and development of the area over a 25 year period. Implementation of this strategy falls to state and local governments, community groups and the private sector.

The Alpine Region Strategy is not a regulatory planning document but was designed to act as a catalyst and framework for public and private sector decision makers involved in planning, economic development and environmental management. It is acknowledged in the strategy that the principle employment in Tumbarumba continues to be timber and agricultural industries. Intensive horticulture and viticulture are emerging as new and valuable industries. Overall, employment trends in the alpine region demonstrate a shift from the traditional rural based industries into a more diverse mix such as tourism, recreation, retail, community services and manufacturing.

A number of broad policies are specified in the strategy.

One relates to coordinated planning for settlement. The policy encourages the location of future populations in a way that strengthens existing communities. The settlement pattern in the region necessitates planning for a range of alternative types of settlements including rural towns and villages, rural residential development, farming communities and tourist centres.

Rural residential development has reflected an element of change in local settlement patterns. They cater for people looking for rural lifestyle or those seeking weekend and holiday retreats. The strategy suggests the encouragement of rural living opportunities providing they are in close proximity to existing towns and villages is desirable and could provide an economic stimulus. Towns would also be better placed to provide a central community services and infrastructure in a more efficient manner to rural residential development if it is in close proximity rather than dispersed and remote.

In terms of physical infrastructure the Alpine Strategy states that councils should prepare and implement policies that require all new local roads to be developed on a full cost recovery basis especially for rural residential development.

There was also work associated with the Strategy that dealt with the function of gateway communities such as Tumbarumba reinforcing the local and regional role of these communities.

Better rural residential development: A guide for councils west of the Great Divide
This guide was produced by the NSW Department of Planning to assist Councils in developing a consistent approach to rural lot sizes. The relevant regional principles for lot size are:

- *use land sparingly so that as little land as possible is removed from productive use and ensure land size is manageable for owners*
- *reflect proximity by selecting smaller lot sizes closer to towns and where town services might be available*
- *take into account adjoining uses in an effort to minimise impacts and conflicts adjust for landscape constraints tailor lot sizes to suit a variety of lifestyles according to whether separate title, community title or rural land sharing is proposed*

4.3.4 Draft Local Environmental Plans
There are no draft Local Environmental Plans affecting the Planning Proposal.

4.3.5 Development Control Plans
Council is currently undertaking a review of its Development Control Plans following the gazettal of the TLEP 2010.

This DCP is currently in a draft form and covers the following subject areas:

- Footpath Trading & Outdoor Dining
- Industrial Development (IN1 & IN2)
- Notification of Development Applications
- Rural Small Holdings Zone (RU4) & Large Lot Residential Zone (R5)
- Village Zones (RU5, R1 & R3)

There are no specific development control plans that affect rural lands.

4.3.6 Ministerial Directions under Section 117(2)

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following Directions apply to the Planning Proposal.

Direction No. 1.2 – Rural Zones
This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone. The objective of the direction is to protect the agricultural production value of rural land.

A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone unless the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the Planning Proposal that are inconsistent are:

- *justified by a strategy which: – gives consideration to the objectives of this direction, – identifies the land which is the subject of the Planning Proposal (if the planning proposal*

relates to a particular site or sites), and – is approved by the Director-General of the Department of Planning, or

- *justified by a study prepared in support of the Planning Proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- *is of minor significance.*

The Planning Proposal demonstrates that the changes in minimum rural lot sizes will not result in the loss of rural land as all three precincts are strategically positioned location for Tumbarumba Township and there is ongoing demand for rural lifestyle options in this part of the Shire. Precincts 1 to 3 are positioned to ensure it does not cumulatively impact upon other land with agricultural production potential.

Direction No. 1.3 – Mining, Petroleum Production and Extractive Industries
This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of:

(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The Planning Proposal identifies the need to consult with relevant agencies regarding the likelihood of any mineral resources located within Precincts 1 to 3.

