

# DRAFT PLANNING PROPOSAL

SNOWY MOUNTAINS DEVELOPMENTS – TUMUT

PROPOSED AMENDMENT TO TUMUT LOCAL ENVIRONMENTAL PLAN 2012 TO CHANGE THE  
ZONING OF LAND FROM SP2 - INFRASTRUCTURE (CLASSIFIED ROAD) TO IN1 - GENERAL INDUSTRY



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## DRAFT PLANNING PROPOSAL

Snowy Mountains Developments – Tumut

Proposed Amendment to Tumut Local Environmental Plan 2012 to Change the Zoning of Land from SP2 - Infrastructure (Classified Road) to IN1 - General Industry

**CLIENT:** Snowy Valley Developments Pty Ltd  
**ADDRESS:** Adelong Road/Snowy Mountains Highway, Tumut NSW  
**TFA REFERENCE:** 21290  
**TFA CONTACT:** Jacob McRae

### Document Control

REVISION	DATE	PREPARED BY	REVIEWED BY	COMMENTS
A	26 May 2022	J. McRae	J. Rowell	Final

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## EXECUTIVE SUMMARY

### Applicant

<b>Applicant Details</b>	Snowy Valley Developments Pty Ltd
<b>Contact Details</b>	C/- Jacob McRae (Town Planner) TfA Project Group PO Box 2339 FORTITUDE VALLEY QLD 4006

### Site

<b>Address</b>	Adelong Road/Snowy Mountains Highway, Tumut NSW, directly adjacent to 67-99 Adelong Road, Tumut
<b>Site Details</b>	Part of State Road No. 4
<b>Site Area</b>	657m <sup>2</sup> (Approx.)
<b>Current Land Use</b>	Vacant/Road Reserve

### Proposal

<b>Proposal Description</b>	Proposed amendment to the Tumut Local Environmental Plan 2012 to rezone land from SP2 – Infrastructure (Classified Road) to IN1 – General Industrial.
<b>Application Type</b>	Planning Proposal

### Local Government

<b>Assessing Authority</b>	Snowy Valleys Council
<b>Local Environmental Planning Instrument</b>	<i>Tumut Local Environmental Plan 2012</i>
<b>Zone</b>	SP2 – Infrastructure (Classified Road)
<b>Constraints Mapping</b>	Groundwater Vulnerability Map (Groundwater Vulnerability Area)
<b>Planning Strategies</b>	<ul style="list-style-type: none"><li>Snowy Valley's Local Strategic Planning Statement 2020-2040</li><li>Snowy Valleys Council Community Strategic Plan 2028</li><li>Snowy Valleys Council Region Economic Development Strategy, 2018-2022</li></ul>

#### State Government

<b>Regional Plan</b>	Riverina-Murray Regional Plan 2017
<b>Relevant State Agencies</b>	<ul style="list-style-type: none"><li>• Department of Planning, Industry and Environment</li><li>• Transport for New South Wales</li></ul>

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## 1.0 INTRODUCTION

This Planning Proposal has been prepared by TfA Project Group on behalf of Snowy Valley Developments Pty Ltd (the Applicant).

The application is made over a portion of road reserve within Adelong Road/Snowy Mountains Highway, identified as State Road no. 4, directly adjacent to land at 67-99 Adelong Road, Tumut, NSW, 2720. This planning proposal seeks to amend the zoning of the subject land, in order to reflect the zoning of the directly adjoining land.

The application is accompanied by the following documentation:

- **Appendix A** – Conceptual Site Layout;
- **Appendix B** – Site Survey;
- **Appendix C** – Council Ordinary Meeting Minutes;
- **Appendix D** – Preliminary Site History;
- **Appendix E** – Existing Land Zoning Map;
- **Appendix F** – Existing Lot Size Map;

To assist in Council's determination of the development application, this SEE covers the following matters:

- **Section 2:** a site description including site characteristics and the context of the surrounding area;
- **Section 3:** a description of the proposed development and details of relevant site history; and
- **Section 4:** an assessment of the proposal against the relevant statutory provisions and guidelines;

## 2.0 SUBJECT SITE

### 2.1 Site Description

The subject forms part of the existing road reserve associated with Adelong Road/Snowy Mountains Highway and is located directly adjacent to 67-99 Adelong Road, Tumut NSW 2720. The extent of the subject land is approximately 654m<sup>2</sup>, and is predominately vacant, with only some vegetation contained within the premises, as illustrated by the site survey provided within **Appendix B**.

The site is located in the Snowy Valleys Council local government area (LGA).

Refer Figure 1 below, which provides an aerial view of the current site.

