



Planning,  
Industry &  
Environment

IRF20/5441

## Gateway determination report – PP\_2020\_SVALL\_001\_00

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Inclusion of 'artisan food and drink industry' in Land  
Use Table of zone B2 Local Centre

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**Table 1 Reports and plans supporting the proposal**

## Relevant reports and plans

Snowy Valleys Council Meeting Agenda and Minutes -15 October 2020

# 1 Planning Proposal

## 1.1 Overview and objectives of planning proposal

**Table 2 Planning proposal details**

LGA	LGA name
PPA	Snowy Valleys Council
NAME	Inclusion of 'artisan food and drink industry' in Land Use Table of zone B2 Local Centre
NUMBER	PP_2020_SVALL_001_00
LEP TO BE AMENDED	Tumut Local Environmental Plan 2012
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	19/11/2020
FILE NO.	IRF20/5441
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

The planning proposal contains objectives and intended outcomes (page 3 of the planning proposal) that adequately explain the intent of the proposal.

In summary the objectives of the planning proposal are to:

- support the vitality of the Tumut town centre; and
- uplift the overall economic profile of Tumut

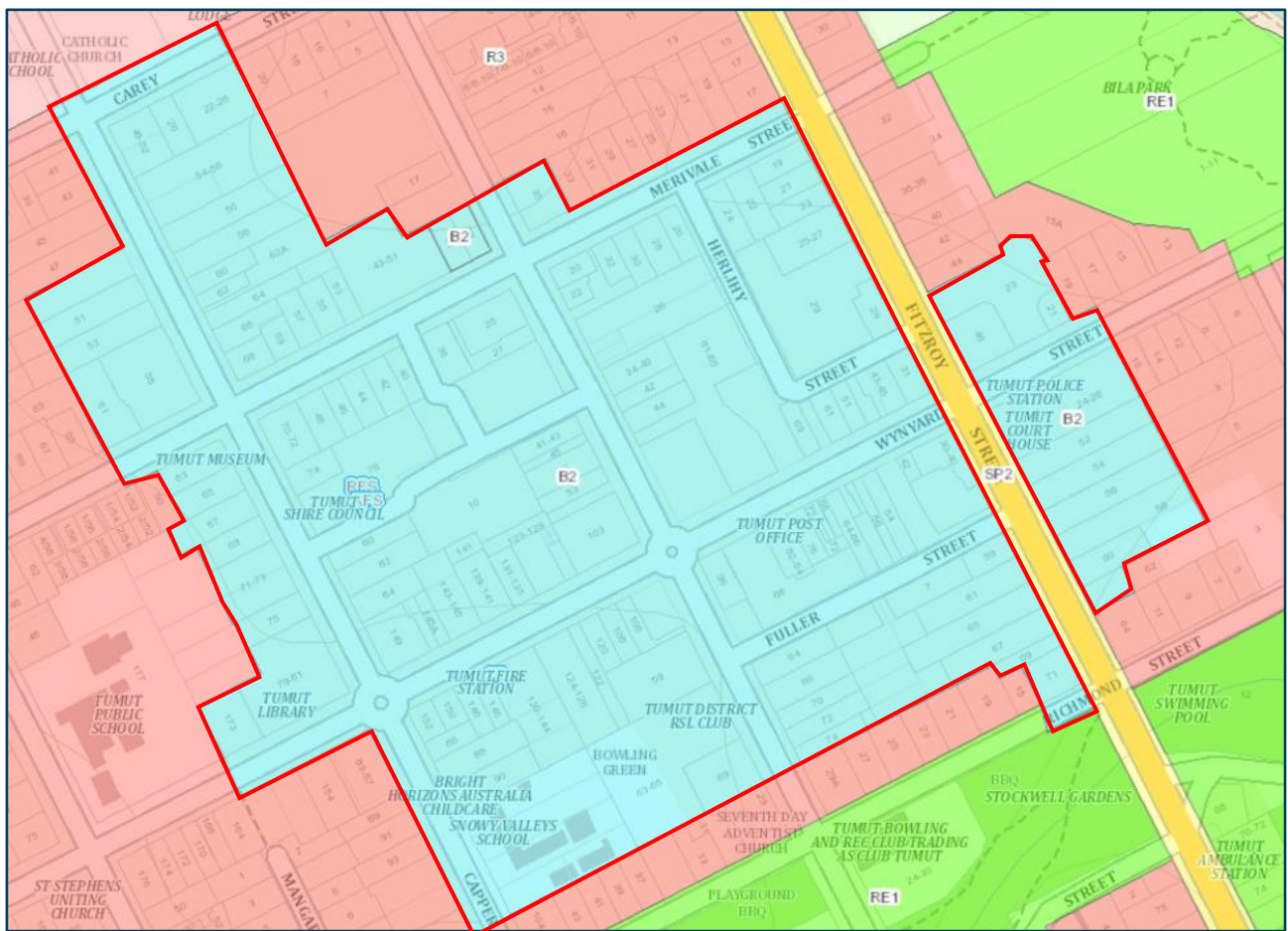
The objectives of this planning proposal are clear and adequate.

