

10.6. PLANNING PROPOSAL PP2022-1938 AMENDMENT TO THE ZONING AND MINIMUM LOT SIZE OF LAND AT 67-99 ADELONG ROAD, TUMUT - POST EXHIBITION - ATTACHMENTS

Attachment Titles:

1. Signed Gateway Determination PP2022-1938
2. Signed Gateway Determination Report PP2022-1938
3. Signed Letter to Council PP2022-1938
4. Advice from TfNSW Development Services South PP2022-1938
5. Extract from the Tumut LEP Land Zoning Map in relation to the subject site
6. Extract from the Tumut LEP Lot Size Map in relation to the subject site

Attachment 1 - Snowy Valleys DWR Signed - Gateway Determination PP-2022-1938_V1_PP-2022-1938

Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-1938): to change zone from SP2 Infrastructure to IN1 General Industrial (E4 General Industrial employment zone transition) and change minimum lot size to 750m² for the part road reserve adjoining 67-99 Adelong Road, Tumut.

I, the Director, Western Region, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tumut Local Environmental Plan 2012 to change zone from SP2 Infrastructure to IN1 General Industrial (E4 General Industrial employment zone transition) and change minimum lot size to 750m² for the part road reserve adjoining 67-99 Adelong Road, Tumut should proceed subject to the following conditions:

1. Prior to commencing community consultation, the planning proposal is to be amended to:
 - (a) Update the Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in six (6) months; and
 - (b) Include indicative LEP mapping to show proposed changes to zoning and minimum lot size for proposal.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days; and
 - (d) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).
3. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act.

Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within six (6) months of the date of the Gateway determination.

Dated 29th day of November 2022.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning and Environment
Delegate of the Minister for Planning

PP-2022-1938 (IRF22/3988)

Attachment 2 - Snowy Valleys DWR Signed - Gateway Determination Report PP-2022-1938



IRF22/3988

Gateway determination report – PP-2022-1938

Rezone from SP2 Infrastructure to IN1 General Industrial and change minimum lot size to 750m2 for part road reserve near 67-99 Adelong Road, Tumut.

November 22



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Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-1938

Subtitle: Rezone from SP2 Infrastructure to IN1 General Industrial and change minimum lot size to 750m2 for part road reserve near 67-99 Adelong Road, Tumut.

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Draft Planning proposal prepared by TFA, Rev A, dated 26 May 2022

Council Planning proposal report presented at council meeting on 15 September 2022

Council meeting minutes for 15 September 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Snowy Valleys
PPA	Snowy Valleys Council
NAME	Amend zone from SP2 Infrastructure to IN1 General Industrial (E4 General Industrial transition) and change minimum lot size to 750m ² for part road reserve near 67-99 Adelong Road, Tumut.
NUMBER	PP-2022-1938
LEP TO BE AMENDED	Tumut Local Environmental Plan 2012 (LEP)
ADDRESS	Council Road Reserve near 67-69 Adelong Road, Tumut.
DESCRIPTION	Council Road Reserve, State Road No. 4
RECEIVED	26/10/2022
FILE NO.	IRF22/3988
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
DWELLING HOUSES/JOBS	0/0

1.2 Objectives of planning proposal

The planning proposal relates to the road reserve (subject site) located within the existing Adelong Road (Snowy Mountain Highway) road reserve, which is to be closed and consolidated into the adjoining lot, 67-99 Adelong Road, Tumut to enable future development. The planning proposal intends to amend the controls applicable for the subject site by:

- rezoning the subject site from SP2 Infrastructure to IN1 General Industrial (will transition to new comparable E4 general Industrial zone under the employment zone reforms); and
- applying minimum lot size control of 750m² as there is no current minimum lot size control applicable to the subject land.

Section 4.1 page 14 of the proponent's planning proposal report clearly states the objective of the planning proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend the Tumut Local Environmental Plan (LEP) 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone (LZN)	SP2 Infrastructure	IN1 General Industrial (E4 General Industrial - employment zone transition)
Lot size (LSZ)	None applicable	750m ²

1.4 Site description and surrounding area

The subject site forms part of the existing road reserve associated with Adelong Road (Snowy Mountains Highway) and adjoins 67-99 Adelong Road, Tumut.(refer to Figure 1).

The subject land is vacant, narrow and triangular in shape and has an area of approximately 654m².