Direction No. 1.5 – Rural Lands
This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone.

The objectives of the direction are to:

(a) protect the agricultural production value of rural land
(b) facilitate the orderly and economic development of rural lands for rural and related purposes

A Planning Proposal must not be inconsistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 unless it can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are:

- justified by a strategy which: – gives consideration to the objectives of this direction, – identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites, and – is approved by the Director-General of the Department of Planning and is in force, or
- is of minor significance.

The Planning Proposal is consistent with the Rural Planning Principles listed in the Rural Lands SEPP and the opportunity to review options for rural lifestyle lands has been endorsed in the previous Rural Lands Settlement and Housing Strategies adopted by Council and endorsed by the Department of Planning.

Direction No. 3.1 – Residential Zones

This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone.

The objectives of the direction are to:

(a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
(b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
(c) *to minimise the impact of residential development on the environment and resource lands.*

Where this direction applies a Planning Proposal must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and – reduce the consumption of land for housing and associated urban development on the urban fringe, and – be of good design.

A Planning Proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- not contain provisions which will reduce the permissible residential density of land.

The Planning Proposal is consistent with these requirements as outlined throughout this report.

5 Social, Economic and Environmental Impacts

5.2 Social impacts

How has the planning proposal adequately addressed any social effects?

The Planning Proposal has outlined previous strategy investigations into rural settlement and housing. Both these strategies address the likely social impacts of providing for housing choice and the completed housing strategy is recognised in Council's *Community Social Plan 2005 – 2010.*

Council has adopted more recently a revised *2010-2013 Community Social Plan* on 16 December 2010. This Plan strengthens the need to ensure future development within rural areas is focused around Tumbarumba Township as this services the town and surrounding areas, including Rosewood and Laurel Hill.

Council seeks to strengthen Tumbarumba as a focus for the Shire given that areas in the southern part of the Shire, including Jingellic, Welaregang, Tooma, Indi and Khancoban relate more to the town of Corryong in Victoria than they do to Tumbarumba, accessing

schooling, medical services, shops and other facilities in that town. Walwa, also in Victoria, provides medical services and primary schooling to many residents. Residents of the southern areas access NSW-specific services, such as the RTA agency service in Tumbarumba, and patronise Tumbarumba businesses when they offer perceived superior service/pricing, or when the service is not available in Corryong (e.g.; chiropractic). The Shire is similarly split in its usage of regional and state facilities, with the northern part of the Shire accessing services in Wagga Wagga and Sydney, while the southern part of the Shire accesses services in Albury-Wodonga and Melbourne.

A dispersed pattern of settlement is often more expensive and costly to service in terms of health, education and community service provisions than more centralised urban development in Tumbarumba. The quality of services provided for rural living lots tend to generally much lower than urban areas. By locating these potential lifestyle areas close to Tumbarumba Township will still permit access to local service.

Research on rural lifestyle development[1] has found that the clustering of rural living developments has brought communities together and creating strong social bonds. The increase in rural population has help to keep many rural communities alive as well as supporting local organisations. This proposal considers the social impact of additional housing choice within proximity to the main centre of Tumbarumba Shire and supports Council's strategic decision.

5.3 Economic impacts

How has the planning proposal adequately addressed any economic effects?

The Planning Proposal has outlined previous strategy investigations into rural settlement and housing. These strategies consider the economic impacts on rural land and primary production within the Shire.

Economic impacts associated with lifestyle living are generally associated as being positive impacts. Lifestyle living can help to boost declining rural populations as well as bringing more services and facilities to rural areas. In addition, lifestyle living has also helped bring economic relief to communities affected by drought. There have been many other follow on activities from lifestyle living in Tumbarumba such as tourism, retail, commercial and industrial services and more business opportunities which have also contributed to a stronger local economy.