## 1.2 Explanation of provisions

The planning proposal seeks to amend the Tumut LEP 2012 by adding 'artisan food and drink industry' as 'permitted with consent' in land use table of zone B2 Local Centre. The explanation of the proposed provision provided on page 3 of the planning proposal is clear and does not require amendment prior to community consultation.

The planning proposal applies to all land zoned B2 Local Centre under the Tumut LEP 2012. The zone currently exists in the Tumut CBD area only (see Figure 1). Land in the CBD is predominantly used for commercial and business purposes, including the local supermarket, Council administration building, hotels and motels, restaurant and cafes, the local post office and emergency services (i.e. police and fire stations) among others. The surrounding development is mostly residential, although the Tumut Public School and some recreation reserves are located nearby (see Figure 2).

The planning proposal has not provided any site context or description. A condition is recommended to ensure the planning proposal is updated to include a description of the Tumut CBD.







**Figure 2 Tumut CBD context (source: Nearmaps, November 2020)**

## 1.4 Mapping

The planning proposal does not require any LEP map amendments.

The planning proposal is required to be updated to include a map of the Tumut CBD (i.e. zone B2 Local Centre) to clearly depict the land that would be immediately affected by the proposed LEP amendment.

## 2 Need for the planning proposal

Part 3, Section A (p.4-5) of the planning proposal provides justification for the proposed LEP amendment. The planning proposal indicates that allowing artisan food and drink industries in zone B2 Local Centre will facilitate private sector investment in dining, agritourism and beverage experiences and attract new and contemporary visitor markets to the region to support economic development. The planning proposal further states that the proposed LEP amendment will reinforce the primacy of Tumut's central business district, which has been identified as the desirable and logical location for artisan food and drink premises by community members and prospective business owners. It is agreed that the planning proposal is the best means for achieving the intended outcomes as artisan food and drink industry is currently prohibited in zone B2 Local Centre under the Tumut LEP 2012.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal provides an assessment against the Riverina Murray Regional Plan on pages 5-9. The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan.

**Table 3 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 4 – Promote business activities in industrial and commercial areas	The planning proposal is consistent with this Direction as it will encourage new retail activity in the Tumut CBD and strengthen the role and function of the area.
Direction 7 – Promote tourism opportunities	The planning proposal is consistent with this Direction as it will contribute to the existing tourism market and experience in Tumut and the region.
Direction 22 – Promote the growth of regional cities and local centres	The planning proposal is consistent with this Direction as it will support growth of the Tumut CBD and create investment and job opportunities that can benefit the wider region.
Direction 28 – Deliver healthy built environments and improved urban design	The planning proposal is consistent with this Direction as it reinforces the primacy of Tumut CBD and capitalise on existing infrastructure.
Direction 29 - Protect the region's Aboriginal and historic heritage	The planning proposal is consistent with this Direction as it has the potential to encourage adaptive reuse of heritage assets and buildings in Tumut CBD.