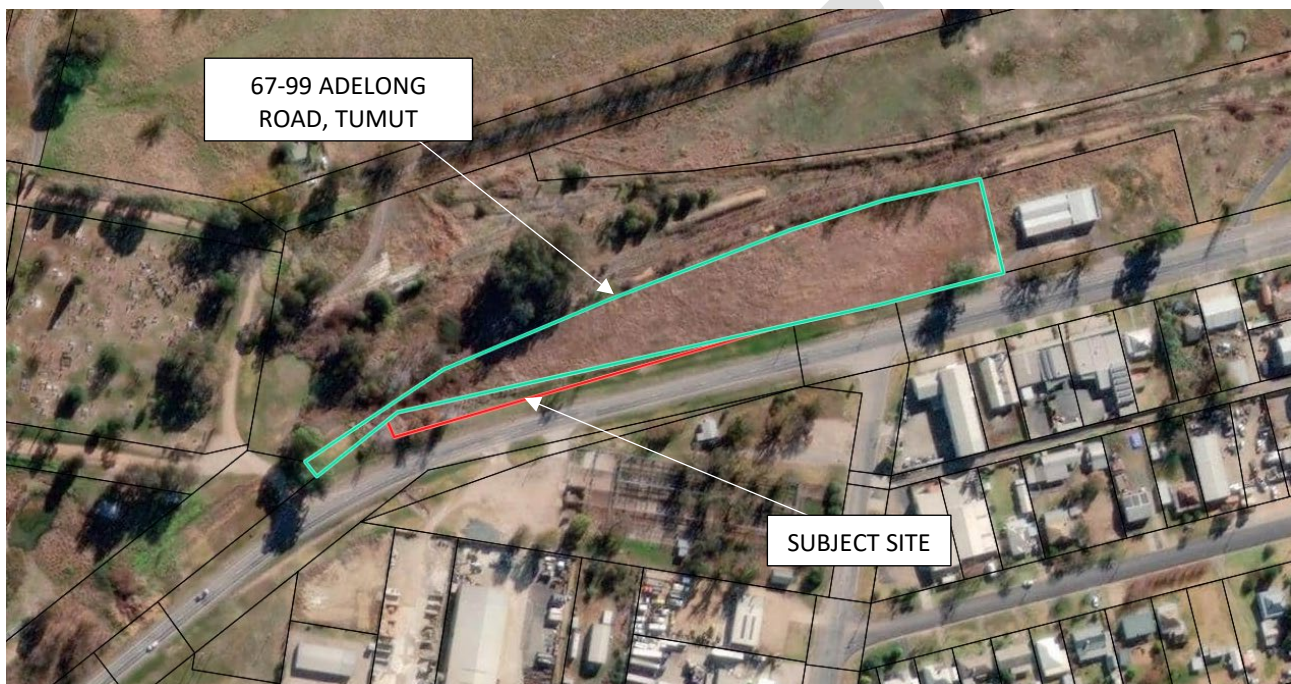


Figure 1: Aerial View – subject site highlighted (Source: SixMaps)

Figure 2 and Figure 3 provide a view of the site from the road corridor being Adelong Road/Snowy Mountains Highway.





*Figure 2: View of the Site from Snowy Mountains Highway - East (Source: Google)*



*Figure 3: View of the Site from Snowy Mountains Highway - West (Source: Google)*

## 2.2 Surrounding Land Uses

The subject site forms part of an existing industrial area within Tumut, with land directly to the north and on the opposite side of Snowy Mountains Highway comprising industrial zoned land.

The nearest residential receiver within proximity to the site is located at 76 Adelong Road, located approximately 55m from the subject site, on the opposite side of Snowy Mountains Highway/Adelong Road.

## 2.3 Services and Utilities

As indicated by the site survey provided within **Appendix C** of this report, the subject premises is determined to be benefited by access to the following services:

- Water;
- Electricity;
- Sewer;

- Transport Corridor;
- Stormwater network;

## 2.4 Existing Site Zoning

The subject site is zone SP2 – Classified Road under the Tumut Local Environmental Plan 2012. The land use table under the Tumut Local Environmental Plan 2012 for the SP2 zone is as per the below:

### 1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

### 4 Prohibited

Any development not specified in item 2 or 3

Figure 4 below comprises and extract from the zoning map under the Tumut LEP in relation to the subject site.

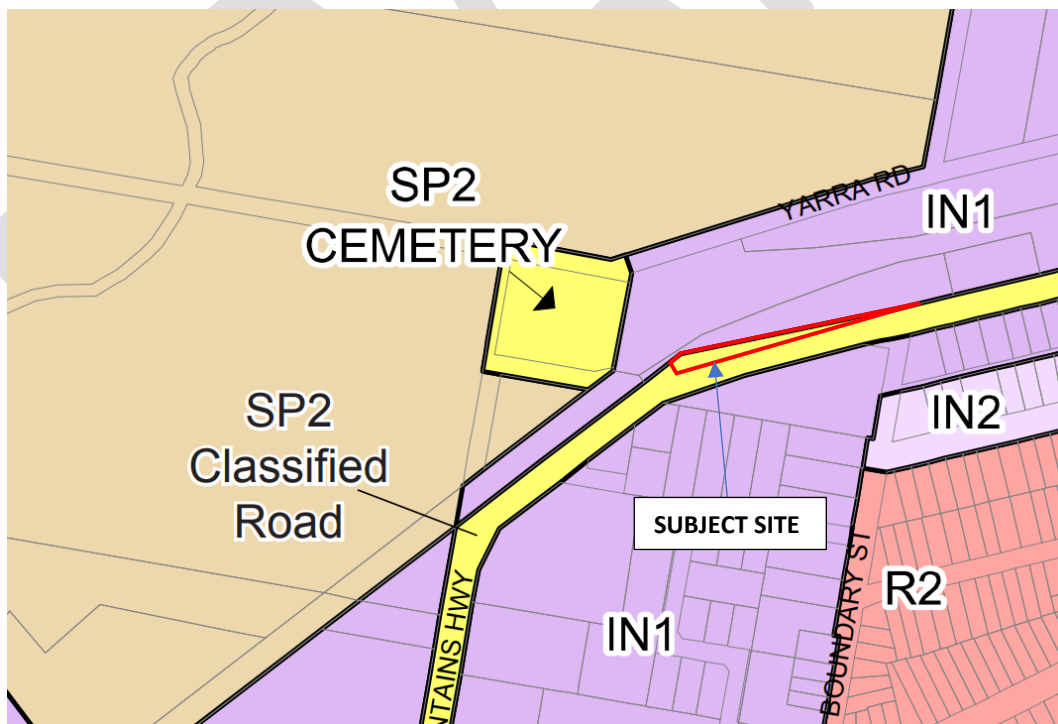


Figure 4: View of the Site from Western Frontage of Snowy Mountains Highway (Source: Google)

### 3.0 PROPOSED DEVELOPMENT

The overall intent of the planning proposal is to include the subject premises as part of a larger service station and truck depot development at 67-99 Adelong Road, Tumut. The overall development of the site is to comprise of the following design elements:

- Service Station building (305m<sup>2</sup>);
- Car refuelling canopy over 4 x refuelling dispensers with 8 x filling positions;
- Truck refuelling canopy over 3 x refuelling dispensers with 3 x filling positions;
- 2 x 110KL underground fuel storage tanks;
- A 607m<sup>2</sup> workshop, providing a total of 2 service bays;
- A Manual and Auto-Truck Wash, servicing trucks up to A-Double in size;
- 25 carparking spaces and 6 x truck parking spaces;

Figure 5 below shows the general layout of the proposal.

