

Draft

# PLANNING PROPOSAL

**PROPOSAL:** Additional Permitted Use –  
Centre Based Childcare Centre

**ADDRESS:** 97 King Street, Tumbarumba

July 2023

**DESCRIPTION:** Additional Permitted Use – Centre Based Childcare Centre

**CLIENT:** Snowy Valleys Council

**Anthony Daintith Town Planning Pty Ltd**

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1.0	3/7/2023	Preliminary Draft	AD
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This document has been authorised by

\_\_\_\_\_  
Anthony Daintith (Principal)

Date:



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# CONTENTS

<b>CONTENTS .....</b>	<b>3</b>
1.1 INTRODUCTION .....	4
1.2 PROPONENT AND OWNER .....	5
2.1 SITE DESCRIPTION .....	6
2.2 GENERAL SITE DESCRIPTION .....	9
2.3 TUMBARUMBA LOCAL ENVIRONMENTAL PLAN 2010 .....	11
<b>PART 2 – EXPLANATION OF PROVISIONS .....</b>	<b>14</b>
<b>PART 3 JUSTIFICATION.....</b>	<b>14</b>
SECTION A – NEED FOR PLANNING PROPOSAL .....	14
<i>Is the planning proposal a result of any strategic study or report?</i> .....	14
<i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i> .....	14
<i>Is there a net community benefit?</i> .....	15
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK .....	15
<i>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)?</i> .	15
<i>Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?</i> .....	16
<i>Is the planning proposal consistent with applicable State Environmental Planning Policies?</i> .....	16
<i>Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?</i> .....	17
SECTION C ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACT .....	27
<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?</i> .....	27
<i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i> .....	27
<i>How has the planning proposal adequately addressed any social and economic impacts?</i> .....	28
SECTION D – STATE AND COMMONWEALTH INTERESTS.....	28
<i>Is there adequate public infrastructure for the planning proposal?</i> .....	28
<i>What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</i> .....	28
<b>4. COMMUNITY CONSULTATION .....</b>	<b>28</b>
<b>5. CONCLUSIONS.....</b>	<b>29</b>

# 1 BACKGROUND

## 1.1 INTRODUCTION

Snowy Valleys Council has engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Tumbarumba Local Environmental Plan 2010* by seeking to include an additional permitted use under Schedule 1 for a centre based childcare centre on the subject land.

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "Planning Proposals, A guide to preparing local planning proposals" (Department of Planning & Environment, December 2018).

A planning proposal is comprised of five parts:

- Part 1** - A statement of the objectives or intended outcomes of the proposed instrument;
- Part 2** - An explanation of the provisions that are to be included in the proposed instrument;
- Part 3** - The justification for those objectives, outcomes and the process for their implementation;
- Part 4** - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5** - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Planning Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms Part 6 of a planning proposal.

## 1.2 PROPONENT AND OWNER

The proponent is Snowy Valleys Council.

The registered owner of the subject land is Snowy Valleys Council.

## 2 SUBJECT LAND

### 2.1 SITE DESCRIPTION

The subject land that is subject to the Planning Proposal is identified as 97 King Street, Tumbarumba.

Refer to **Figure 1**, which depicts the site within the locality. **Figure 2** provides an aerial photo of the site.

The area of the subject land that is included in this Planning Proposal is approximately 4029m<sup>2</sup>.

The land title description is:

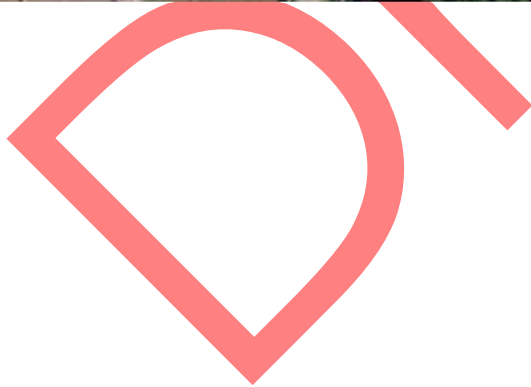
**Table 1: Land Title Details**

Lot	Section	Deposited Plan
17	9	759003
18	9	759003

Figure 2: Locality Plan



Figure 3: Aerial Photo





## 2.2 GENERAL SITE DESCRIPTION

### Topography

The land is relatively level and slopes down to the east.

### Vegetation

Landscaped gardens

### Waterways

There are no watercourses traversing the site.

### Buildings

Vacant land.