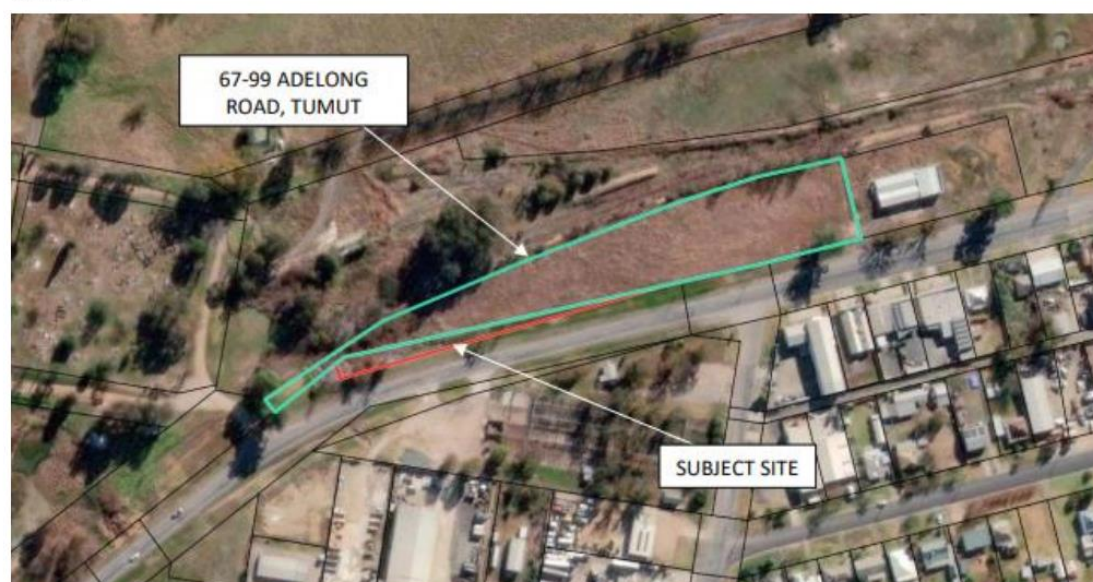
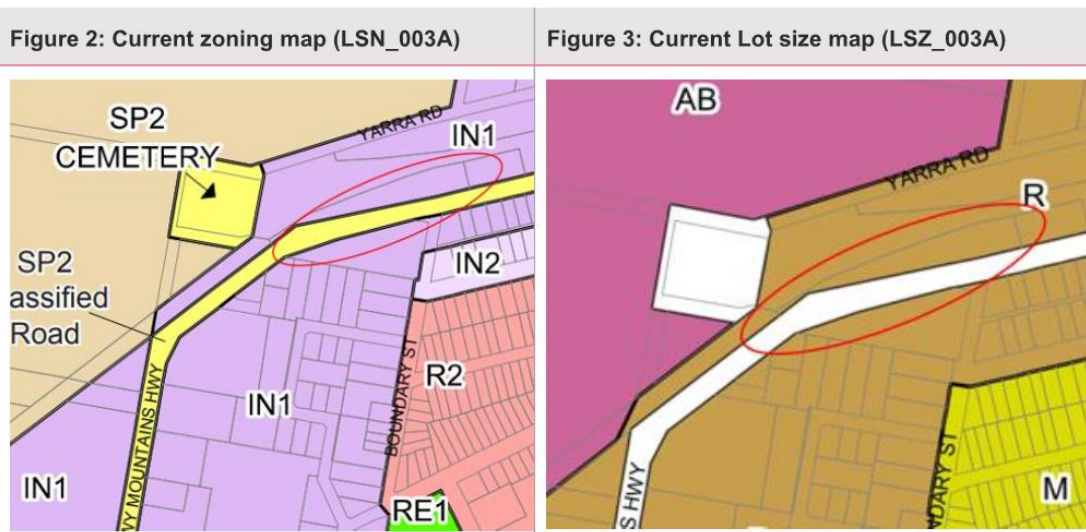


Figure 1 Subject Site (source: Proponent planning proposal report, map sourced from SixMaps, 2022)

1.5 Mapping

The proponent's planning proposal does not contain the intended LEP mapping showing the proposed changes to the LZN_003A and LSZ_003A maps. The proposal will need to be updated to provide indicative LEP maps for public exhibition purposes.



1.6 Background

14 September 2021

A pre-lodgement meeting was held between proponent, Snowy Valleys Council and Transport for NSW (TfNSW) to discuss the proposed service station and workshop development at the 67-99 Adelong Road, Tumut. The meeting confirmed that part of the road reserve is to be acquired by the proponent for the proposed development.

The subject part road reserve will be used to construct signage, vehicle ingresses and provide pedestrian access. Figure 4 indicates the proposed development. The extent of the land the subject of this planning proposal is indicated by blue crosshatching.