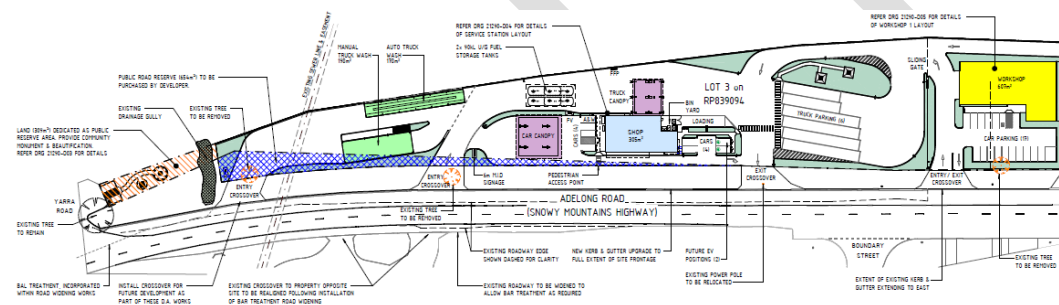


Figure 5: Proposed Site Layout (Source: Tfa Project Group)

The relevant land uses associated with this development are determined to comprise of a service station and truck depot, as defined below.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

### 3.1 Background

#### 3.1.1 Pre-Lodgement

A pre-lodgement meeting was held with representatives of Snowy Valleys Council and Transport for NSW on 14 September 2021 in order to discuss the proposed service station and workshop development at the subject premises.

In summary of the meeting, the following items were raised for consideration in the preparation of a development application:

- The site is zoned as IN1 – General Industry.
- The proposed truck wash and truck depot are considered to be ancillary to the proposed service station use on the subject premises.
- All proposed land uses are identified to be permissible with consent under the current zoning of the site.
- Council are open to the overall master planning/staging of the proposed development on the subject site.
- The proposed development will be required to address the following State environmental Planning Policies:
  - SEPP (Infrastructure) 2007.
  - SEPP 55 (Remediation of Land).
  - SEPP 64 (Advertising and Signage).
- The land proposed for acquisition will require confirmation as to the ownership status and acquisition pathway.
- The preference is for the land acquisition to be finalised prior to submission of the development application.
- The abandoned railway line located to the rear of the premises is to be repurposed for a rail trail.
- A relaxation to the 10m front boundary setback is generally acceptable through proper justification, through the implementation of a high quality built form and landscape design for the premises.
- The relevant stormwater information will need to be confirmed with the councils engineering department, with all other infrastructure provision to be at the satisfaction of council.
- Further, TfNSW made the following comments with respect to the proposed design:
  - Further consideration is required with respect to the number of crossovers proposed for the subject site.
- It is recommended that a traffic engineer be engaged to ensure that the proposed crossovers are optimised.

In accordance with all of the above, the proposed development has ensured to consider all items raised by council in the preparation of this development application.

Since the prelodgement meeting was held, a number of follow up discussions have been undertaken with TfNSW in order to refine the concept layout and achieve in principle agreement, in terms of vehicle ingress and egress and general vehicle manoeuvring throughout the site.

The development application, as it relates to 67-99 Adelong Road, Tumut was lodged with council on 26 April 2022 and is currently undergoing assessment.

### 3.1.2 Council Road Closure

On 17 February 2022, Snowy Valley's Council approved the partial road closure and subsequent sale of part of Adelong Road/Snowy Mountains Highway through council ordinary meeting.

The extent of the road closure is illustrated under figure 6 overleaf.





Figure 6: Proposed Road Closure – Adelong Road Tumut (Snowy Valley's Council, February 2022)

This portion of land resultant from the road closure comprises the land for which this planning proposal comprises. A copy of the council ordinary meeting minutes and associated attachment to the road closure have been provided within **Appendix C** of this report.

### 3.1.2.1 Purpose

The purpose of the road closure is to rectify a non-standard road reserve configuration as it relates to 67-99 Adelong Road, Tumut. In its current form, this portion of road reserve is considered to be excessively wide within this portion of the road and is inconsistent with the established setback pattern along this portion of Adelong Road/Snowy Mountains Highway.

This configuration is identified to have ongoing impacts to the potential development of 67-99 Adelong Road, given that it results in narrow and effectively unusable sections of land, within the western portion of the site. Additionally, this impacts on effectively achieving a safe and efficient access and on-site manoeuvring outcome within the premises.

In addition to above, as is within the business report provided within **Appendix C**, the following is considered to support the partial closure of this part of road reserve:

- It is determined that the indicated portion of land is located far enough away from the road corridor as to not impact upon the ongoing function of this road corridor.
- Council foresees no opportunities for this premises to be developed in the future.

## 4.0 STATUTORY CONSIDERATIONS

### 4.1 Objectives & Intended Outcomes

#### 4.1.1 Objective

The objective of this planning proposal is to amend the Tumut Local Environmental Plan 2011 (TLEP) to rezone a portion of road reserve in response to road closure and future sale of land approved by council via Council Meeting dated 17 February 2022.

This is to be achieved through the following means:

- Amend the Land Zoning Map (Sheet LZN\_003A) under the Tumut Local Environmental Plan 2012 to rezone the portion land approved for road closure from 'SP2 – Classified Road' to 'IN1 – General Industrial'.
- Amend the Lot Size Map (Sheet LSZ\_003A) under the Tumut Local Environmental Plan 2012 to encapsulate the site as being within the R zone, with a minimum lot size of 750m<sup>2</sup>, as to reflect the existing minimum lot size for the IN1 Zone.

#### 4.1.2 Intended Outcomes

The intended outcomes of this planning proposal are:

- Improve the permissibility of the subject site, in alignment with the intent of the intended development of the land;
- Achieve a consistent zoning pallet within the locality, ensuring that incompatible land uses are not located within proximity to each other;
- Repurpose currently underutilised land within the locality;

## 4.2 Explanation of Provisions

### 4.2.1 Zoning

The land use table for the IN1- General Industrial Zone is included below.

#### 1 Objectives of zone

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

#### 2 Permitted without consent

*Roads*

#### 3 Permitted with consent

*Cellar door premises; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Rural supplies; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4*

#### 4 Prohibited

*Camping grounds; Caravan parks; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Health services facilities; Heavy industries; Pond-based aquaculture; Public administration buildings; Recreation areas; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation*

As above, the proposed land uses for the premises (Service Station & Truck Depot) are not explicitly classified as permitted with consent within the IN1 – General Industrial Zone, rather being identified as ‘any other development not specified in item 2 or 4’, given that these land uses are not classified as either ‘prohibited’ or ‘permitted without consent’ in the zone. That being said, it is considered that the suitability of the zoning of the site is reflective of consistency of the proposed land uses with the objectives of the zone, for which the following is noted:

- The proposed land uses are expected to support the function of nearby industrial land uses through providing refuelling, servicing and washing needs for cars and trucks that may inhabit the locality;
- The viability and operation of industrial land is not considered to be impacted by the proposal, given that the intended land uses are not sensitive in nature;
- The proposed land uses have potential to result in adverse impacts to amenity, through potential for noise and odour impacts. It is therefore expected that this zoning would better support these land uses, providing separation for potentially sensitive land;
- It is expected that the proposed development would encourage additional employment opportunities within the locality.

