

9. MANAGEMENT REPORTS

9.10 REZONING OF LAND AT GILMORE FROM RU3 FORESTRY AND RU1 PRIMARY PRODUCTION TO IN1 GENERAL INDUSTRY – TUMUT LEP 2012 (AMENDMENT NO.5)

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Responsible GUS COX
Manager:

Purpose of Report:

To recommend that Council resolve to:

1. Rezone to IN1 General Industry land at Gilmore occupied by the Carter Holt Harvey Timber Mill that is still zoned RU3 Forestry and RU1 Primary Production after being sold by the Forestry Corporation; and
2. Rezone land adjacent to the Tumut Waste Recovery Centre from RU1 Primary Production to IN1 General Industry to facilitate development of the Gilmore Industrial Estate.

Recommendation:

That pursuant to section 55 of the Environmental Planning and Assessment Act 1979, Council prepare a Planning Proposal to:

1. Rezone Lot 100 DP 1040583, Lot 5 DP 1178042 and Lots 1, 2 and 3 DP 1042001 from RU1 and RU3 to IN1; and
2. Rezone those parts of Lot 1 DP 197308, Lot 3 DP 1041444 and Lots 61, 62, 94 and 140 DP 757252 that are not subject to significant environmental or physical constraints from RU1 to IN1.

Report:

When the Tumut Shire Growth Strategy and new Shire-wide LEP project was commenced, it was intended that several incomplete LEP amendments were to be discontinued and replaced by a new comprehensive amendment. The comprehensive amendment ultimately became Tumut LEP 2012 (Amendment No. 3).

One of those amendments was LEP 1990 Amendment No.24, which was intended to provide additional Industrial land in the town of Tumut. Due to the location of Tumut between conservation land and flood prone land, there is very little additional land suitable for industrial use.

A comprehensive investigation of industrial land use needs was carried out and a Local Environmental Study was prepared for the land identified as suitable for industrial development. This included land on the western side of the Snowy Mountains Highway occupied by the Gilmore Timber Mill and land on the eastern side occupied by Bellettes landfill and adjoining Council owned land (including Council's waste recovery centre). The

proposal at that time was to enable a subdivision for the creation of standard sized industrial lots ranging from 1,500 m² to 1 ha.

The proposal was placed on public exhibition in 2007 but, ultimately, OEH objected to the rezoning of some of the land on the eastern side of the highway and required extensive Biodiversity and Aboriginal cultural heritage studies to be carried out.

The time delay and cost of carrying out the required studies was deemed by Council at the time to be unreasonable and the proposal was abandoned in favour of including Industry as a use permissible with consent in the RU1 zone.

Unfortunately, when Amendment No.24 was abandoned, so was the housekeeping component, that being the rezoning of the Gilmore Timber Mill (now operated by Carter Holt Harvey) from RU3 Forestry to IN1 General Industrial.. This mill was established in the 1960's on State Forest land and has operated continuously since then. In the intervening years, State Forests sold the site to the operators but the zoning has stayed RU3.

Council is now faced with the situation where it is not the consent authority for development on the site and State Forests is reluctant to continue in that role as they no longer own the land.

State Forests has no objection to the land being rezoned and Council should correct this anomaly.

With regard to the land on the eastern side of the Highway, Council's current aim of developing a large-lot (2 ha+) industrial estate at Gilmore would be best served by the land being zoned IN1. This land was included in the abandoned Tumut LEP Amendment No.24 and the proposal is essentially to revive the proposal in a form acceptable to Office of Environment and Heritage (OEH) and in line with an identified need for large industrial lots suitable for road transport operators in particular.

Consideration

Discussions have been held with Department of Planning and Environment regarding the best way of achieving Council's objectives while satisfying the relevant OEH requirements. Rezoning of the Gilmore Mill site is relatively straight forward as the current zoning is clearly inappropriate.

Rezoning of the land on the eastern side of the highway will require the identification of sensitive land and its exclusion from the proposed IN1 zone. A draft Master Plan that was prepared in 2005 shows the land suitable for industrial use and also the land that should be excluded. OEH was generally in favour of the concept at the time (subject to further investigation and exclusions). Using this Plan as a baseline, Council will need to liaise with the OEH to ascertain what level of further investigation is required. This may require the allocation of funding for biodiversity and aboriginal cultural heritage surveys.

The 2005 Master Plan and OEH comments are attached for Council's information.

An updated layout plan (2016) showing how the land could be subdivided into large industrial lots is also provided as an attachment.

Options

Council could defer either or both of the proposed rezonings until a consolidated Snowy Valleys Council LEP is prepared (possibly in 2018)

Budget Implications:

There is currently no budget allocation for any studies or surveys that may be required by OEH. A further report will be made to Council if any funding allocation is required.

Legal/Statutory Implications:

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

As a merged council, Snowy Valleys Council is bound by clause 3.5 of the DPE document "Guidance for Merged Councils on Planning Functions". In particular, the Department may consider that Council should not use its delegations for this particular proposal or, indeed, that the matter should be deferred until it can be considered by the elected Council.

Risk Management - Business Risk:

Nil

Risk Management - WHS and Public Risk:

Nil

Council Seal:

No

Attachments

- 1 Map - Subject land (under separate cover) ➡
- 2 Aerial Map (under separate cover) ➡
- 3 Map - Council land (under separate cover) ➡
- 4 Map - Crown land (under separate cover) ➡
- 5 Master Plan 2005 (under separate cover) ➡
- 6 OEH objections 2007 (under separate cover) ➡
- 7 Proposed layout 2016 (under separate cover) ➡