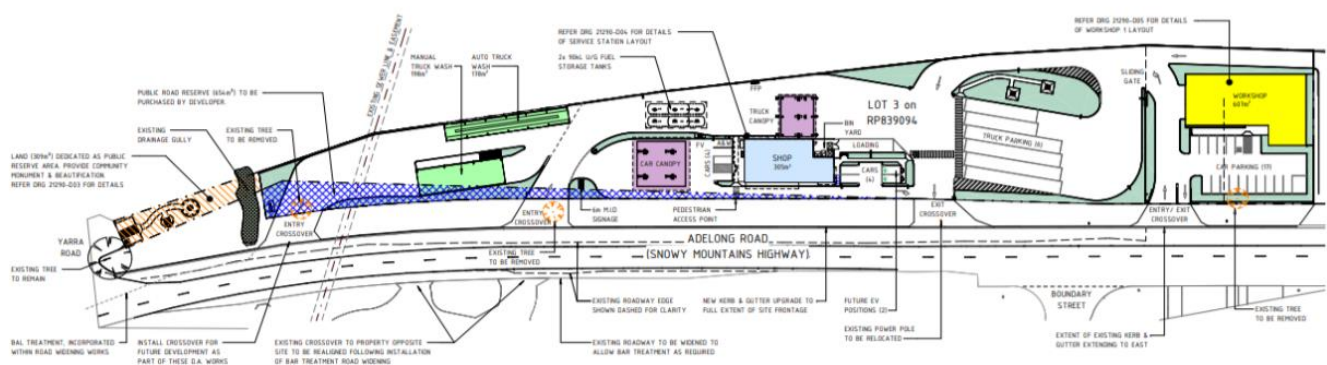


Figure 4: Concept layout for the proposed development (Source: site layout plan, 2022)

17 February 2022

Snowy Valleys Council resolved to proceed with the partial road closure and sale of part of Adelong Road (Snowy Mountains Highway). In its assessment, Council indicated-

- That the current road reserve is undeveloped and has adequate offset from the road shoulder.

- The part road reserve closure will have low impact on the transport network considering the width of the road reserve along the corridor.
- Council sees no foreseeable opportunities to develop the part of the road reserve.

15 September 2022 Council agreed to forward planning proposal to the Department to change zoning and minimum lot size for the subject site.

2 Need for the planning proposal

67-99 Adelong Road, Tumut (DA site) has road frontage to Adelong Road (Snowy Mountains Highway). The road frontage is also located opposite to the intersection of the Adelong Road and Boundary Street, which further limits options for suitable vehicle access to the site. The only other location for the site to have accessway is Yarra Road, which is not appropriate for proposed frequent usage for vehicles. Given that the proposed use of the DA site is to be a service station with a separate workshop premises, the DA site is likely to require several access points (vehicle types and entry to premises) for various purposes. Current concept plan indicates that the service station will need-

- 2 vehicle entries (trucks and cars) to the service centre
- 1 vehicle exit from the service centre
- 1 pedestrian accessway to the service centre
- 1 combined entry and exit crossover for the workshop
- signage along the road frontage

The planning proposal is not a result of any strategic work, rather agreement between proponent, Council and TfNSW to achieve better access to the site for the proposed development. The amendment to the zoning and minimum lot size will extend the adjoining LEP controls of the DA site to the subject site and enable the DA site to be developed more effectively.

The proposed amendment is the best way to achieve the intended outcome as there are no other unrestricted alternative accessways to the site as well as there being no other development/improvements planned for the part road reserve in the future. The intended outcome for the DA site will be difficult to achieve without the subject site as access is restricted.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 4: Promote business activities in industrial and commercial areas	The proposed amendment will enable development of the DA site, thus creating new business activities for the locality. The DA site is currently zoned industrial, and the planning proposal will provide opportunity to develop the land with appropriate access. The intended development (service station and workshop) will also promote employment and co-location of related industries, as well as encourage use of industrial land.

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Division 18 -
Enhance Road and
rail freight links

This direction is applicable as the proposed amendment relates to part of a freight network. The proposed changes are of a minor nature and acceptable as the proposal will assist in facilitating a development that services the freight industry. TfNSW and Council support the proposal.

In addition, draft Riverina Murray Regional Plan 2041 has recently completed public exhibition and the relevant objective of the draft plan is discussed below.

Table 5 draft Riverina Murray Regional Plan assessment

Regional Plan Objectives	Justification
Objective 14: Protecting and promoting industrial and manufacturing land.	The proposed amendment is consistent with this objective by enabling co-location and clustering of compatible industries.

3.2 Local

The proposal states that it is consistent with Local Strategic Planning Statement 2020-2040, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The proposed amendment will give effect to the following planning priorities for the Snowy Valley LSPS-</p> <ul style="list-style-type: none"> Growth through Innovation - by providing additional range of short term and long-term employment opportunities for the immediate locality and the local government area. Our Infrastructure - by improving facilities available for the key freight and haulage routes for the area.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The proposed amendment is consistent with this Direction.
1.4 Site Specific Provisions	Not Applicable	The proposed amendment will not result in any specific site specific provisions.