Additionally, it is worth noting that the intent of changing the zoning is to reflect the existing zoning patterns that prevail under the existing Tumut LEP, for which the land directly adjoining and associated with the subject premises is zoned as IN1 – General Industrial.

A copy of the existing lot size map (Sheet LZM\_003A) is included within **Appendix E**. Where required by council and the gateway team, the applicant will amend the lot size map to reflect the proposed rezoning of the premises.

##### 4.2.2 Lot Size

It is expected that as a result of the zone change, the lot size map for the site would additionally require updating in order to maintain consistency with the adjoining land and zonings that benefit the site. While not explicitly required as a result of the intended development of the site, it is considered that this map will need to be updated in order to reflect a holistic update to the zoning of the premises.

A copy of the existing lot size map (Sheet LSZ\_003A) is included within **Appendix F**. Where required by council and the gateway team, the applicant will amend the lot size map to reflect the proposed rezoning of the premises.

#### 4.3 Justification

In accordance with Section 2, Part 3 of the LEP Making Guideline, the Planning Proposal has been assessed on the basis of both the strategic merit and site-based merit. These matters have been considered within this section of the report.

##### 4.3.1 Strategic Merit

For the strategic Merit of the proposal, the planning proposal has been considered in relation to the need and relationship to the strategic framework benefitting the site. Assessment against these matters is undertaken as described below.

- Planning Proposal Need – Section 4.3.1.1
- Relationship to the Strategic Framework – Section 4.3.1.2

##### 4.3.1.1 Planning Proposal Need

**Q1** *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

While the proposed development is not the direct result of any endorsed LSPS, strategic study or report, the proposal is considered to be consistent with the relevant strategic documents endorsed by Snowy Valley's Council, as discussed in following sections of this report.

**Q2** *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal is considered the best way of achieving the outcomes and objectives of this planning proposal. Amending the zoning and associated lot size controls will allow the subject site to be utilised in a more logical manner, having regard to council's assessment as part of the road closure provided within **Appendix C**.

In summary of this assessment, and as is discussed under previous section 3.1.2.1 of this report, the following is noted:

- The associated road reserve is excessively wide as it relates to the subject portion of land.
- It is determined that the indicated portion of land is located far enough away from the road corridor as to not impact upon the ongoing function of this road corridor.
- Council foresees no opportunities for this premises to be developed in the future.

As such, the rezoning of the premises in order to reflect the zoning of adjoining land will provide a logical extension to existing industrial land and will allow for an appropriate increase to the width of 67-99 Adelong Road. It is considered that this will benefit the adjoining land by permitting greater lot width permitting improved internal traffic circulation, for the expected land uses that would be located on at the premises.

#### **4.3.1.2 Relationship to Strategic Planning Framework**

**Q3** *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

In response to this item, it is determined that the subject site is only subject to the Riverina-Murray Regional Plan 2036. Given that the site is noted located within the greater Sydney area, it is not considered that any district plans would apply to the subject premises.

Consideration of the relevant matters under the Riverina-Murray Regional Plan is undertaken below.

#### **Riverina-Murray Regional Plan 2036**

The Riverina-Murray Regional Plan 2036 (regional plan) is a regional plan prepared to guide development and strategic planning in the Riverina and Murray Region. For the purpose of this planning proposal an assessment against the relevant goals and directions is undertaken below.

*Table 1: Riverina-Murray Regional Plan 2036 – Strategic Review*

<b>Direction</b>	<b>Response/Consistency</b>
<b>Division 4 - Promote business activities in industrial and commercial areas</b>	In accordance with this division, it is noted that the while the subject premises is not located within the major industrial areas of Wagga Wagga and Albury, the planning proposal seek to provide additional industrial land within and existing industrial zoned area.
<b>Division 18 - Enhance road and rail freight links</b>	As outlined by figure 7 of the Riverina-Murray Regional Plan, it is identified that the Snowy Mountains Highway forms part of the freight network. As is illustrated by <b>Appendix C</b> , it is not considered that the rezoning of the subject land would impact upon the viability of the freight network, and the expected future development of the site is expected to support the freight network through providing refuelling and servicing facilities to heavy vehicles utilising the road network.



Direction	Response/Consistency
<b>Division 21 - Align and protect utility infrastructure investment</b>	Given the size of the premises and existing urban/township setting, the planning proposal is not expected to impact the ongoing viability of existing infrastructure.

*Q4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

#### Snowy Valley's Council Local Strategic Planning Statement 2020-2040

The Snowy Valley's Local Strategic Planning Statement 2020-2040 provides a 20 year planning vision for the Snowy Valleys Local Government Area. The Local Planning Statement provides guidance for the future planning of the local government area and is intended to be used as a guide for preparation and updating of the Snowy Valley's Local Environmental Plan, Development Control Plan and Contribution Plans.

A review of the consistency with the relevant themes under the LSPS is undertaken below.

#### Towns and Villages-

- The future development intent of the subject premises will be subject to compliance with the National Construction Code and the Disability Discrimination Act, and therefore is expected to be designed to be accessible for persons with disability;
- The proposed zone change does not encroach upon existing residential areas and does not remove existing residential zoned land;
- The proposed zone change is consistent with the zoning of adjoining land, therefore is considered to further contribute to the retention of the industrial precinct.

#### Growth Through Innovation-

- The change of zoning of the subject site will increase the quantity of industrial land within Tumut, which can be expected to promote further employment opportunities, with the expected land uses on the subject

#### Our Natural Environment-

- The subject premises is not identified to comprise land of significant environmental value;
- Inclusion of sustainable energy water features within the development of the land can be addressed as part of any future development application;
- The subject premises is not identified to be subject to any notable hazards that would require consideration.