## 3.2 Local

The planning proposal states that it is consistent with the relevant local plans (page 5). The planning proposal does not provide a detailed assessment of the planning proposal's consistency with key local strategies. A condition is recommended to provide a detailed assessment of the planning proposal against the Snowy Valleys Local Strategic Plan. In absence of the detailed assessment, the below table provides a detailed assessment against each local strategic plan:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
------------------	---------------

Snowy Valleys Local Strategic Planning Statement	<p>The planning proposal is consistent with this strategic document as it supports its key planning priorities of encouraging sustainable tourism initiatives to create local employment and boost the local economy. Specifically, the planning proposal aligns with Planning Priorities;</p> <ul style="list-style-type: none"> <li>- Towns and Villages, Planning Priority 3 - Enhance residential and commercial precincts to create and maintain visually attractive, connected places, whilst reinforcing the town and village atmospheres by also ensuring that building design and construction is of high quality that preserves and enriches resident amenity</li> <li>- Growth through innovation, Planning Priority 1 - Encourage sustainable tourism initiatives which create employment and boost the local economy</li> <li>- Growth through innovation, Planning Priority 2 - Provide for opportunities for local employment.</li> </ul>
Snowy Valleys Community Strategic Plan 2028	The planning proposal is consistent with this plan's objective of providing a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land use.
Snowy Valleys Destination Management Plan	The planning proposal is consistent with this plan's strategic theme of showcasing region's produce through contemporary food and agritourism experiences

### 3.3 Section 9.1 Ministerial Directions

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

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	The planning advocates for permissibility of relatively low-impact and small-scale in an existing B2 Local Centre. This is anticipated to encourage employment growth in suitable locations and protect the viability of employment lands.
2.1 Environment Protection Zones	Yes	The subject land is mapped as groundwater vulnerable under the TLEP 2012. However, the proposal does not seek to reduce the environmental protection standards that apply to the subject land under the LEP.
2.3 Heritage Conservation	Yes	The planning proposal does not seek changes to heritage conservation standards under the Tumut LEP 2012. The proposal has the potential to encourage adaptive reuse of heritage buildings in the B2 Local Centre zone.



2.6 Remediation of Contaminated Land	Yes	Although, the B2 Local Centre includes land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines, the planning proposal does not propose any rezoning. The planning proposal states that future development applications on land will need to be assessed against clause 7 of the State Environmental Planning Policy No 55 – Remediation of Land.
3.1 Residential Zones	Not Applicable	<p>The planning proposal identifies the Direction as being applicable to the amendment. However, in accordance with (3)(a) and (b) in the Direction the Direction only applies when a planning proposal will affect existing or proposed residential zones or any other zone where significant residential development is/is to be permitted.</p> <p>The planning proposal only impacts the B2 zone which permits some types of residential accommodation but is not anticipated to have significant residential development.</p>
3.4 Integrating Land Use and Transport	Yes	The planning proposal does not detract from the existing public transport and active transport use within the Tumut CBD. It supports the existing transport network, by providing additional business opportunities in close proximity to existing business, within the existing Tumut CBD.
4.3 Flood Prone Land	Not applicable	Although the planning proposal identifies this Direction as applicable, a review of the LEP maps indicates that the subject land is not mapped as flood planning area. Therefore, this direction is not applicable.
5.10 Implementation of Regional Plans	Yes	The planning proposal is consistent with Directions 4, 7, 22, 28 and 29 of the Riverina Murray Regional Plan as discussed under Section 3.1.
6.1 Approval and Referral	Yes	The planning proposal does not include any concurrence, consultation or referral requirements.
6.2 Reserving Land for Public Purposes	Yes	The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal identifies the following SEPPs as applicable:

- SEPP No 55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- SEPP (Infrastructure) 2007
- SEPP (Exempt and Complying Development Codes) 2008

The planning proposal does not contravene any of the objectives within the identified SEPPs above. The specific controls and provisions in each of the SEPPs are not relevant to determining the strategic merit of the planning proposal and may be considered as part of any future development applications on the land.