**Photo 1: Is from -35.773449, 148.015022 looking south west**



**Photo 2: Is from -35.773423, 148.014891 looking south (parallel to King St)**



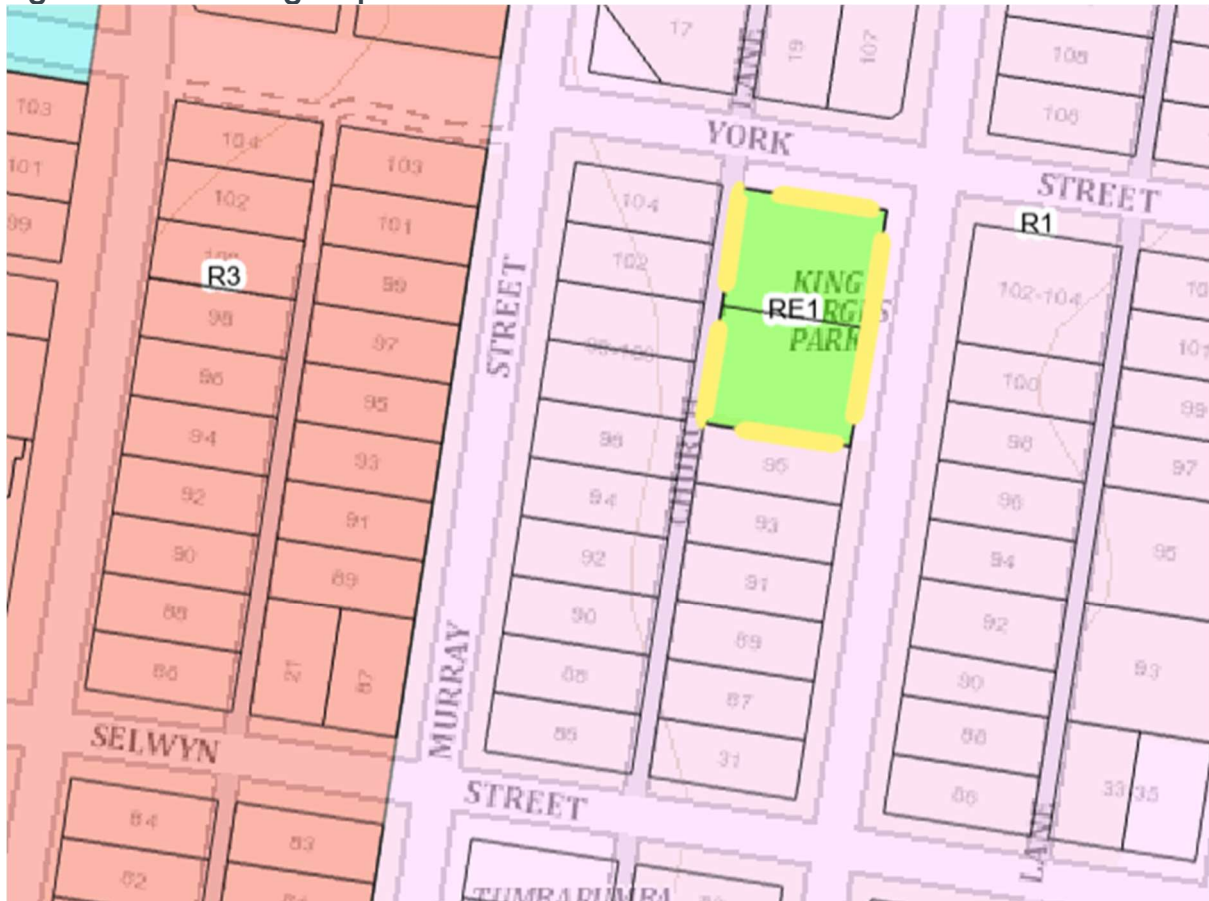
**Photo 3: Is from -35.773468, 148.014663 looking north east towards York St, Church Lane intersection**



## 2.3 TUMBARUMBA LOCAL ENVIRONMENTAL PLAN 2010

The subject land is currently zoned RE1 Public Recreation under the *Tumbarumba Local Environmental Plan 2010* (refer to **Figure 4** below).

**Figure 4: LEP - Zoning Map**



### Zone RE1 Public Recreation

#### 1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Advertising structures; Air transport facilities; Airstrips; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Sewerage systems; Water supply systems

#### 4 Prohibited

Any development not specified in item 2 or 3

“Centre based childcare centre” is prohibited un the RE1 zone.

**centre-based child care facility** means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—

Centre-based child care facilities are a type of early education and care facility—see the definition of that term in this Dictionary.

It is proposed to include an additional permitted use under Schedule 1 of the LEP for a centre based child care centre.

There is currently no MLS applying to the land subject to this planning proposal (see Figure 5 below). It is noted that the surrounding land has a minimum lot size of 450m<sup>2</sup>.

Figure 5: LEP - MLS Map



## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Tumbarumba Local Environmental Plan 2010* to include an additional permitted use under Schedule 1 on the subject land for a centre based childcare centre.

## PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

The proposed outcome will be achieved by:

- Amending the *Tumbarumba Local Environmental Plan 2010* by the inclusion of an additional permitted use under Schedule 1 for a centre based childcare centre on the subject land.

## PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP. Within the justification there are a number of specific questions that must be discussed with reasons explained.

### Section A – Need for Planning Proposal

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

The Planning Proposal is not the result of any strategic study or report.

The Planning Proposal is not inconsistent with the New South Wales Government's strategic objectives in the Riverina Murray Regional Plan 2041.

The land is not identified in any adopted study or contributions plan for the purposes of future recreation.

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

The Planning Proposal is the best way of achieving the objectives and intended outcomes. There are no other feasible methods to achieve this final outcome.

A Schedule 1 amendment (additional permitted use) is considered an appropriate pathway for an LEP amendment and therefore the planning proposal as outlined is the most appropriate pathway.

### **Is there a net community benefit?**

There is a minimal impact on the wider community. The issues associated with the planning proposal are localised and won't have any offsite impacts.

The additional permitted use on the subject land for a childcare centre will assist in meeting a demand for childcare in Tumbarumba which is of community benefit.

The land can be appropriately serviced, issues relating to access have been addressed.

The current open space area is isolated from other open space areas in Tumbarumba and is underutilised. It is understood that Council has a preference to invest in larger open space and park areas within the town area that has better connectivity to the open space areas and networks (along Tumbarumba Creek). Pocket parks that have low connectivity and accessibility generally will create increased maintenance and associated financial liabilities on Council and do not provide opportunities for active and passive recreation.

The proposal will result in a loss of approximately 1980m<sup>2</sup> of public recreation area. There is still a significant amount of public recreation zoned land within Tumbarumba.

Such a small, isolated park will have continual maintenance issues for Council and patronage is not likely to be high. The cost-benefit appears to be marginal at best.

### **Section B – Relationship to Strategic Planning Framework**

#### **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)?**

The relevant Regional Plan is the Riverina Murray Regional Plan 2041. The Planning Proposal relates to a matter that is considered to be of local planning significance only. A review of the proposal against the planning directions of the Regional Plan has not identified any inconsistencies. Further detail consideration of the Regional Plan would appear unnecessary in this instance.

## Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

An additional permitted use of this land for a centre based childcare centre is not identified specifically in the endorsed Local Strategic Planning Statement. However, it is considered that the Planning Proposal is not inconsistent with Councils Local Strategic Planning Statement:

- The subject land is centrally located in Tumbarumba to provide childcare for local families.
- The loss of open space area is minor and there is adequate zoned open space areas within Tumbarumba.
- There are no significant environmental or natural features affecting the site.
- Adequate cost-effective servicing is available to the proposed future development on the site including existing reticulated water and sewer services.
- There are no significant topographical features affecting the subject land.
- Positive impact on the economy.
- The current plan of management supports educational activities on the land.

## Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

**Table 2: SEPPs**

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	<p>The potential for contamination appears minimal. This is based upon an inspection of the site.</p> <p>In terms of potential soil contamination, the subject land has been evaluated for:</p> <ul style="list-style-type: none"> <li>• Evidence of previous mining activity;</li> <li>• Evidence of existing and previous dip sites and other associated infrastructure;</li> <li>• Evidence of orcharding; and</li> <li>• Vegetative and other features which could indicate possible soil contamination.</li> </ul>



	The SEPP specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been used in the past for recreational purposes (parkland), which indicate that it is suitable for childcare centre re-development.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
<b>DRAFT SEPP</b>	
Draft Design and Place SEPP 2021	The draft Design and Place SEPP is on exhibition until 28 February 2022 and is proposed to include SEPP 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX).

## Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following provides a summary of the Section 9.1 Directions issued on 1 March 2022 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

**Table 3: Section 9.1 Directions**

Direction No.	Provisions	Consideration
1.1 Implementation of Regional Plans	When this direction applies:  (2) This direction applies to land to which a Regional Plan has been released by the Minister for Planning	Riverina Murray Regional Plan applies to the Snowy Valleys LGA. The subject of the planning proposal is of local rather than regional significance – accordingly the Regional Plan is not particular relevant to the proposal.
1.2 Development of Aboriginal		This proposal is consistent.

Land Council land		
1.3 Approval and Referral Requirements		This proposal is consistent.
1.4 Site Specific Provisions		This proposal is consistent.
3.1 Conservation Zones		Not applicable to this proposal.
3.2 Heritage Conservation		Not applicable to this proposal. The subject land is not affected by any Heritage Conservation Area of heritage item (including neighbouring lots).
3.3 Sydney Drinking Water Catchments		Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs		Not applicable.
3.5 Recreation Vehicle Areas		Not applicable to this proposal.
3.6 Strategic Conservation Planning		This proposal is consistent. The site does not have any high biodiversity value.
4.1 Flooding	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a</p>	The subject land is not mapped as being flood liable land.