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3.2 Heritage Conservation	Not Applicable	The subject land is not affected by any heritage items and does not change any heritage provisions. The DA site is near heritage items (Tumut Railway station and is in close proximity to the Tumut Butter Factory) and this will be assessed as part of the Development Application process.
5.1 Integrating Land Use and Transport	Not Applicable	This Direction is not applicable to this proposal as the proposed amendment relates to rezoning of a land that will be utilised to provide access to a site which is intended to be used for new business and services.
5.2 Reserving Land for Public Purposes	No - but justified	The proposed amendment results in an inconsistency with this Direction as it alters existing zoning of land for public purposes. As discussed in this report, the planning proposal and Council report, the proposed use and sale of road reserve was agreed upon by TfNSW and Council. The subject land is small and narrow that can be better utilised for future development of the adjoining DA site. The delegate of the Secretary can be satisfied that the inconsistency in terms of this Direction is of minor significance.
7.1 Business and Industrial Zones	Yes	The proposed amendment is consistent with this Direction as it encourages employment growth in suitable locations. The land at this stage is not used for any purpose and this proposed amendment will enable development and use of this land to generate employment opportunities.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Resilience and Hazards) 2021	Assessment of potentially hazardous or offensive development to have sufficient information reduce or minimise any adverse impact	Yes	The intended uses of the DA site (service station and vehicle workshop) may be considered as a potentially hazardous industry and/or hazardous storage establishment. Appropriate considerations can be given at the Development Application stage to ensure that the impact from the development can be reduced, or minimised and adequate standard protection measures are applied to protect the environment.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Development in or adjacent to road corridors and road reservations	Yes	The intended use of the DA site will be assessed at the Development Application stage having regard to the Snowy Mountains Highway.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Groundwater	The subject land is identified to have groundwater vulnerability under the Groundwater Vulnerability Map (GRV_003) of the LEP. The intended development of the subject site will be connected to urban services and potential impacts on the groundwater will be assessed at the Development Application stage.
Heritage	The DA site adjoins part of Tumut Railway line and the Station buildings (heritage item I47 – State significant) and the Tumut Butter Factory (item I47 Local significance). These heritage items are located further east from the DA site and the subject site. Heritage impact from the development of the DA site will be considered development assessment stage. This proposal does not change the heritage provisions.

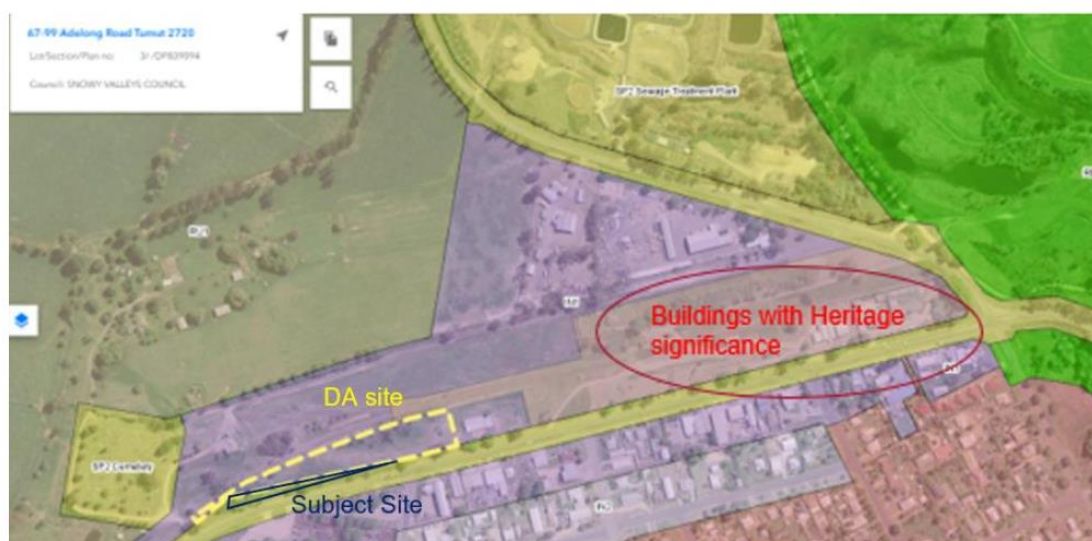


Figure 5: DA site in relation to the heritage affected sites and the buildings located within the heritage sites (Source: ePlanning, 2022)

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Employment	The construction of the intended development will create temporary employment opportunities for the locals and specialised industries. The proposed development for the DA site is employment generating in nature and will continue to provide long term and short-term employment opportunities in the local area once operational.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Infrastructure	The DA site is indicated to have all urban services available. The construction of the proposed development will utilise available services and upgrade services where required. This can be considered in detail at the development application stage.
Traffic generation and access to the road	The proposed LEP amendment will facilitate the proposed development of the DA site by enabling better access. Early consultation has been undertaken with TfNSW and Council in relation to traffic generation and access. Traffic generation and access will be considered in detail at the development assessment stage.

