

11. MANAGEMENT REPORTS**11.4 PLANNING PROPOSAL FOR TUMUT LEP 2012 (AMENDMENT NO. 6) - ARTISAN FOOD AND DRINK INDUSTRIES**

REPORT AUTHOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

Amending the Tumut LEP to allow artisan food and drink industries within the B2 Local Centre Zone aims to enhance the vitality of the Tumut town centre through the introduction of more diverse food and drink development options, support opportunities for private sector investment and boost the local economy.

In December 2020 Council was issued with a Gateway Determination for Planning Proposal Amendment No. 6 of the Tumut Local Environmental Plan (LEP) 2012 to include 'artisan food and drink industry' as 'permitted with consent' in the Land Use Table of zone B2 Local Centre.

The proposed amendment has been subject to a public exhibition process for a period of 28 days.

This report seeks to proceed and complete the amendment to the Tumut LEP.

RECOMMENDATION:**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.**

BACKGROUND:

At its 15th October 2020 Ordinary Meeting, Council resolved (M250/20):

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.

REPORT:

The artisan food and drink industry has been an increasingly important driver for growing regional tourism opportunities, through the provision of visitor experiences such as cafes, restaurants, tours, or tastings alongside the manufacturing process of boutique, artisan or craft food or drink. Examples include micro-breweries or small scale-cheese factories.

Artisan food or drink industries do not share many of the issues associated with larger industry that requires their distinct separation from more sensitive areas of use to traditional industrial zones.

The proposed amendment will allow artisan uses in the B2 Local Centre Zone of Tumut that will ensure artisan uses of varying scales and intensities have diverse development options in their location.

A Gateway Determination was granted on 8 December 2020 with the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a) include a 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 to which the amendment applies.
 - c) provide an assessment of the planning proposal against the Snowy Valleys Local Strategic Planning Statement.
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 exhibition must commence within 2 months of the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation within 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 time frame for completing the LEP is to be 6 months following the date of the Gateway determination.

Conditions 1 and 2 of the Gateway Determination have been complied with. An email dated 17 December 2020 received from the Department of Planning Industry and Environment (DPIE) Western Region, Local and Regional Planning Office advised that the updated Planning Proposal met the requirements of Condition 1.

It should be noted that a tight timetable has been conditioned by DPIE as part of the Gateway Determination. The following table summarises the situation.

Should Council determine to adopt the recommendations contained in this report the matter will proceed under delegation. The process will be completed when the amendment is published in the Government Gazette.

Task	Timing	Comment
Planning proposal exhibition.	Must commence within 2 months from 8 December 2020 so 8 February 2021 at the latest.	Exhibition should be for a minimum of 28 days. The proposed amendment was on public exhibition from Monday 8 February until Monday 8 March

Task	Timing	Comment
		<p>Five Submissions were received.</p> <p>One submission was not relevant to the proposed amendment.</p> <p>Three submissions were in support of the proposed amendment.</p> <p>One submission raised concerns regarding possible noise and opening hours of any artisan food and drink business establish through the proposed amendment.</p>
Report to Council following exhibition for final recommendation.	Must be reported to Council within 4 months from 8 December 2020.	Presentation of the proposed amendment to Council via a report to the Ordinary Meeting of Council in March achieves this condition.
Completion of the Tumut LEP Amendment.	Completion of the Tumut LEP Amendment 6 is to be 6 months from 8 December 2020.	<p>The tight timetable has been discussed with DPIE staff.</p> <p>Actions have been taken to achieve that timetable.</p>

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:

	Positive	Negative
Social	<p>The proposed amendment 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>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><i>However, it should be noted that the proposed approach allows for specific guidance and outcomes to be added to</i></p>

	Positive	Negative
		<i>future Development Control Plan (DCP) chapters. Thus, the Planning Proposal will create the ability to guide development in a consistent manner, in line with community expectations.</i>
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	The proposed amendment will enable 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. Providing a boost to the local economy.	Nil
Governance	Planning legislation and policies at both State and Local Government levels apply.	Nil

Financial and Resources Implications

There is no budget allocation for this Planning Proposal other than staff time.

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

The LEP amendment process is prescribed by the Environmental Planning and Assessment Act and Regulation and is subject to the Department of Planning, Industry and Environment Guidelines on the preparation of Planning Proposals and LEPs.

Snowy Valleys Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the Environmental Planning and Assessment Act 1979 and in accordance with the gateway determination to complete Planning Proposal Amendment No.6.

RISK MANAGEMENT – BUSINESS RISK/WHIS/PUBLIC:

N/A

OPTIONS:

In addition to proceeding with the Planning Proposal Council can:

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

2. resolve not to proceed further with the Planning Proposal.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

As advised above a condition included in the DPIE Gateway Determination required that Council must commence exhibition by 8 February 2021. The exhibition period was Monday 8 February to Monday 8 March 2021. Five submissions were received as set out in the table below.

Submission	Comments
<p>We definitely need more food providers in Tumut. Street cafes, marketplace stalls, restaurants and more takeaway vendors would enhance the appeal to visit Tumut and surrounding towns. Also food services like Boost juice, goodberries, zambrero, alibaba, wokitup are just a few ideas.</p> <p>Document Set ID 3089213</p>	<p>Submission in support of the proposed amendment.</p>
<p>With regards to Land Zoning, I am FOR the 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 will 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>Document Set ID 3089212</p>	<p>Submission not relevant to proposed amendment.</p>
<p>I think it is a great idea to help promote tourism to our town as most of our cafes are closed Sunday or even early Saturday making our town less desirable to holiday makers. Also, this would help to promote locals to stay in the town on weekends etc instead of travelling out of town to try something new and spending their money in other shires.</p> <p>Document Set ID 3089214</p>	<p>Submission in support of the proposed amendment.</p>
<p>I think this is a good proposal that will help revitalise the local centre and provide a retail and visitor experience more in line with modern expectations, the local centre ensures that adequate parking and facilities are in walking distance to businesses. I am very supportive.</p> <p>Document Set ID 3090039</p>	<p>Submission in support of the proposed amendment.</p>
<p>As a resident in this area I'm concerned about noise levels and opening times of artisan</p>	<p>Submission raising concerns regarding possible noise and seeking clarification</p>

Submission	Comments
<p>venues. Will they business hours Only, will they be allowed live music?</p> <p>Document Set ID 3091539</p>	<p>regarding opening hours and range of activities allowed.</p> <p>Note that the proposed approach allows for specific guidance and outcomes to be added to future Development Control Plan (DCP) chapters. The proposed amendment will create the ability to guide development in a consistent manner, in line with community expectations.</p> <p>The submitter will be provided with a response outlining the approvals process for establishing a business under the proposed amendment.</p>

ATTACHMENTS

- 1 AMENDED PLANNING PROPOSAL LEP Amendment No.6 - Oct.2020 (under separate cover) [⇒](#)
- 2 Gateway Determination (under separate cover) [⇒](#)