

11.3. PLANNING PROPOSAL LEP2022/01 - COUNCIL ROAD RESERVE, ADELONG ROAD, TUMUT

REPORT AUTHOR: CONSULTING STRATEGIC PLANNER

RESPONSIBLE OFFICER: INTERIM GENERAL MANAGER

EXECUTIVE SUMMARY:

Council has received a request to make an amendment to the Tumut Local Environmental Plan (LEP) 2012 via a 'Planning Proposal' submitted by Snowy Valley Developments Pty Ltd.

The planning proposal seeks to amend the land zoning of a 654m² parcel of land located within the existing Adelong Road reserve, which is to be closed and consolidated into the adjoining allotment known as 67-99 Adelong Road Tumut. The Planning Proposal seeks to amend the zoning of the subject site from SP2 "Infrastructure" to IN1 "General Industry."

RECOMMENDATION:

THAT COUNCIL:

1. Support the planning proposal LEP2022/01 prepared to amend the Tumut Local Environmental Plan (LEP) 2012.
2. Forward the planning proposal to the Department of Planning and Environment for a Gateway Determination.

BACKGROUND:

Council is in receipt of a planning proposal LEP2022/01 to change the land zoning of a part section of Adelong Road that Council has previously resolved to close and transfer to the adjoining land owner.

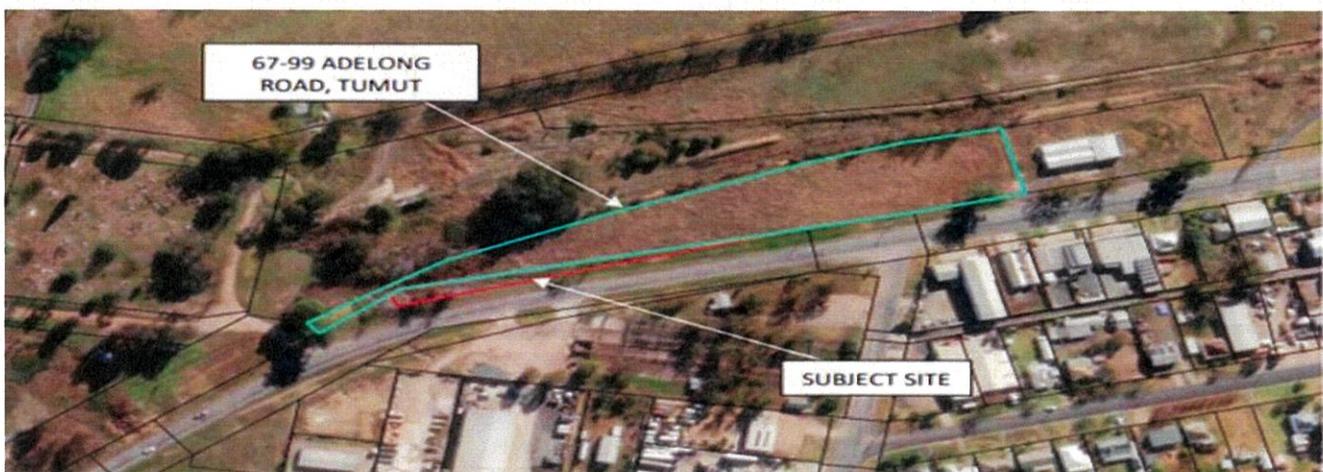


Figure 1: Aerial View - Subject site highlighted (Source: SixMaps)

Council's resolution minute number M59/22 of 17th February 2022 has been included for reference below:

MINUTES of the ORDINARY COUNCIL MEETING held on THURSDAY, 17 FEBRUARY 2022 in the TUMBURRUMBA COUNCIL CHAMBERS AND VIA VIDEO LINK,

MANAGEMENT REPORTS:

11.3 – Request for Purchase of Council Road Reserve – Adelong Road, Tumut

PURPOSE OF REPORT: To report on a proposal from a local land owner to purchase a parcel of Council Road Reserve

M59/22 RESOLVED that the Council:

1. Receive this report for the request for partial road closure, subdivision and sale of the part road reserve fronting number 67-69 Adelong Road, Tumut.
2. Approve the partial road closure, subdivision and sale of the formed lot subject to the terms of sale being met including:
 - I. Compliance with the legislation framework for the closing of public roads contained within the Roads Act 1993, and sale of land contained within the Real Property Act 1900.
 - II. Sale price to be determined by an independent land valuation and all survey, administration and application fees applicable to be covered by the purchaser upon settlement.
 - III. Parties to meet own legal costs.
3. Delegate to the Mayor and Chief Executive Officer to affix Council seal and execute document relevant to the closure of the road reserve and sale of the land.

Cr James Hayes/Cr John Larter
CARRIED UNANIMOUSLY

The current land zoning of the subject site is identified as Zone SP2 Infrastructure under the Tumut Local Environment Plan 2012 which is a common land use zone for main roads and rail corridors.

The planning proposal seeks to change the Zone to IN1 General Industry which is consistent with the surrounding allotments and will permit a greater range of land uses in the future.

Subject to the Local Environmental Plan amendment and land sale transaction, a proposed future Service Station, Truck Wash and Workshop are proposed for the site. The change to IN1 General Industrial would ensure that this portion of the site is consistent with the land use zone of the remainder of the site. The portion of the site is expected to be utilised for access and egress arrangements.

