



Snowy Valleys Council

PLANNING PROPOSAL

TUMUT LEP 2012 (AMENDMENT NO.5)

LEP Amendment to Provide Additional Industrial Land in the
Town of Tumut

May 2018

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Part 1 – Objectives

The objective of the amendment is to rezone two areas of RU1 and RU3 land in the Town of Tumut to IN1 to facilitate its further development for industrial purposes.

Part 2 – Explanation of the Provisions

To achieve the objective outlined in Part 1, this planning proposal seeks 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;
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 in order to facilitate development of the Gilmore Industrial Estate;
3. Apply a 2 hectare lot size to the land zoned IN1; and
4. Insert a new clause 4.1B into Tumut LEP 2014 to facilitate the subdivision of split zoned land at the urban - rural interface:

4.1B Minimum lot sizes for certain split zones

- (1) The objectives of this clause are:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, and
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an **original lot**) that only contains:
 - (a) land in a residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone E3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

Part 3 – Justification

Background

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 discontinued amendments was Tumut 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 prior to Council making a decision on the land to be rezoned 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 retaining 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 desires to correct this anomaly.

With regard to the land on the eastern side of the Snowy Mountains 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 that 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.

The 2000 study "Tumut and Industry" (Attachment 6) investigated the need for additional industrial land in Tumut and compared 6 possible locations. The study concluded that Council should start the process to provide for additional industrial land and that the Gilmore site was the most appropriate. In the subsequent 18 years, almost all of the then available industrial land has been developed.

Figure 20 shows the current Tumut industrial area and the developed and undeveloped land. The only vacant land left is former Railway Land fronting Adelong Road (Snowy Mountains Highway), where the lots are irregular and difficult to develop for any large industry. The undeveloped land accounts for only 3.6% of Tumut town's industrial land.

Council has commenced negotiations to purchase all of the land to be rezoned on the Eastern side of the Snowy Mountains Highway with a view to developing the Gilmore Industrial Estate.

Attachment No.7 is a "Growing Local Economies" application by Council. It seeks NSW Government assistance for the construction of the Gilmore Industrial Estate. The application details the prospective development in the town and provides a commercial justification for development of the Estate. Briefly, the economy of Tumut is underpinned by forestry and timber processing, with the majority of industrial use of land being for the mills or industries that provide services to the mills.

The Visy paper mill is in the process of expanding production and this is creating demand for industrial expansion, particularly in the transport logistics area. In addition, the Snowy 2.0 proposal has created interest from potential construction contractors for sites (most of the proposed works are within the Snowy Valleys Local Government Area).

The proposed new clause 4.1B is a consequential amendment that follows from zoning boundaries being aligned to constraints rather than property boundaries. It is an agreed clause used in other recent LEPs.

At its 27th July 2017 Ordinary Meeting, Council considered a report on the subject land and resolved to prepare this Planning Proposal to rezone it to IN1 General Industrial.

Strategic

The proposed rezoning is the result of a strategic planning process that has taken place over many years as detailed below.

Section A – Need for the Planning Proposal

Description	1. Is the planning proposal a result of any strategic study or report?	2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?
<p>Land at Gilmore to be rezoned from RU1 and RU3 to IN1</p>	<p>Yes. The 1988 Tumut Rural Local Environmental Study and Urban Strategy identified the Gilmore Valley as the preferred site for future industrial development.</p> <p>The 1998 Industrial Land Study developed a strategy to deal with an estimated shortfall in industrial land.</p> <p>In 2000, a Planning Directions Study (attachment 6) identified various options for Industrial land based on previous studies. This included an assessment of six possible sites for industrial development adjacent to the Town of Tumut. At its 6th February 2001 Ordinary meeting, Council resolved (among other things) to rezone the subject land to Future Industrial.</p> <p>As a consequence of the above reports, Council adopted an Industrial Strategy in 2001 and commissioned the “Future Industrial Land Tumut and Gilmore Environmental Study” (attachment 5) to provide a detailed assessment of the land identified for industrial use.</p> <p>The land in this Planning Proposal is the major part of the land assessed in that Environmental Study.</p> <p>Council has determined to develop the Gilmore Industrial Estate and has submitted a proposal under the NSW Government’s “Growing Local Economies” program (attachment 7).</p>	<p>Yes. While it would be possible to develop the RU1 land for Industry without rezoning it to IN1, the Planning Proposal is the most appropriate way to achieve the aim of developing an industrial estate. With regard to the land zoned RU3, there are no other methods available to achieve the intended objectives and outcomes other than to rezone it.</p>

Description	1. Is the planning proposal a result of any strategic study or report?	2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Section B – Relationship to Strategic Planning framework

Description	3. Is the planning proposal consistent with applicable regional or sub-regional strategy?	4. Is the Planning Proposal Consistent with the Council's Community Strategic Plan or other strategic plan?	5. Is the planning proposal consistent with applicable State Environmental Planning Policies?	6. Is the Planning Proposal consistent with applicable Section 9.1 Ministerial Directions (former s.117 directions)?
Land at Gilmore to be rezoned from RU1 and RU3 to IN1	The Planning Proposal is consistent with the Riverina Murray Regional Plan Directions 1, 3, 4, 9, 15, 16, 17, 18, 22, 23 and 29.	The Planning Proposal is consistent with the Tumut Shire Community Plan 2010 – 2020 and the Tumut Shire Growth Strategy 2013 - 2033.	SEPP No. 55 applies to the land. A timber preservation plant is located on Lot 100 DP 1040583. However, the use of the land is not proposed to change and the uses permitted in the proposed IN1 zone are not sensitive to the level of possible contamination. The preservation plant is scheduled premises under the control of the EPA	Refer to the Table below headed: "Consideration of Section 9.1 Ministerial Directions"