#### Our Infrastructure-

- As illustrated by the council minutes for the road closure of the subject land, the subject premises is not deemed to be necessary for the operability or future upgrade of Snowy Mountains Highway/Adelong Road. It is therefore not considered that any impact to the access to, from and within would be impacted;
- As deemed necessary by the gateway determination, this planning proposal will be consulted with any relevant government agencies. Further, any development application over the subject premises will be assessed in consultation with relevant state agencies, as deemed necessary by council.

#### Snowy Valleys Council Community Strategic Plan 2028

The Snowy Valley's Council Community Strategic Plan 2028 is a formulation of strategies formulated in direct consultation with the community.

Consideration of the themes under the Community strategic plan is undertaken below:

#### Towns and Villages-

- The planning proposal does not impact upon the retention to identified sites of historical or cultural heritage;
- The planning proposal provides a logical extension to the existing planning framework within the locality;

#### Growth Through Innovation-

- The planning proposal is considered to contribute to the provision of additional industrial land, therefore providing additional employment opportunities within the locality;
- Additionally, the intended land uses are expected to provide support to other industrial land uses through providing refuelling and servicing to heavy and light vehicles operating within the locality;

#### Our Natural Environment-

- In its current form the subject site contains limited existing vegetation that is not identified to be of biological significance, as supported by the terrestrial biodiversity mapping under the Tumut LEP;
- Any sustainability initiatives associated with the future development of the site would be handled as part of the development application and building certification.

#### Communication and Engagement-

- The planning proposal will be subject to community engagement, as discussed under section 4.5 of this report;

#### Our Infrastructure-

- The planning proposal is made in response to the partial road closure of Snowy Mountains Highway/Adelong Road, of which the portion of land is not considered to contribute to the operation of the road corridor or be required for any future upgrades;
- Any future development application over the land would require due consideration to the potential traffic impacts and the capability of the road corridor to account for the proposed land uses.

#### Snowy Valleys Council Region Economic Development Strategy, 2018-2022

The Snowy Valleys Economic Development Strategy, 2018 to 2022 provides strategies to increase economic growth in the Snowy Valleys LGA. The planning proposal is considered to further the strategies of the economic development plan on the following grounds:

- The planning proposal would implement additional industrial land within an existing industrial precinct;
- The planning proposal is not considered to contravene the future expansion and development of residential areas within the locality, noting the proximity of the land from existing residential and fringe rural land;

**Q5** *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

No other state or regional studies or strategies are considered to be relevant to the planning proposal.

**Q6** *Is the planning proposal consistent with applicable SEPPs?*

The State Environmental Planning Policies considered to be applicable to this Planning Proposal and the intended development intention for the subject premises is determined to be:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
  - Chapter 3 – Hazardous and Offensive Development;
  - Chapter 4 – Remediation of Land;

- State Environmental Planning Policy (Transport and Infrastructure) 2021;
  - Chapter 2 – Infrastructure;
- State Environmental Planning Policy (Industry and Employment) 2021;
  - Chapter 3 – Advertising and Signage;

The applicability and consistency with these SEPP's are reviewed within table 1.

Table 2: State Environmental Planning Policies – Preliminary Assessment

Question	Policy Direction / Principal Aims	Comment on Relevance at Planning Proposal Stage
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>		
<b>Chapter 3 – Hazardous and Offensive Development</b>	<p>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</p> <p>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</p> <p>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</p> <p>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</p> <p>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</p> <p>(f) to require the advertising of applications to carry out any such development.</p>	<p>This planning proposal is only for the rezoning of the subject site from SP2 – Infrastructure to IN1 – General Industrial.</p> <p>As specified previously, the majority of the overall development associated with this proposal has been lodged with council for the approval of a service station and truck depot. As part of this application, chapter 3 of the Hazard and Offensive Development SEPP has been addressed in relation to the underground storage and distribution of Flammable and Combustible products associated with the service station use.</p> <p>For the service station development, the tanks, pipework and dispensers are required to be designed and installed in accordance with AS1940-2017: the storage and handling of flammable and combustible liquid.</p> <p>It is therefore considered that the matters associated with Chapter 3 of the Resilience and Hazards SEPP can be appropriately addressed as part of the development application.</p>
<b>Chapter 4 – Remediation of Land</b>	<p>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>(2) In particular, this Chapter 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—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and</p>	<p>In accordance with the Pre-Lodgement advice given by council in relation to the overall development of the subject premises, it was outlined that any development application would be required to address the requirements of Chapter 4 of the Resilience and Hazards SEPP (superseded SEPP 55).</p> <p>In accordance with this SEPP, the consent authority must consider whether the land is contaminated and if the land is contaminated, whether the land uses are suitable for contaminated land or whether remediation is</p>

Question	Policy Direction / Principal Aims	Comment on Relevance at Planning Proposal Stage
	<p><i>in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i></p> <p>(c) <i>by requiring that a remediation work meet certain standards and notification requirements.</i></p>	<p>required in order to accommodate the development.</p> <p>In this regard, a preliminary site history was put together in relation to the subject premises and has been provided in <b>Appendix D</b>. In accordance with this site history, it is noted that the subject premises has historically operated as greenfield land and/or as a road corridor. It is therefore not considered that the premises has any precedent to be considered as contaminated.</p>

#### State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure	<p>(a) <i>improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></p> <p>(b) <i>providing greater flexibility in the location of infrastructure and service facilities, and</i></p> <p>(c) <i>allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></p> <p>(d) <i>identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p>(e) <i>identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i></p> <p>(f) <i>providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p>(a) (g) <i>providing opportunities for infrastructure to demonstrate good design outcomes.</i></p>	<p>In relation to utility services and whether the proposal will trigger the upgrade of any of these services, this is considered most appropriately assessed at development application stage.</p>
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#### State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage	<p>(a) <i>to ensure that signage (including advertising)—</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i></p>	<p>The function of chapter 2 of the Industry and Employment SEPP is for the regulation of signage. Given that the change in zoning would now permit signage to be established on this land, it is considered relevant to acknowledge that this would occur in the future. However, given that the signage is very development specific, it is considered more relevant for this SEPP to be considered through assessment of any future development application on the subject premises.</p>
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Question	Policy Direction / Principal Aims	Comment on Relevance at Planning Proposal Stage
	<p>(c) to provide time-limited consents for the display of certain advertisements, and</p> <p>(d) to regulate the display of advertisements in transport corridors, and</p> <p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p>	

**Q7** Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

A review of the section 9.1 Ministerial Directions has been reviewed under table 2 of this report.