5 Consultation

5.1 Community

Council does not propose a timeframe for community consultation although the planning proposal indicates a period of 28 days.

The exhibition period proposed is considered appropriate.

5.2 Agencies

It is recommended that TfNSW be consulted regarding the planning proposal.

6 Timeframe

Council does not propose a timeframe to complete the LEP although the planning proposal indicates a period of 10 months to finalise the proposal.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not indicate if it would like to be the local plan-making authority.

Having regard to the minor nature of the planning proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposed amendment is consistent with the relevant Regional Plan.
- The inconsistency with relevant 9.1 Direction is considered minor in nature and justified
- The proposal will assist in facilitating the proposed development of the DA site that create employment opportunities to the immediate and boarder locality
- The proposed development of the DA site will provide essential facilities for transport operators and the travelling public using the highway

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the inconsistency with section 9.1 Directions 5.2 Reserving Land for Public Purposes is of minor significance and justified. No further work is required in regard to this matter.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation with Transport for NSW.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

29 November 2022 (Date)

Wayne Garnsey

Manager, Western Region

Gateway determination report – PP-2022-1938



(Signature)

29 November 2022 (Date)

Garry Hopkins
Director, Western Region

Assessment officer

Oyshee Iqbal
Planning Officer, Western Region
5852 6800

Attachment 3 - Snowy valleys DWR Signed - Letter to Council PP-2022-1938

PP-2022-1938/ IRF22/3988

Ken Gouldthorp
General Manager
Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Dear Mr Gouldthorp,

Planning proposal PP-2022-1938 to amend Tumut Local Environmental Plan 2012 - part Road Reserve near 67-99 Adelong Road, Tumut.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the zone from SP2 Infrastructure to IN1 General Industrial (E4 General Industrial – employment zone transition) and change the minimum lot size to 750m² for the part road reserve adjoining 67-99 Adelong Road, Tumut.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with the section 9.1 Direction of the Minister 5.2 Reserving Land for Public Purposes, is justified in accordance with the terms of the Direction.

It is noted that Council has not requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The amending local environmental plan (LEP) is to be finalised on or before six (6) months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible subject to the conditions listed in the Gateway determination.

This will be a map only amendment and Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The Department of Planning and Environment, Western Region team should be copied into the request (westernregion@planning.nsw.gov.au). The request must include the drafting

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instruction template, planning proposal and Gateway determination. Council's request to draft and finalise the plan should be made eight (8) weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Thomas Scoble, Planning Officer, from the Department of Planning and Environment, Western Region office, to assist you. Mr Scoble can be contacted on 58526800.

Yours sincerely



29 November 2022

Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination

Attachment 4 - PP-2022-1938 - TfNSW SF2022_188938_Ref-2022

Transport for NSW



14 March 2023

TfNSW reference: STH22/00297/03
Your reference: PP-2022-1938 (Ref-2022)

Planning and Development Services Manager
Snowy Valleys Council
By Email: btrethowan@svc.nsw.gov.au; info@svc.nsw.gov.au
CC: information@planning.nsw.gov.au

Attention: Becci Trethowan

PP-2022-1938 – Spot Rezoning – LOT 3 DP 839094 – 67-99 Adelong Road TUMUT

Dear Becci

Transport for NSW (TfNSW) is responding to the Planning Proposal PP-2022-1938 referred on 24 February 2023.

TfNSW has reviewed the information and has no objections to the Planning Proposal in principle. Comments are set out in Attachment 1.

If you have any questions, please contact Elira Reynolds, Development Services Case Officer, on 02 9549 9397 or email development.south@transport.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read "Elira Reynolds".

