



Snowy Valleys Council Report

Making of Snowy Valleys Local Environmental Plan 2012 (SVLEP 2012)

Amendment No.6

S3.36 of EP&A Act 1979 as amended

Planning Proposal to which this Report applies:

PP_2020_SVALL_001_00 Snowy Valleys Local Environmental Plan 2012 (Amendment No.6)

May 2021

1.0 INTRODUCTION

<p>Purpose and Justification of the Planning Proposal</p>	<p>It is intended to add a permissible land use being 'artisan food and drink industry' to the B2 Local Centre Zone to support the vitality of the Tumut town centre and to uplift the overall economic profile of Tumut.</p> <p>All of the land zoned B2 Local Centre in the Tumut CBD applies to the planning proposal. Uses in the CBD predominantly include retail, office and community facilities such as supermarkets (Coles and Woolworths), community services administration buildings (including Snowy Valleys Council, Rural Fire Service, Police Station and Court House, Post Office, Fire Station), hotels and motels, an RSL club, take away food premises and cafes amongst other uses. Significant heritage buildings adorn the CBD.</p> <p>Surrounding development is predominantly residential although schools, churches and recreation reserves and Club Tumut are located nearby.</p> <p>Major roads in the B2 Local Centre zone in the Tumut CBD running east-west are Fitzroy, Russell and Capper Streets. Merivale and Wynyard Streets are important north-south thoroughfares.</p> <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>The proposal is consistent with Directions 4,7,22,28 and 29 of the Riverina Murray Regional Plan.</p> <p>As the proposal is consistent with the Riverina Murray Regional Plan, Snowy Valleys Community Strategic Plan 2028, Snowy Valleys Destination Management Plan, Snowy Valleys Local Strategic Planning Statement and complies with the Minister's Directions under s.9.1 of the Act, there is no impediment to the proposal proceeding</p>
<p>Intended Amendments to SVLEP 2012</p>	<p>The amendment seeks to introduce the 'artisan food and drink industry' land use as permissible with consent in the B2 Local Centre land use zone of Tumut Local Environmental Plan 2012 (LEP 2012).</p>

2.0 GATEWAY DETERMINATION

Date Gateway Determination issued	Gateway Determination PP_2020_SVALL_001_00 was issued on 8/12/2020
Timeframe for completion of Planning Proposal	Gateway Determination PP_2020_SVALL_001_00 provided 6 months for completion of the Planning Proposal. This timeframe would therefore end in June 2021.
Delegation details	A copy of the Gateway Determination including Written Authorisation to exercise Delegation form Attachment 1 to this report.
Compliance with Gateway Conditions (as follows):	<p>No consultation was required with public authorities/organisations.</p> <p>Prior to community consultation, the planning proposal was to be amended to: include a 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 to which the amendment applies; provide an assessment of the planning proposal against the Snowy Valleys Local Strategic Planning Statement. This was done (See Attachment 2).</p> <p>Community consultation was required to occur within 2 months of the date of the Gateway determination for a minimum of 28 days. The proposed amendment was on public exhibition from Monday 8 February until Monday 8 March</p>

3.0 RESPONSES FROM PUBLIC AUTHORITIES

Not applicable

4.0 COMMUNITY CONSULTATION

Gateway exhibition requirements	The Gateway Determination required that the Planning Proposal be made publicly available for a period of 28 days.
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Dates of exhibition	Monday 8 February until Monday 8 March
Number of submissions received	Five (5) submissions were received.
Issues raised & responses	<p>DISCUSSION OF ISSUES RAISED:</p> <p>1. Land Zoning</p> <p>One (1) submission supported a change to Residential Medium Density to accommodate the growing need for housing in the area. If a Public Recreation RE1 zone could be incorporated somewhere in the Currawong Area, this would give people with smaller yards an area to play and enjoy nature as Residential Medium density zoning has more houses and less space between them.</p> <p>This submission was not relevant to the proposed Amendment 6.</p> <p>2. Support Uses That Help Revitalise Tumut Town Centre</p> <p>Three (3) submissions supported the proposed Amendment 6. Support was expressed in terms of diversifying food offerings to enhance the appeal of visiting Tumut and surrounding towns, promoting tourism, encouraging locals to stay in Tumut on weekends and providing a retail and visitor experience more in line with modern expectations.</p> <p>Concern About Noise and Opening Hours</p> <p>One (1) submission expressed concern about potential noise impacts.</p> <p>Amongst other provisions Council's adopted 2019 Development Control Plan (DCP) contains provisions regarding noise in respect of commercial and industrial developments.</p> <p>In respect to commercial development the DCP states:</p> <p><i>Commercial developments are to minimise the impact on adjoining residential land uses.</i></p> <p><i>Suitable controls appropriate to the type of commercial development are to be implemented in the building and site design.</i></p>

	<p><i>An acoustic report may be required depending on the type/use of the development.</i></p> <p>Industrial development provisions state:</p> <p><i>All industries should be conducted so as to avoid unreasonable noise and interference to adjacent or adjoining land use. Special precautions must be taken to avoid nuisance in neighbouring residences.</i></p> <p><i>Noise sources must be located away from residential areas and noise mitigation measures such as fencing, earth mounding and other acoustic measures will be considered within the development.</i></p> <p><i>A noise impact statement may be needed to demonstrate compliance with the relevant legislation and applicable industrial noise policy and that the proposed development will not have an adverse impact on the amenity of surrounding areas and any existing residences.</i></p> <p>It may also be appropriate to consider specific guidance and outcomes to be added to future DCP chapters.</p>
Re-exhibition details (if relevant)	Not applicable.
Resulting amendments	No changes to the Amendment 6 instrument are proposed as a result of community consultation
Reporting back to Council	The exhibition of the Planning Proposal was reported back to Council at its Ordinary Meeting of 18 March 2021. That report and the Minutes of the Ordinary Meeting of 18 March 2021 are attached as Attachments 3 and 4 .

5.0 RECOMMENDATION

At its Ordinary Meeting on 18 March 2021 Council resolved as follows:

THAT COUNCIL:

- 1. Receive the report on Planning Proposal for Tumut LEP 2012 (Amendment No.6) – Artisan Food and Drink Industries;**
- 2. Resolve to proceed and complete Amendment No.6 of the Tumut LEP 2012;**
- 3. Advise the NSW Planning, Industry & Environment of Council's resolution.**

6.0 ATTACHMENTS TO THIS REPORT

1	Gateway Determination PP_2020_SVALL_001_00 issued on 8/12/2020
2	Amended Planning Proposal.
3	Council's Post Exhibition Report of 18 March 2021.
4	Council Minutes of 18 March 2021.
5	PCO Opinion
6	Tumut Local Environmental Plan 2012 (Amendment No 6)