

**10. MANAGEMENT REPORTS****10.6 PLANNING PROPOSAL FOR TUMUT LEP 2012 (AMENDMENT NO.5) - GILMORE INDUSTRIAL LAND**

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**Purpose of Report:**

To obtain Council's endorsement of the Planning Proposal prepared in accordance with resolution M1/17 of 27<sup>th</sup> July, 2017.

**Recommendation:**

**That Council adopt the Planning Proposal for Tumut LEP 2012 (Amendment No. 5) and forward it to the Department of Planning with a request for a Gateway Determination.**

**Report:**

At its 27<sup>th</sup> July 2017 Ordinary Meeting, Council resolved (M1/17):

That pursuant to Section 3.33 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.

The Planning Proposal has now been prepared and is attached for Council's consideration and endorsement.

**Background**

Council has a responsibility to ensure that appropriately zoned land is available for the various types of development in the Snowy Valleys Council area and that the take-up of zoned land is monitored to ensure that market failure does not occur.

Since 1988, when the Tumut Rural Local Environmental Study and Urban Strategy identified the Gilmore Valley for future industrial development, numerous studies and reports have been produced with that objective in mind.

These include:

1998 Industrial Land Study (to identify the need for additional industrial land)  
2000 Planning Directions Study (to investigate the various options for additional industrial land)

2001 Industrial Strategy (to indicate Council's priorities and directions)  
2001 DCP No. 6 – Industrial Development (to bring together the principles established by previous studies).  
2002 Local Environmental Study – Tumut and Gilmore (to establish the suitability of the land for rezoning to Industrial)  
2005 Master Plan (detailing how the Gilmore land could be developed for an industrial estate).

The outcome of the process is that of all the sites investigated, only Gilmore met the criteria for development of large industrial lots suitable for transport and forest related industries.

Copies of the relevant documents considered at the 27<sup>th</sup> July 2017 meeting are attached (under separate cover) for Council's information.

### Consideration

The endorsement of the Planning Proposal by Council and the granting of a Gateway Determination by the Department of Planning does not commit Council to proceeding with rezoning the land. The Gateway Determination is essentially the Department of Planning 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 step 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 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.

### Options

1. Council can defer consideration of the Planning Proposal to a later date;
2. Council can make amendments to the Planning Proposal; or
3. Council can resolve not to proceed with the Planning Proposal.

Budget Implications:

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

Legal/Statutory Implications:

The Planning Proposal process is governed by the Environmental Planning and Assessment Act 1979 and a suite of Guidelines and Ministerial Directions.

Risk Management - Business Risk:

There is no business risk in the Planning Proposal process other than the possible economic and community impacts if Council does not facilitate the provision of zoned land for industrial development.

Risk Management - WHS and Public Risk:

Not applicable.

Council Seal:

No

Attachments

- 1 Planning Proposal Tumut LEP 2012 Amendment No. 5 (under separate cover) ➡
- 2 Council Report 27 July 2017 (under separate cover) ➡
- 3 Council Report 6 February 2001 - Future of Industrial Land (under separate cover) ➡
- 4 Council Report 20 February 2001 - Industrial Strategy (under separate cover) ➡
- 5 Tumut and Gilmore Industrial LEP 2002 (under separate cover) ➡
- 6 Gilmore Industrial Estate Master Plan 2005 (under separate cover) ➡