Elira Reynolds
Development Services Case Officer, Development Services

OFFICIAL
OFFICIAL

Level 4, 90 Crown St (PO Box 477 2520) Wollongong NSW 2500
193-195 Morgan Street (PO Box 484) Wagga Wagga NSW 2650

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1 of 2

Transport for NSW



Attachment 1

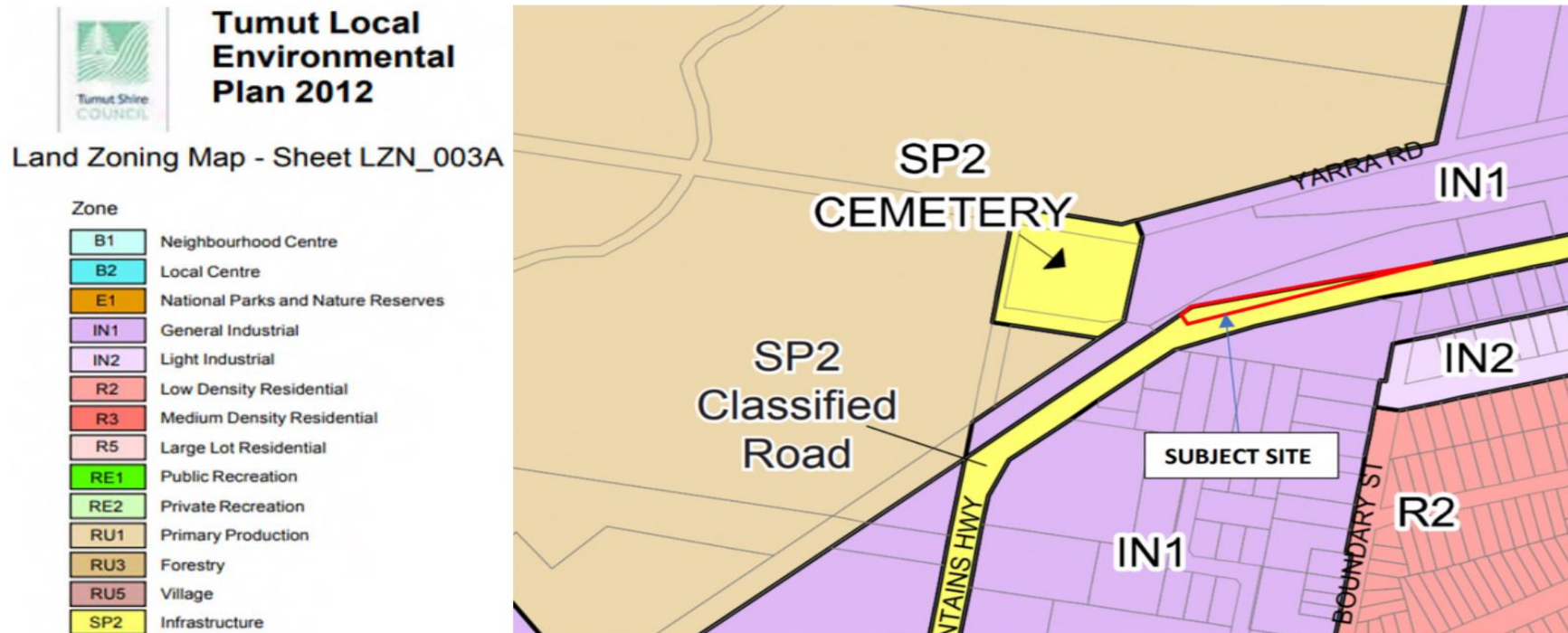
PP-2022-1938 – Spot Rezoning – LOT 3 DP 839094 – 67-99 Adelong Road TUMUT