5.4 Environmental impacts

[1] Relevant research includes Planning Thesis by Caitlin Elliot - *"Tree change – the impacts of lifestyle living on rural lands in the Mudgee Region" November 2007*

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?

There are a wide range of reports that assess local environmental conditions within Tumbarumba Shire. The earliest assessment of local environmental conditions was the *Shire of Tumbarumba Local Environmental Study* prepared for Council in July 1982.

Further assessment of the Planning Proposal in context of the key information in this study will be required. This would include updating land use planning constraints and site specific assessment of:

- Topography/Soils
- Flora and Fauna
- Heritage
- Bushfire
- Flooding
- Contamination

There has been both a local and regional focus on biodiversity. The most recent consolidated response to local biodiversity has been the *Tumbarumba Environment Strategy* prepared for Council in March 2006. This Strategy specifically focused on areas that were considered to be of significance for environmental and ecological purposes. The outcomes of this strategy also assisted to inform the application of the E3 Environmental Management Zone in the TLEP 2010.

In examining the outcomes of this strategy neither Planning Proposal 2 or 3 (Black Range Road and Murray Crossing Road) have been identified within that Strategy as having local or regional significance in terms of biodiversity.

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

The proposed rural lifestyle development options included in this Planning Proposal will need to have regard to options for on site effluent disposal, impact on local waterways, water diversion erosion, the introduction of plant species, impact on rural landscapes and the contribution towards greenhouse gases. Given the proposed density of future subdivision and existing densities within the precincts it is unlikely that these issues cannot be managed.

Given the proximity of Precinct 1 to Tumbarumba Township and the specific landscape qualities that this area has within the visual catchment to the Township a detailed master plan and associated development controls will be required to be prepared to address specific environmental impacts.

6 State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The precincts under consideration are serviced by Tumbarumba Shire Council. Assessment of the precincts indicates that services and infrastructure are available and can service future development.

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

Consultation with relevant State agencies has not been undertaken at this stage.

Given the limited scale of impact associated with the planning proposal it is only proposed to consult with the following relevant key agencies:

- *Murray Catchment Management Authority*
- *Office of Environment and Heritage (for NSW EPA and NSW National Parks referral)*
- *NSW RTA Infrastructure Services*
- *NSW Department of Primary Industries, Mineral Resources*

7 Consultation

It is considered that the Planning Proposal **will** be a Low Impact Planning Proposal.

It is proposed to undertake public exhibition and consultation with the local community for a period of 30 days.

It is proposed to refer the Planning Proposal to;

- Steven Hall Murray CMA PO Box 835 Deniliquin NSW 2710
- Tobi Edmonds Office of Environment and Heritage (for EPA and National Parks referral) PO Box 722 Queanbeyan, NSW 2620
- Michial Sutherland RTA, Infrastructure Services 1 Symons Street Wagga Wagga NSW 2650
- Luke Day Department of Primary Industries Unit 3/556 Macaulay Street Albury NSW 2640

8 Benefits of the proposal

The current proposal has the following benefits to Tumbarumba Shire:

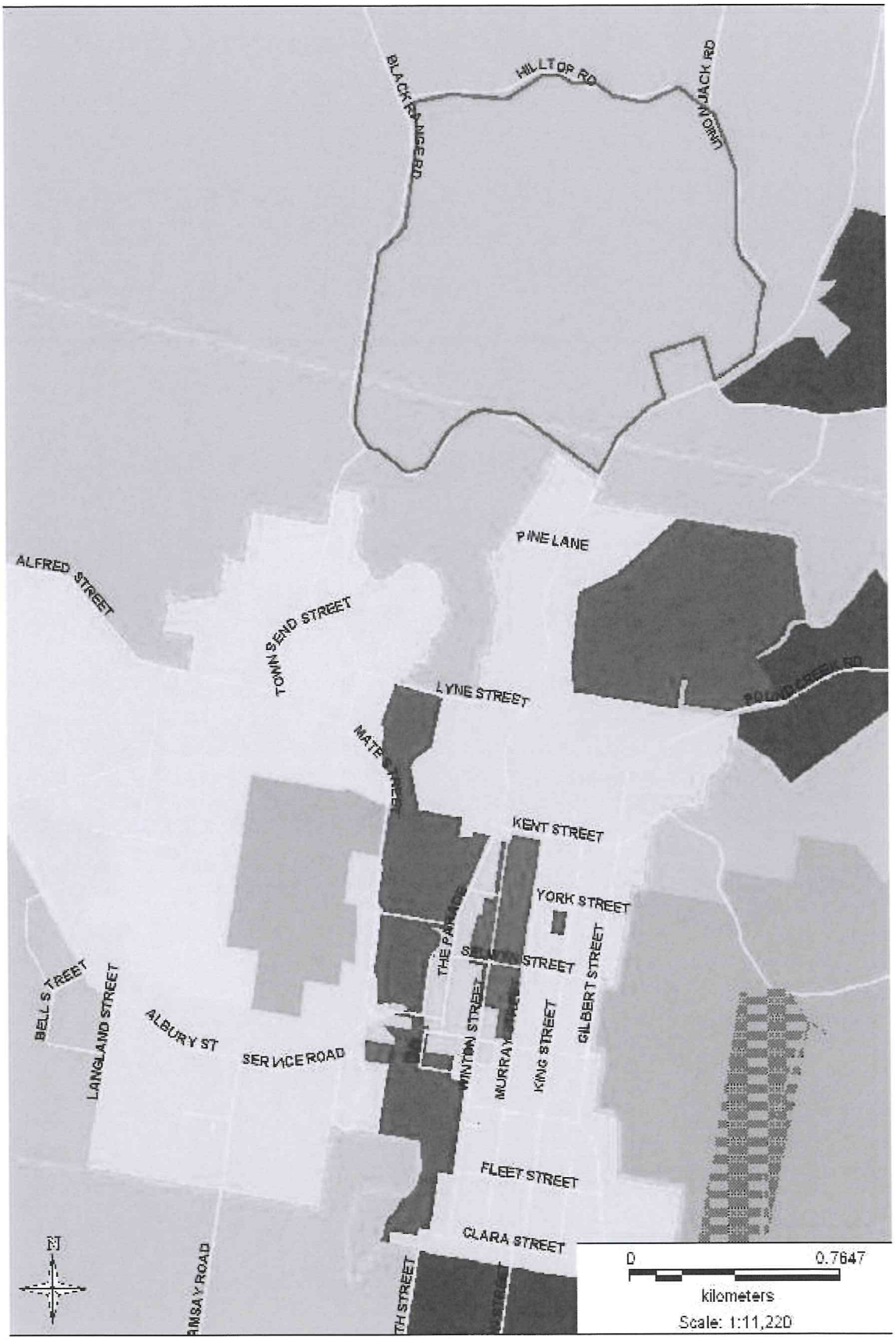
- all future residents will have reasonable access to community services and the clustering of lifestyle lots close to Tumbarumba Township is a way of ensuring this form of development is not dispersed and that the delivery of services is not unachievable
- the location of rural lifestyle lots adjoining the fringe of Tumbarumba Township is more economically sustainable location compared to more isolated rural areas of the Shire
- the proposal avoids key agricultural lands identified within the Shire

- the proposal includes an appropriate lot size that will ensure a sufficient catchment area which is consistent with the surrounding development pattern and land uses and is in close proximity to existing services and infrastructure