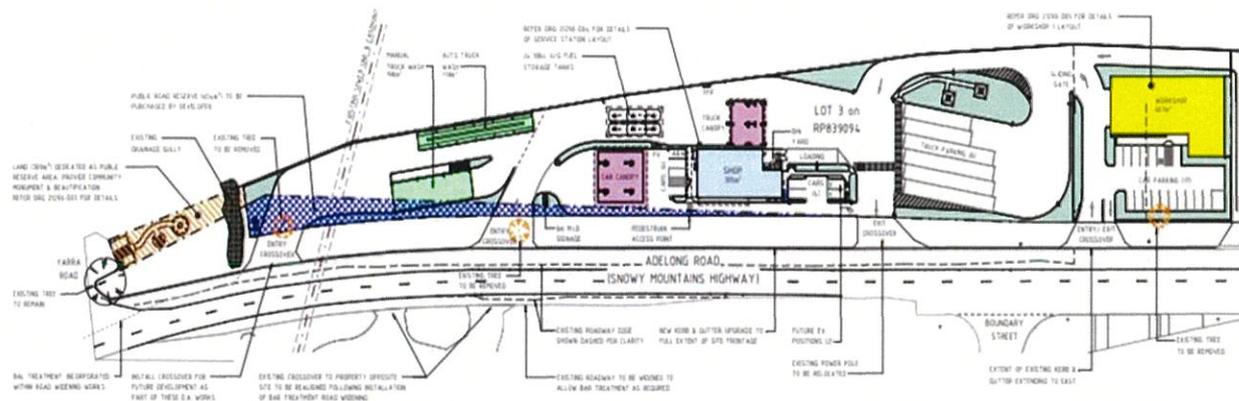


Figure 2 - Future Development Concept Plan

REPORT:

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 Guidelines.

The proposal seeks to change the zoning of a part section of Adelong Road from SP2 to IN1 which would allow for additional land uses to occur on the subject site.

The existing Zone SP2 is described in the Tumut LEP 2012 land use tables as:

ZONE SP2 INFRASTRUCTURE**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

The SP2 Zone is common for main road and rail corridors and limits development potential to transport infrastructure and associated activities only.

The proposed Zone IN1 is described in the Tumut LEP 2012 land use table as:

ZONE N1 GENERAL INDUSTRIAL**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

The IN1 Zone is consistent in the locality with the lands surrounding the subject site all being zoned IN1. The change will permit a greater variety of land uses to occur and increase future development potential of the property.

The proposal has been assessed against the relevant Local and State provisions, guidelines and regional strategies, including the Department of Planning and Environment's (DPE) Local Environmental Plan Making Guidelines 2021 - Section 2 that outlines the required content for planning proposals. The planning proposal is considered to be consistent with these requirements.

The proposal has also been assessed against the Riverina Murray Regional Plan 2036, with specific sections, including Division 4 - Promote business activities in industrial and commercial areas, Division 18 - Enhance Road and rail freight links, and Division 21 - Align and protect utility infrastructure investment, being considered to be applicable to the subject site and proposal. Additionally, the proposal was assessed against local strategic documents including the Snowy Valleys Local Strategic Planning Statement (LSPS) 2020-2040 and the Snowy Valleys Community Strategic Plan 2028. The proposal is considered to be consistent with the themes of the relevant local strategies, these include:

- Towns and Villages
- Growth Through Innovation
- Our Natural Environment
- Our Infrastructure
- Communication and Engagement

The planning proposal also considered the Snowy Valleys Council Region Economic Development Strategy, 2018-2022 and was not found to be inconsistent with the strategies outlined in that document.

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.

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	The section of reserve subject to the zone change does not impact on any neighbouring properties, not prevent access to the public.	Nil
Environmental	Nil foreseeable environmental impacts for zone change	Nil
Economic	The zone change may be linked to future purchase price of the subject site, survey, application and administration fees to be	Council responsible for own legal fees

	Positive	Negative
	finalised by purchaser at time of settlement	
Governance	No foreseen impact	No foreseen impact

LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 3 - Our Environment

Community Strategic Plan Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

Delivery Program Principal Activities

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

FINANCIAL AND RESOURCES IMPLICATIONS:

The costs associated with the assessment of the planning proposal will be covered through Council's existing allocated budget for 2022/2023. The adopted fees and charges provide for levying any application for a minor LEP amendment.

POLICY, LEGAL AND STATUTORY IMPLICATIONS:

Legislative framework for amending the Tumut Local Environmental Plan 2012 is covered under the *Environmental Planning and Assessment Act 1979* and associated *Regulation 2021* and the Plan making guidelines.

RISK MANAGEMENT / COST BENEFIT ANALYSIS:

N/A

OPTIONS:

THAT COUNCIL:

1. (i) Support the Planning Proposal LEP2022/01 prepared to amend the Tumut Local Environmental Plan (LEP) 2012.

(ii) Forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

2. Not support the Planning Proposal.

Option 1 is recommended.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Any community engagement will be identified by the NSW Department of Planning and Environment through a gateway determination if the planning proposal is supported by Council

ATTACHMENTS

1. Draft Tumut Planning Proposal - Snowy Mountains Developments (under separate cover)
2. Conceptual Site Layout (under separate cover)
3. Existing Land Zoning Map (under separate cover)
4. Existing Lot Size Map (under separate cover)
5. Preliminary Site History (under separate cover)
6. Site Survey (under separate cover)