Context

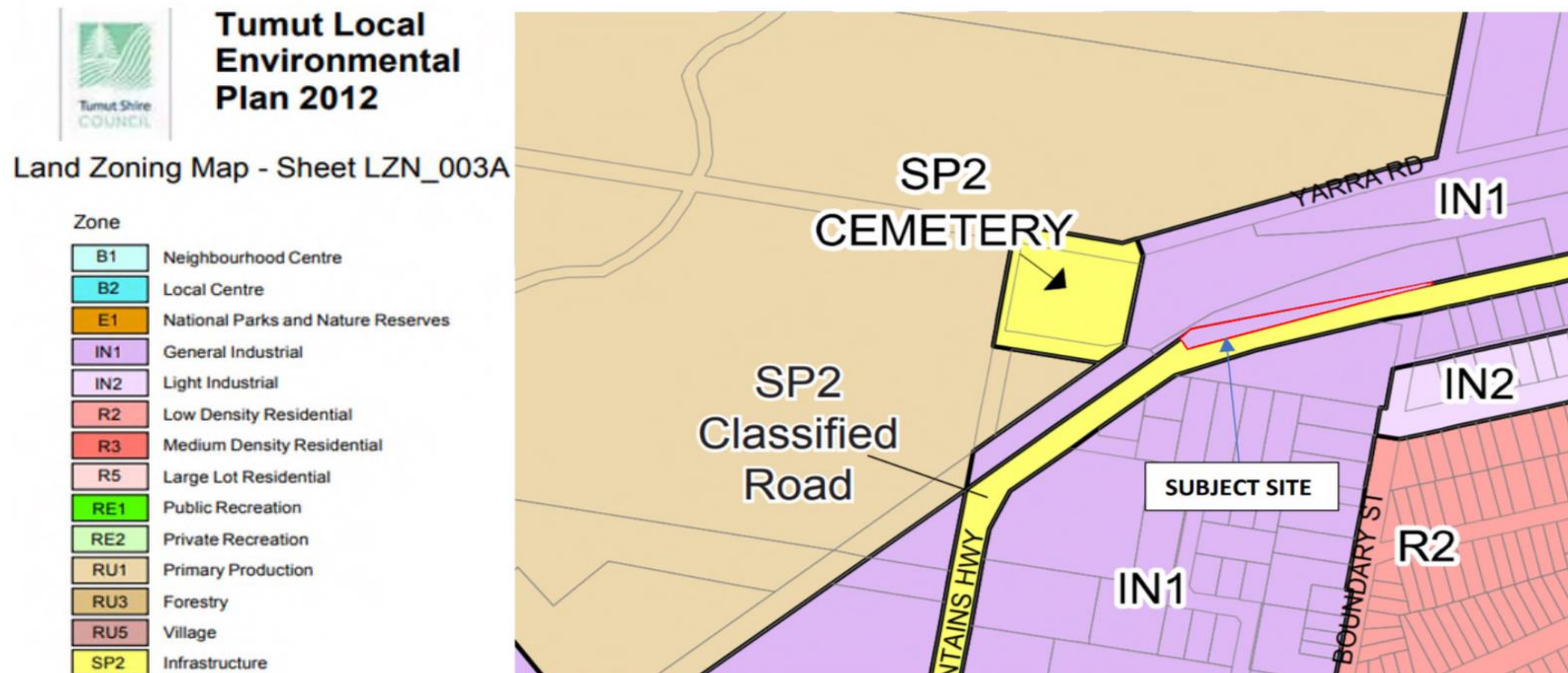
TfNSW notes for this DA:

- The key state road is Adelong Road (the Snowy Mountains Highway). The subject site currently forms part of the road reserve of Adelong Road.
- The proposal includes the rezoning of the site from SP2 Infrastructure (Classified Road) to IN1 General Industrial and the increase of the minimum lot size to 750 sqm.
- The proposed changes will allow the site to be used as part of the approved DA 2022/0064 for a service station and truck stop.

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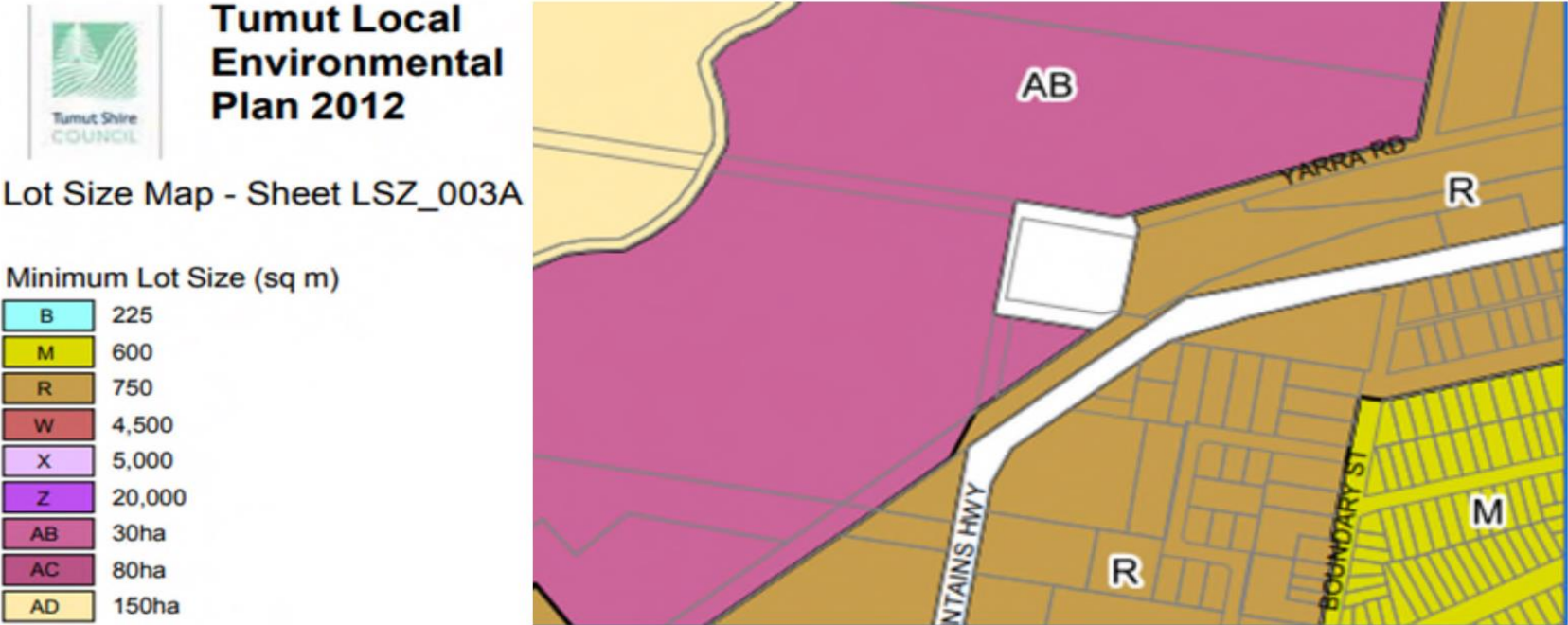
Attachment 5 - Extract from the Tumut LEP Land Zoning Map in relation to the subject site_PP-2022-1938