Table 3: s9.1 Ministerial directions – Preliminary Assessment

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
<b>Focus Area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The consistency of the planning proposal with the regional plan is reviewed in section 4.3.1.2 of this report.
1.2 Development of Aboriginal Land Council land	The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	Not Applicable – Planning proposal does not relate to land identified under the Land Application Map for chapter 3 of the Planning Systems SEPP.
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>The planning proposal is considered to comply with direction 1.3 on the following grounds:</p> <ul style="list-style-type: none"> <li>The planning proposal does not seek to include provisions within the LEP that would include additional triggers for concurrence, consultation or referral beyond what is currently expected under the relevant SEPP's;</li> <li>The planning proposal does not include additional provisions in the TLEP that would classify additional development as designated development;</li> </ul>
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<p>With respect to item (1) under direction 1.4, the planning proposal is for the rezoning of the subject site in order to allow the land use, without imposing development standards or requirements in addition to those currently contained within the IN1 – General Industrial Zone.</p> <p>Details of the proposed development have been included within the planning proposal, which is not directly in alignment with point (2). This is only intended to demonstrate the relationship of the planning proposal with adjoining land and the required land uses. As</p>

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
		required, these drawings or details can be removed from the final planning proposal.
1.5 Parramatta Road Corridor Urban Transformation Strategy	<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021,</i></li> <li><i>(b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and</i></li> <li><i>(c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</i></li> </ul>	Not Applicable – Planning proposal does not relate to land within proximity to the Parramatta Road Corridor.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<i>The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).</i>	Not Applicable – Planning proposal does not relate to land within Sydney's North-West.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<i>The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the Interim Plan).</i>	Not Applicable – Planning proposal does not relate to land within proximity to the Parramatta Road Corridor.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<i>The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.</i>	Not Applicable – Planning proposal does not relate to land identified under chapter 3 of the Western Parkland City SEPP as being within the Wilton Priority Growth Area.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<i>The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.</i>	Not Applicable – Planning proposal does not relate to land within Campbelltown LGA.
1.10 Implementation of the Western Sydney Aerotropolis Plan	<i>The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.</i>	Not Applicable – Planning proposal does not relate to land within the Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Liverpool, Penrith or Wollondilly LGA's.
1.11 Implementation of Bayside West Precincts 2036 Plan	<i>The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).</i>	Not Applicable – Planning proposal does not relate to land within the Bayside LGA.



Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	<i>The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</i>	Not Applicable – Planning proposal does not relate to land within the Bayside LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	<i>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).</i>	Not Applicable – Planning proposal does not relate to land within the North Sydney, Lane Cove or Willoughby LGA's.
1.14 Implementation of Greater Macarthur 2040	<i>The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with Greater Macarthur 2040 dated November 2018.</i>	Not Applicable – Planning proposal does not relate to land within the Camden, Campbelltown or Wollondilly LGA's.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) facilitate development within the Pyrmont Peninsula that is consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy,</i></li> <li><i>(b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and</i></li> <li><i>(c) guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.</i></li> </ul>	Not Applicable – Planning proposal does not relate to land within the City of Sydney LGA.
1.16 North West Rail Link Corridor Strategy	<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and</i></li> <li><i>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i></li> </ul>	Not Applicable – Planning proposal does not relate to land within the Hornsby, The Hills or Blacktown LGA's.
1.17 Implementation of the Bays West Place Strategy	<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design Framework (which includes the Sustainability Framework and Connecting with Country Framework),</i></li> <li><i>(c) actively support the consistent delivery of objectives in the Eastern City District</i></li> </ul>	Not Applicable – Planning proposal does not relate to land within the Inner West Council LGA.

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
	<p><i>Plan and Greater Sydney Region Plan, and</i></p> <p>(d) <i>guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy.</i></p>	
<b>Focus Area 2: Design and Place</b> – Not Applicable (No Directions Made)		
<b>Focus Area 3 Biodiversity and Conservations</b>		
3.1 Conservation Zones	<i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i>	The subject premises is identified to comprise some existing vegetation, however this land is not considered to be of biological significance, given that the site is not identified under the Terrestrial Biodiversity map or zoned for the purpose of conservation or environmental significance.
3.2 Heritage Conservation	<i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	The site is not identified to comprise elements of aboriginal or non-aboriginal heritage significance.
3.3 Sydney Drinking Water Catchments	<i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i>	Not Applicable – Planning proposal does not relate to land within the Sydney Drinking Water Catchment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<i>The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.</i>	Not Applicable – Planning proposal does not relate to land within the Ballina, Byron, Kyogle, Lismore or Tweed LGA's.
3.5 Recreation Vehicle Areas	<i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	The planning proposal is not intended to allow for the subject premises to be used for a recreation vehicle area.
<b>Focus Area 4: Resilience and Hazards</b>		
4.1 Flooding	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p> <p>(b) <i>ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</i></p>	Not Applicable – Planning proposal does not relate to land that is identified to be prone to flooding, noting that the premises is not identified to be flood prone under the existing flood planning map (Sheet FLD_003A).
4.2 Coastal Management	<i>The objective of this direction is to protect and manage coastal areas of NSW.</i>	Not Applicable – Planning Proposal does not relate to land that is identified to be within the coastal zone.



Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
4.3 Planning for Bushfire Protection	<p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p>	Not Applicable – The subject premises is not identified to be mapped as bushfire prone land.
4.4 Remediation of Contaminated Land	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Not Applicable – From a review of the historical aerial imagery of the subject premises, it appears that the subject site has been vacant since 1971. Accordingly, it is not considered that the subject premises had been occupied by any potentially contaminated land uses.</p> <p>A copy of the aerial imagery reviewed in relation to the subject site is provided within <b>Appendix D</b>.</p>
4.5 Acid Sulfate Soils	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	Not Applicable – Planning proposal does not relate to land that is mapped as being subject to acid sulfate soils.
4.6 Mine Subsidence and Unstable Land	<p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	Not Applicable – planning proposal does not relate to land that is within a mine subsidence district or identified as being potentially unstable.
<b>Focus Area 5: Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>With regard to the guidelines sighted under direction 5.1, the following is noted:</p> <ul style="list-style-type: none"> <li>In its current form, Tumut as a township is not identified to contain any public transport. As such, the proposal is not able to concentrate land uses around public transport infrastructure;</li> <li>Adelong Road/Snowy Mountains Highway does not comprise any pedestrian infrastructure that would benefit the premises. It is expected that the future development of the premises be designed to support internal pedestrian movement and circulation;</li> <li>The supply of car and bicycle parking is intended to be addressed as part of the development application;</li> <li>The rezoning of the subject land is not considered to impact the viability of the existing road corridor, with traffic management to be assessed as part of a future development application at the subject site;</li> <li>The planning proposal is not considered to alter the existing urban design of Tumut;</li> </ul>

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
5.2 Reserving Land for Public Purpose	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>facilitate the provision of public services and facilities by reserving land for public purposes, and</i></p> <p>(b) <i>facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></p>	<p>It is acknowledged that the zoning of the subject site protects the use of the subject premises for a public purpose, being road infrastructure.</p> <p>Given the contents of the assessment of the subject land for the purpose of a road closure contained within <b>Appendix C</b>, it is considered that the use of this land for the recognised public purpose is currently not being undertaken and therefore the alternative use/zoning of this premises is considered to be accepted by council.</p> <p>Further, it is worth understanding that the road closure request described in the business report for the council meeting acknowledged the intention of the purchase of this land was for the development of the site and adjoining land for a truck stop.</p>
5.3 Development Near Regulated Airports and Defence Airfields	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>ensure the effective and safe operation of regulated airports and defence airfields;</i></p> <p>(b) <i>ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</i></p> <p>(c) <i>ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i></p>	Not Applicable – Planning proposal does not relate to land that is adjacent or adjoins land used for a regulated airport or defence airfield.
5.4 Shooting Ranges	<p><i>The objectives are to:</i></p> <p>(a) <i>maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</i></p> <p>(b) <i>reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</i></p> <p>(c) <i>identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</i></p>	Not Applicable – Planning proposal does not relate to land that is adjacent or adjoins land used for a shooting range.
<b>Focus Area 6: Housing</b>		
6.1 Residential Zones	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p>(b) <i>make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p>	<p>Not Applicable – Planning Proposal is not considered to impact upon any existing or proposed residential zoned land, noting that:</p> <ul style="list-style-type: none"> <li>the subject premises does not adjoining any residential zoned land;</li> <li>the subject site is not currently zoned for a residential purpose;</li> </ul>

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
	(c) <i>minimise the impact of residential development on the environment and resource lands.</i>	<ul style="list-style-type: none"> <li>the planning proposal does not seek to change the zoning of the subject site to a residential zone.</li> </ul>
6.2 Caravan Park and Manufactured Home Estates	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>provide for a variety of housing types, and</i></p> <p>(b) <i>provide opportunities for caravan parks and manufactured home estates.</i></p>	<p>The planning proposal does not change anything in relation to the use of the subject site for the purpose of a caravan park, noting that this land use is prohibited in both the SP2 and IN1 zones.</p> <p>Additionally, in accordance with schedule 6 of the Housing SEPP, it is not considered that the subject premises would be better utilised for a manufactured home estate given the presence of existing industrial zoned land within the locality which has the potential to impact upon sensitive land uses.</p>
<b>Focus Area 7: Industry and Employment</b>		
7.1 Business and Industrial Zones	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>encourage employment growth in suitable locations,</i></p> <p>(b) <i>protect employment land in business and industrial zones, and</i></p> <p>(c) <i>support the viability of identified centres.</i></p>	<p>The planning proposal is considered to achieve direction 7.1 on the following grounds:</p> <ul style="list-style-type: none"> <li>The proposal achieves the directions of the direction, having regard to the following: <ul style="list-style-type: none"> <li>The planning proposal would increase the amount of industrial land available within the locality, which is considered to further encourage employment growth within the locality;</li> <li>The existing industrial land is not being reduced or impeded as a result of the planning proposal;</li> <li>The viability of existing centres is not considered to be impacted by the planning proposal.</li> </ul> </li> <li>No reduction to the existing industrial areas are to result from the planning proposal;</li> <li>The potential floor space area for industrial uses are not expected to result from the planning proposal;</li> <li>The planning proposal is not expected to create any new employment areas, only the minor extension to an existing employment area.</li> </ul>
7.2 Reduction in non-hosted short-term rental accommodation period	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</i></p> <p>(b) <i>ensure the impacts of short-term rental accommodation and views of the community are considered.</i></p>	Not Applicable – Planning proposal does not relate to land within the Byron Shire LGA.

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	<p><i>The objectives for managing commercial and retail development along the Pacific Highway are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</i></li> <li><i>(b) prevent inappropriate development fronting the highway,</i></li> <li><i>(c) protect public expenditure invested in the Pacific Highway,</i></li> <li><i>(d) protect and improve highway safety and highway efficiency,</i></li> <li><i>(e) provide for the food, vehicle service and rest needs of travellers on the highway, and</i></li> <li><i>(f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i></li> </ul>	Not Applicable – Planning proposal does not relate to land on the North Coast of NSW.
<b>Focus Area 8: Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	<p><i>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i></p>	Not Applicable – Planning proposal is not considered to have the effect of prohibiting or restricting the potential for mining operations to be undertaken on the subject site.
<b>Focus Area 9: Primary Production</b>		
9.1 Rural Zones	<p><i>The objective of this direction is to protect the agricultural production value of rural land.</i></p>	Not Applicable – Planning proposal is not considered to impact upon land classified within a rural zone.
9.2 Rural Lands	<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) protect the agricultural production value of rural land,</i></li> <li><i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i></li> <li><i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i></li> <li><i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i></li> <li><i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</i></li> <li><i>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i></li> </ul>	Not Applicable – Planning proposal is not considered to affect land zoned for rural or conservation.