## 4 Site-specific assessment

### 4.1 Environmental

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

**Table 6 Environmental impact assessment**

Environmental Impact	Assessment
Ecological impact	Land in the B2 Local Centre zone is predominantly cleared of vegetation. The proposal is unlikely to impact threatened species, populations or ecological communities, or their habitats.
Odour and noise	The planning proposal has the potential to allow for artisan uses such as micro-breweries, small-scale distilleries, and cheese factories which generate odours and noise during the manufacturing. However, the proposal indicates that any such impacts are likely be minor and can be adequately considered at the development application stage to ensure that they are appropriately located and managed.

### 4.2 Social and economic

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

**Table 7 Social and economic impact assessment**

Social and Economic Impact	Assessment
Employment and investment opportunities	The planning proposal will support local economic development by creating investment and employment opportunities in the tourism sector. The planning proposal indicates that allowing artisan food and drink industries in zone B2 Local Centre will facilitate private sector investment in dining, agritourism and beverage experiences and attract new and contemporary visitor markets to the region to support economic development. The planning proposal further states that the proposed LEP amendment will reinforce the primacy of Tumut's central business district, which has been identified as the desirable and logical location for artisan food and drink premises by community members and prospective business owners.
Support growth CBD	The planning proposal will add to the primacy and vitality of the Tumut CBD.
Anti-social behaviours and violence	The planning proposal can allow for development of licenced premises which have potentials to drive anti-social and violent behaviours. The planning proposal notes that the potential and extent of these adverse impacts can be adequately considered and addressed at the development application stage.

## 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 8 Infrastructure assessment**

Infrastructure	Assessment
Traffic and parking	The proposal has the potential to increase traffic and parking demands in the B2 Local Centre area. However, the existing road and parking infrastructure in the area have the capacity to support the proposed use, and any required adjustments can be adequately addressed at the development application stage.
Sewer, water and stormwater	The B2 Local Centre zone is fully serviced by water, sewer and stormwater infrastructure. These can be extended to service new developments from the planning proposal as part of subsequent development applications.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate and forms part of the conditions of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. This is considered appropriate as the planning proposal does not have issues of concern or interest to any government agency as part of the gateway determination. Any necessary agency consultation can be undertaken at the development application stage.

## 6 Timeframe

Council proposes a 4 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to account for delays which may occur in the current environment and/or upcoming holiday period. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

Given 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 proposal would allow for the growth of the emerging artisan food and drink industry in a suitable location
- There are no inconsistencies with relevant local and regional plans.
- There are no inconsistencies with the regional plan and section 9.1 Directions.
- The proposal is unlikely to cause any significant adverse social, economic or environmental impacts

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- include map of the zone B2 Local Centre (i.e. Tumut CBD) as per the Tumut LEP 2012
- include a site and locality description of the area which the amendment applies.
- provide a detailed assessment of the planning proposal against the Snowy Valleys Local Strategic Plan

## 9 Recommendation

It is recommended the delegate of the Secretary:

- notes the consistencies with the relevant section 9.1 Directions.

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

1. Prior to community consultation, the planning proposal is to be updated to:
  - a) include map of the zone B2 Local Centre (i.e. Tumut CBD) as per the Tumut LEP 2012
  - b) include a site and locality description of the area which the amendment applies
  - c) provide a detailed assessment of the planning proposal against the Snowy Valleys Local Strategic Plan
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for administrative purposes.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal should be made available for community consultation for a minimum of **28** days.
  - (b) 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. The planning proposal must be exhibited 2 months from the date of the Gateway determination.

5. The planning proposal must be reported to council for a final recommendation 4 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is authorised as the local plan-making authority under section 3.36(2) of the Act.
7. The timeframe for completing the LEP is to be **6 months** from the date of the Gateway determination.



(Signature)

\_\_4/12/20\_\_ (Date)

Haydon Murdoch

Manager, Western Region



\_\_\_\_ (Signature)

\_\_8.12.20\_\_

(Date)

Garry Hopkins

Director, Western Region

Assessment officer

**Name** Paul Amoateng

**Position** Planning Officer, **Branch** Western Region

**Phone Number** 02 6983 4909