Extract from the Tumut LEP Land Zoning Map in relation to the subject site's current land zoning

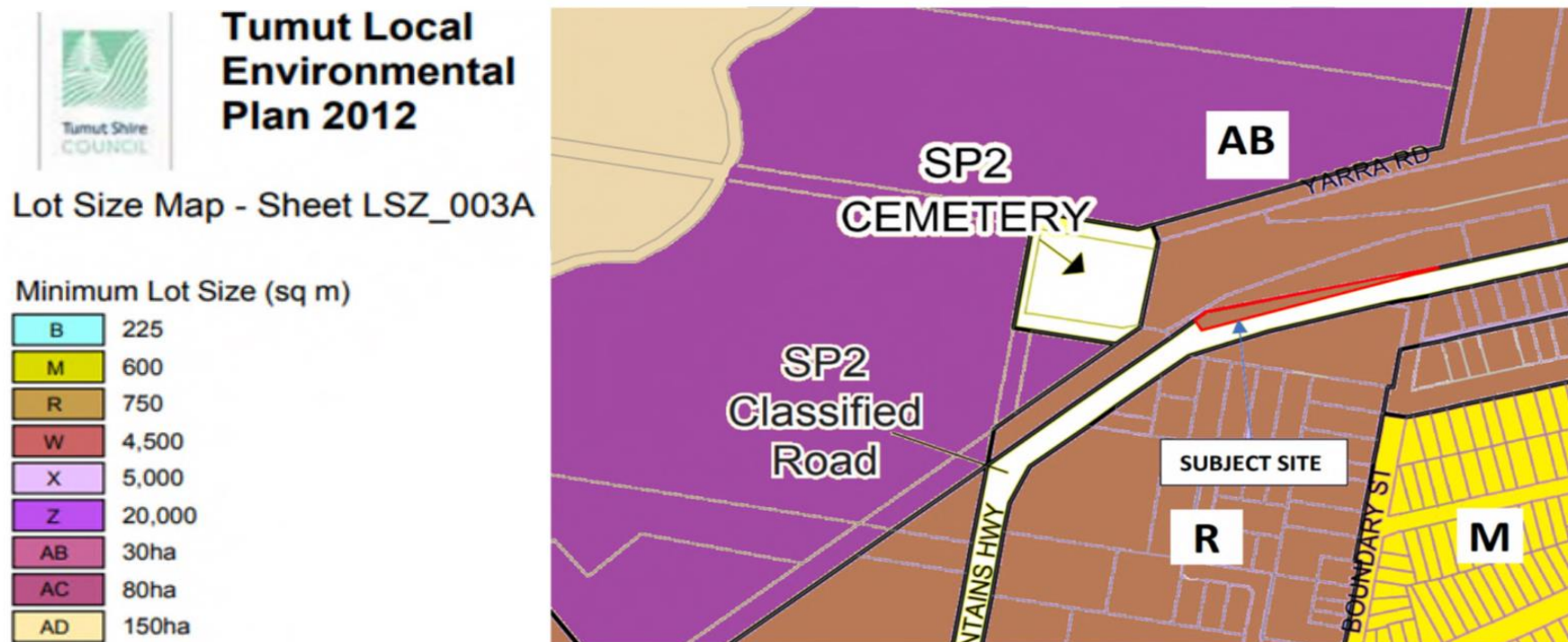


Extract from the Tumut LEP Land Zoning Map in relation to the subject site's proposed change from Zone SP2 to Zone IN1

Attachment 6 - Extract from the Tumut LEP Lot Size Map in relation to the subject site_V2_PP-2022-1938



Extract from the Tumut LEP Lot Size Map in relation to the subject site’s current minimum lot size



Extract from the Tumut LEP Lot Size Map in relation to the subject site's proposed change from SP2 to 750m2