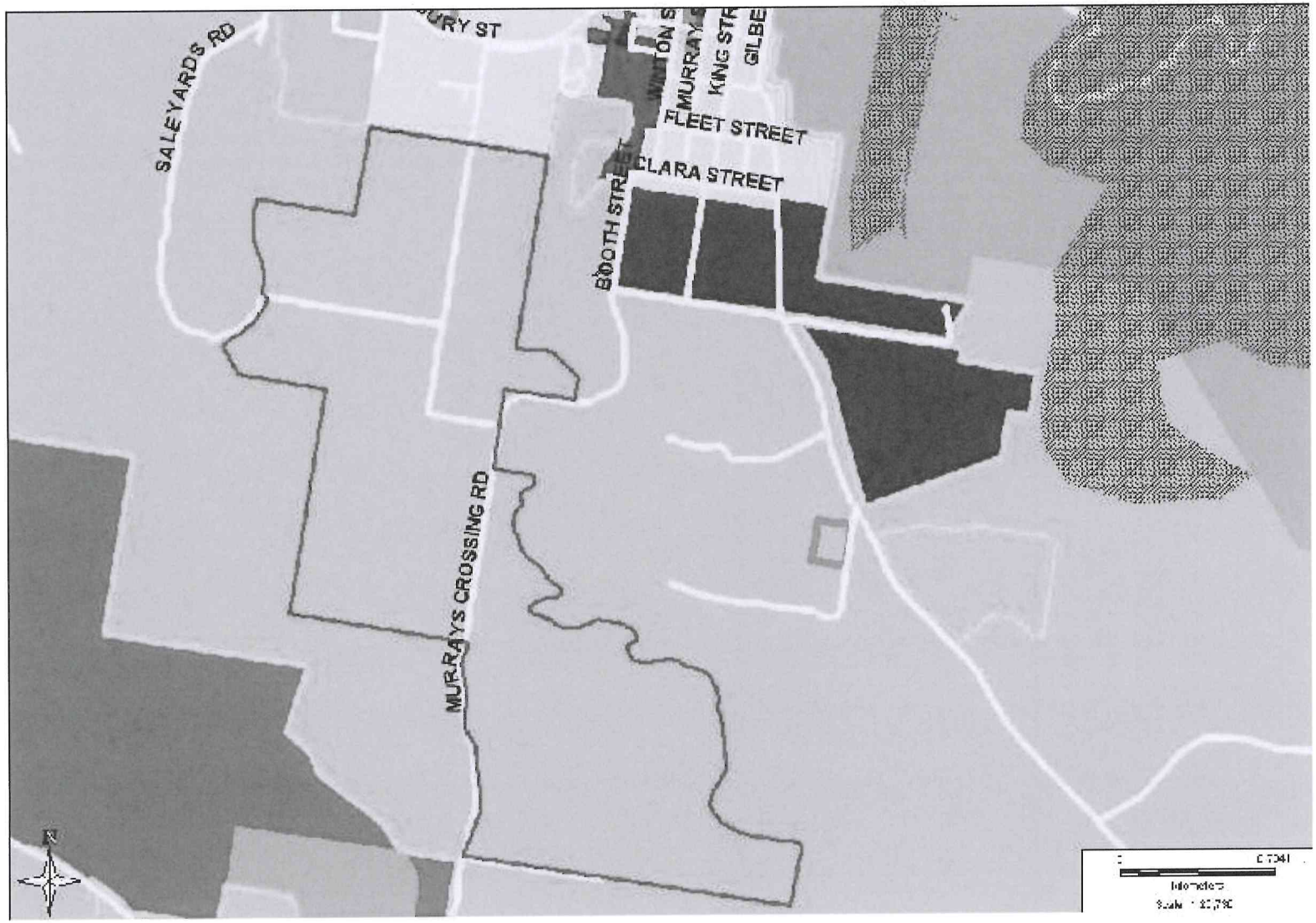
Appendices

Appendix 1 Precinct 1 Mate Street Lot Size Map

Appendix 2 Precinct 2 Black Range and Batlow Road Lot Size Map



Appendix 3 Precinct 3 Murray Crossing Road Lot Size Map



Appendix 4 Precinct 4 Emerson Street Land Zoning Map