

**11. MANAGEMENT REPORTS****11.3 PLANNING PROPOSAL TUMUT LOCAL ENVIRONMENT PLAN 2012 (AMENDMENT NO.6)**

**REPORT AUTHOR:** EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE  
**RESPONSIBLE DIRECTOR:** CHIEF EXECUTIVE OFFICER

**EXECUTIVE SUMMARY:**

A Planning Proposal for the Tumut Local Environmental Plan 2012 (Amendment No.6) is submitted to Council for its consideration. Its purpose is to permit artisan food and drink industries in the B2 Local Centre Zone to support the vitality of the Tumut town centre and to uplift the overall economic profile of Tumut.

It is recommended that Council proceed and request the Department of Planning Industry and Environment to provide a Gateway Determination

**RECOMMENDATION:****THAT COUNCIL:**

1. **Receive the report on Planning Proposal for the Tumut Environment Plan 2012 (Amendment No.6) from Executive Director Community & Corporate.**
2. **Adopt the Planning Proposal for the Tumut Local Environmental Plan 2012 (Amendment No. 6) and forward it to the Department of Planning Industry and Environment with a request for a Gateway Determination.**

**BACKGROUND:**

Council has received a number of enquiries in respect of appropriate locations for artisan food and drink premises. Inquirers have made it clear that it would be desirable and logical to locate in the Tumut CBD.

Artisan uses, such as micro-breweries or small-scale cheese factories for example, are not perceived as producing as many negative externalities as traditional industrial uses that require distinct separation from more sensitive uses/areas. The Planning Proposal will allow artisan uses in the B2 Local Centre zone that will ensure artisan uses of varying scales and intensities have diverse development options in their location.

**REPORT:**

The endorsement of the Planning Proposal by Council and the granting of a Gateway Determination by the Department of Planning Industry and Environment (DPIE) is essentially the DPIE agreeing that Council has complied with the relevant legislation and that the Planning Proposal can be publicly notified (subject to whatever conditions they impose).

This is the first of the five steps process consisting of:

1. The planning proposal - Council prepares the planning proposal.
2. Gateway - the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without some conditions of this nature. The

conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.

3. Community consultation - the proposal is publicly exhibited as required by the Minister. A person making a submission may also request a public hearing be held.
4. Assessment - the relevant planning authority reviews public submissions. Parliamentary Counsel then prepares a draft local environmental plan.
5. The amending of the LEP - with the Minister's (or delegate's) approval the local environmental plan is published on the NSW legislation website and becomes law.

#### **LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

##### **Integrated Planning and Reporting Framework:**

##### **CSP Outcome 2028**

Theme 1: Towns and Villages

##### **Delivery Outcomes**

1.9 Provide a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land use

##### **Operational Actions**

1.9.2 Develop new draft Local Environment Plan

#### **SUSTAINABILITY ASSESSMENT:**

	<b>Positive</b>	<b>Negative</b>
Social	<p>Artisan uses, such as micro-breweries or small-scale cheese factories for example, are not perceived as producing as many negative externalities as traditional industrial uses that require distinct separation from more sensitive uses/areas. The Planning Proposal will allow artisan uses in the B2 Local Centre zone that will ensure artisan uses of varying scales and intensities have options in their location and development.</p> <p>There is a need for Council to facilitate and support private sector investment in dining, agritourism and beverage experiences. This is critical for facilitating yield in tourism and attracting new and contemporary visitor markets.</p> <p>Diversity of entertainment options in the Tumut town centre provides potential social benefits for residents.</p>	<p>Concerns could be expressed by nearby residents and business owners in respect of issues such as noise, odour and traffic.</p> <p>It is also noted that the proposed approach allows for specific guidance and outcomes to potentially be added to future Development Control Plan (DCP) chapters. The Planning Proposal will create the ability to guide development in a consistent manner, in line with community expectations for planning, growth and governance.</p>
Environmental	Land in the B2 zone has been predominantly cleared and in terms of development is well established and does not contain habitats or species of particular interest.	Nil
Economic	Business and tourism initiatives can be	Nil

	<b>Positive</b>	<b>Negative</b>
	potentially encouraged that create employment and boost the local economy.	
Governance	Planning legislation and policies at both State and Local Government levels apply.	Nil

### **Financial and Resources Implications**

There could be budget implications if the Department of Planning requires additional studies or surveys to be undertaken. This is unlikely to occur in this instance. There is no budget allocation for this Planning Proposal other than staff time.

### **Costs and Benefits:**

N/A

### **Policy, Legal and Statutory Implications:**

Section 3.33 of the *Environmental Planning and Assessment Act 1979* applies to planning proposals as follows:

#### ***‘3.33 Planning proposal authority to prepare explanation of and justification for proposed instrument—the planning proposal (cf previous s 55)***

*(1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal).*

*(2) The planning proposal is to include the following—*

*(a) a statement of the objectives or intended outcomes of the proposed instrument,*

*(b) an explanation of the provisions that are to be included in the proposed instrument,*

*(c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*

*(d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*

*(e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

*(3) The Planning Secretary may issue requirements with respect to the preparation of a planning proposal.’*

### **RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:**

There is a risk that some members of the public may view this change as the industrialisation of the commercial district. This can be mitigated through the application of an effective communications strategy.

### **OPTIONS:**

In addition to proceeding with the Planning Proposal Council can:

1. defer consideration of the Planning Proposal to a later date
2. make amendments to the Planning Proposal; or

3. resolve not to proceed with the Planning Proposal.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

No internal or external consultation has occurred at this stage. DPIE has provided a copy of a similar type of Planning Proposal prepared by Albury City Council which has assisted with the preparation of this proposal

**Future Exhibition**

If Council proceeds with the preparation of the Planning Proposal the document would have to be exhibited for a minimum of 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Attachments

- 1 Amended Planning Proposal LEP Amendment No.6 - Oct.2020 - ID3067067 (under separate cover) [⇒](#)