	<p>Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>a. permit development in floodway areas,</li> <li>b. permit development that will result in significant flood impacts to other properties,</li> <li>c. permit a significant increase in the development of that land,</li> <li>d. are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.</li> </ul> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
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4.2 Coastal Management		Not relevant.
4.3 Planning for Bushfire Protection	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2006,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an</p>	<p>The subject is not mapped as Bushfire Prone Land.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>

	<p>appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
4.4 Remediation of Contaminated Land		<p>The potential for contamination appears minimal. This is based upon an inspection of the site. In terms of potential soil contamination, the subject land has been evaluated for:</p> <p>Evidence of previous mining activity;</p> <p>Evidence of existing and previous dip sites and other associated infrastructure;</p> <p>Evidence of orcharding; and</p> <p>Vegetative and other features which could indicate possible soil contamination.</p> <p>The subject site has been used in the past for open space and recreational purposes, which indicate that it is suitable for childcare centre re-development.</p>
4.5 Acid Sulfate Soils		Not applicable to this proposal.
4.6 Mine Subsidence and Unstable Land		It is understood that the land is not affected by mine subsidence or unstable land.
5.1 Integrating Land Use and Transport		No new access is proposed or required.

<p>5.2 Reserving Land for Public Purposes</p>	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p>	<p>Land is currently not used for public open space or recreation nor has it been identified for future use.</p> <p>The land is not identified in any adopted study or contributions plan for the purposes of future recreation.</p> <p>Council has expended considerable funds in the development of the creek lands as the primary area for consolidated recreational opportunities in Tumbarumba. Council is not seeking to provide pocket parks or pocket recreation for the size of the population in this location.</p> <p>Council is seeking to rationalise land consistent with community need in Tumbarumba.</p> <p>The land is surplus land to the existing community need for recreation purposes.</p> <p>The land supporting additional permitted use will not prevent further use of the land for future recreation use should the need arise.</p> <p>The current plan of management supports educational activities on the land.</p>
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	<p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
5.3 Development Near Regulated Airports and Defence Airfields		Not applicable to this proposal.
5.4 Shooting Ranges		Not applicable to this proposal.
6.1 Residential Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p>	<p>There is no proposal to rezone the land for residential purposes.</p>

	<p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	
<p>6.2 Caravan Parks and Manufactured Home Estates</p>	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term</p>	<p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	
7.1 Business and Industrial Zones	<p>When this Direction Applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</li> </ul>	<p>Not applicable. There are no business/industrial zones affected.</p> <p>The planning proposal is not considered to be inconsistent with this s9.1 Direction.</p>
7.2 Reduction in non-hosted short-term rental accommodation period		Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast		Not applicable.
8.1 Mining, Petroleum Production and Extractive Industries		Not considered applicable to this proposal.
9.1 Rural Zones	<p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p>	Not applicable.

	<p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are justified by a strategy which:</p> <p>(a) gives consideration to the objectives of this direction, identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	
9.2 Rural Lands	<p>When this direction applies</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p>	Not applicable.

	<p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	
9.3 Oyster Aquaculture		Not considered applicable to this proposal.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast		Not applicable

## Section C Environmental, Social & Economic Impact

### Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is clear of vegetation.

Accordingly, an "Assessment of Significance" in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* is not required. No identified issues relation to the Biodiversity Conservation Act provisions.

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

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards (other than flooding) land slip, bushfire hazard and the like within the subject land.

### **How has the planning proposal adequately addressed any social and economic impacts?**

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (any impacts are negligible).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will enable future childcare centre development within an infill site that can be adequately serviced.

### **Section D – State and Commonwealth Interests**

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

Yes – Council has advised that there is reticulated water and sewer services available for connection.

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

Council has already been consulted regarding this proposal to include an additional permitted use for a centre based childcare centre on the subject land under the *Tumbarumba Local Environmental Plan 2010*. The Planning Proposal is considered consistent with the requirements of Council and the relevant planning legislation.

It is proposed that any issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relatively small scale of the proposal, there are no identified issues that would be affected any State or Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.

## **4. COMMUNITY CONSULTATION**

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning

Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be low impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 28 days.)

The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months.

## 5. CONCLUSIONS

The objective of this Planning Proposal is to amend the *Tumbarumba Local Environmental Plan 2010* by the inclusion of an additional permitted use for a centre based childcare centre on the subject land.

The planning proposal has been assessed against the provisions of the relevant environmental planning instruments and Section 9.1 Directions by the Minister and is considered appropriate and is recommended that it should be supported.