Ministerial Direction	Objective(s) of Direction	Applicability and/or Comment
9.3 Oyster Aquaculture	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</i></p> <p>(g) <i>protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i></p>	Not Applicable – Planning proposal is not considered the relate to land that is within the Priority Oyster Aquaculture Area or intended to permit Oyster Aquaculture at the subject premises.
9.4 Farmland of State and Regional Significance on the far north Coast	<p><i>The objectives of this direction are to:</i></p> <p>(a) <i>ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</i></p> <p>(b) <i>provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</i></p> <p>(c) <i>reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i></p>	Not Applicable – Planning proposal does not relate to land within the Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas.

### 4.3.2 Site-specific Merit

For the site-specific merit of the proposal, the planning proposal has been considered in relation to environmental, social and economic impact, infrastructure demand and state and commonwealth interest, in accordance with parts C, D & E of table 3 contained within the guideline. Assessment against these matters is undertaken as described below.

- Environmental, Social and Economic Impact – Section 4.3.2.1;
- Infrastructure – Section 4.3.2.2;
- State and Commonwealth Interest - 4.3.2.3;

#### 4.3.2.1 Environmental, Social and Economic Impact

**Q8** *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

In its current form, the subject premises comprises limited existing vegetation, which is not identified to be of any biological significance, having regard to the Tumut LEP mapping for Terrestrial Biodiversity.

**Q9** *Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

The planning proposal seeks to change the zoning of the subject premises SP2 - Infrastructure to IN1 – General Industrial, therefore generally permitting a numerous urban/industrial land uses and the associated built form and hardstand areas. For the purpose of the intended development of the site, the following potential environmental effects are expected to be generated as a result of the proposal:

- Increased impervious area, resulting in increased stormwater runoff;
- Increased hazardous goods storage;

These potential environmental impacts are intended to be addressed as Development Application stage, of which the following is expected to be undertaken in order to minimise any potential environmental impact:

- Design and installation of all fuel-related storage and dispensing equipment in accordance with AS1940;
- Appropriate stormwater management of all / any new impervious areas introduced as part of the proposal, including appropriate oily water separation treatment system under the canopy area.

*Q10 Has the planning proposal adequately addressed any social and economic effects?*

The social and economic effects of the planning proposal are considered to be minor in the context of what is being proposed, noting that:

- The subject site is an inherently small parcel of land in consideration of the adjoining land;
- The change of zoning is consistent with the zoning of adjoining freehold land, for which the premises is expected to form part of;
- The intended future land uses are permissible on the premises, and therefore are considered to be consistent with the intent of the surrounding locality.

#### **4.3.2.2 Infrastructure**

*Q11 Is there adequate public infrastructure for the planning proposal?*

In its current form, the subject premises is considered to have adequate public infrastructure available, having regard the site survey provided within **Appendix B**.

The road infrastructure which directly fronts the site is considered to be of a scale that supports the intended uses at the subject premises and larger development area associated with the intended development of the subject land.

In relation to utility services and whether the proposal will trigger the upgrade of any of these services, this is considered most appropriately assessed at development application stage. However, the proposal is considered to be a logical extension to land already zoned for urban purposes and it can be readily serviced with all required utilities and services.

#### **4.3.2.3 State and Commonwealth Interest**

*Q12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

The gateway determination will determine any further consultation requirements with state or Commonwealth public authorities.

### **4.4 Mapping**

Where required by council, the applicant can amend the following LEP mapping to reflect the proposed rezoning:

- Land Zoning Map (Sheet LZN\_003A);
- Lot Size Map (Sheet LSZ\_003A);

### **4.5 Consultation**

The overall development proposal for the premises has been prepared in consultation with Snowy Valleys Council and Transport for NSW as illustrated by the pre-lodgement notes provided within the early sections of this report.

In accordance with the EP&A Act and the Snowy Valleys Council Community Participation Guidelines, the Planning Public exhibition period of the proposal will be determined upon receipt of the Gateway Determination or to a

maximum of 28 Days. This additionally appears to be in alignment with the Local Environmental Plan Making Guideline, which specifies that a standard planning proposal should be exhibited for a maximum of 20 working days.

## 4.6 Project Timeline

In accordance with the LEP Making Guideline, the subject planning proposal is considered to be a standard proposal, given that the proposal is considered to be consistent with the objectives for the proposed zone.

Given this, the expected timeframes for assessment of the proposal are described within table 4.

*Table 4: Expected Planning Proposal Timeframes*

Stage	Maximum Timeframe Benchmark
Stage 1 – Pre-lodgement	50 Working Days
Stage 2 – Planning Proposal	95 Working Days
Stage 3 – Gateway Determination	25 Working Days
Stage 4 – Post-Gateway	50 Working Days
Stage 5 – Public Exhibition & Assessment	95 Working Days
Stage 6 – Finalisation	55 Working Days
Sub Total (Department Target)	225 Working Days
Total (End to End)	320 Working Days



## 5.0 CONCLUSION

This Planning Proposal has been prepared by TfA Project Group on behalf of Snowy Valley Developments Pty Ltd (the Applicant). This proposal seeks to amend the Tumut Local Environmental Plan to rezone land from SP2 – Infrastructure (Classified Road) to IN1 – General Industrial. The application is made over land forming part of the existing road reserve within Snowy Mountain Highway/Adelong Road, identified as state road number 4, directly adjacent to 67-99 Adelong Road, Tumut, NSW, 2720.

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the LEP Making Guideline.

The proposal has been assessed against the relevant local and State provisions, guidelines and regional strategies and from this assessment, the following conclusions are able to be drawn:

- The repurposing of the subject premises is considered to be accepted in principle by council, by proxy of the pre-lodgement discussions and the acceptance of the closure and impending sale of this portion of road reserve.
- The site adjoins existing IN1 – General Industrial zoned land, and the rezoning would be a logical extension of this zoning designation.
- The proposal is considered to be consistent with the policy provisions and intent of the relevant regional strategies.
- The proposal is not considered to impact adversely on any surrounding receiving environment and any perceived impacts can be managed through appropriate environmental management measures demonstrated at development application stage.

On the basis of the above, it is considered sufficient planning grounds exist to warrant the proposal and the application is recommended for Council approval.



## APPENDIX A – CONCEPTUAL SITE LAYOUT

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## APPENDIX B – SITE SURVEY

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## APPENDIX C – COUNCIL ORDINARY MEETING MINUTES

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## APPENDIX D – PRELIMINARY SITE HISTORY

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## APPENDIX E – EXISTING LAND ZONING MAP

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## APPENDIX F – EXISTING LOT SIZE MAP

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