Section C – Environmental, Social and Economic Impact

Description	7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	8. Are there any other likely environmental effects as a result of the planning proposal and how are they to be managed?	9. How has the planning proposal adequately addressed any social and economic effects?
Land at Gilmore to be rezoned from RU1 and RU3 to IN1	No, given the land has been cleared and developed for industry and grazing.	Land containing significant native vegetation and terrestrial biodiversity has been excluded from the land to be rezoned. There are no significant environmental effects expected from the planning proposal.	The strategic planning process leading to this Planning Proposal investigated and assessed the social and economic effects of creating a new industrial estate in the Gilmore locality.

Section D – State and Commonwealth Interests

Description	10. Is there adequate public infrastructure for the planning proposal?	11. What are the views of the State and Commonwealth public Authorities consulted in accordance with the Gateway determination?
Land at Gilmore to be rezoned from RU1 and RU3 to IN1	<p>The Planning Proposal seeks to rezone an area already containing significant industrial development and this land is currently served by essential infrastructure.</p> <p>Reticulated town water, natural gas and electricity are already available to the land and sewerage can and will be provided.</p> <p>The planning proposal will not significantly increase the demand on existing infrastructure beyond its current capacity.</p>	<p>The preparation of the Planning Proposal followed consultation with public authorities during the formulation of the Tumut Shire Growth Strategy and the previous industrial studies and Strategy.</p> <p>Relevant State and Commonwealth authorities will be further consulted once the Gateway determination has been issued and approval is granted to proceed further with the planning proposal.</p>

Consideration of Section 9.1 (former s.117) Ministerial Directions

The planning proposal is consistent with the applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act as shown in the below table:

Section 9.1 Ministerial Directions

Ministerial Direction	Land at Gilmore to be rezoned from RU1 and RU3 to IN1
EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones	<p>The Strategic planning process that led to this Planning Proposal has taken into account the objectives of this direction. The Industrial Lands Strategy and 2002 Environmental Study have not been formally endorsed by the Department but were previously approved for public exhibition in Tumut LEP 1990 Amendment No.24.</p> <p>The proposed lot size of 2 ha is designed to encourage the relocation of large scale land utilising industries (particularly transport and plant depots) from the existing Tumut Industrial Area, thus freeing up smaller lots for more intensive industrial use.</p>
1.2 Rural Zones	<p>Justifiably inconsistent. The land affected by this Planning Proposal is currently zoned RU1 Primary Production and RU3 Forestry under Tumut LEP 2012 and it is proposed to change the zone to IN1 General Industrial with a Lot Size of 2 ha. A strategic planning process was carried out establishing the need for the rezoning. An Environmental Study was prepared that gives consideration to the objectives of this direction and was approved for public exhibition with Tumut LEP 1990 (Amendment No. 24). No new study has been prepared for this Planning Proposal.</p>
1.5 Rural Lands	<p>This direction is relevant in that the Planning Proposal affects specific rural land. However, as that land is proposed to be rezoned to IN1, the provisions of SEPP (Rural Lands) 2008 will not be relevant.</p> <p>The proposed new clause 4.1B will facilitate the excision of urban zoned land from rural land at the urban/rural interface.</p>
ENVIRONMENT AND HERITAGE	
2.1 Environmental Protection Zones The planning proposal must include provisions that facilitate protection of environmentally	<p>This planning Proposal does not affect land within Environmental Protection zones and Land Identified as environmentally sensitive in Tumut</p>

<p>sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p>LEP 2012 has, wherever possible, been excluded from the land proposed to be rezoned. No Environmental Protection Zones are proposed in this Planning Proposal as it would result in small, isolated, areas so zoned. Council will carry out Biodiversity surveys required by the Office of Environment and Heritage.</p> <p>It should be noted that the area of Riparian Lands and Watercourses traversing Lot 100 DP 1040583 and Lot 5 DP 1178042 (Figure 17) is an ephemeral creek that has been channelled and piped through the Timber Mill site.</p>
<p>2.3 Heritage Conservation</p> <p>The planning proposal must incorporate provisions for the conservation of post European and Aboriginal cultural heritage items and places.</p>	<p>Tumut LEP 2012 already contains provisions for the conservation of post European and Aboriginal cultural heritage. Council will carry out Aboriginal cultural heritage surveys as required by the Office of Environment and Heritage.</p>
<p>HOUSING INFRASTRUCTURE AND URBAN DEVELOPMENT</p>	
<p>3.1 Residential Zones</p>	<p>Not applicable</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>Relevant as this proposal will create an urban zone (IN1). The RMS has been consulted during preparation of the proposal, with particular attention given to the efficient movement of freight and the design of the future subdivision of the land.</p> <p>Transport and travel issues were addressed in the 2002 Environmental Study. The proposal is consistent with Direction 17 of the Riverina Murray Regional Plan</p>
<p>HAZARD AND RISK</p>	
<p>4.3 Flood Prone Land</p>	<p>Council has mapped alluvial soils as an indicator of potential flood prone land (Figure 13). Generally, the alluvial land is located to the west of the disused Tumut – Cootamundra Railway line and outside of the area to be rezoned. The land occupied by the Timber Mill is known to be flood free.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>Part of the land is bush fire prone (Figure 12) and the Rural Fire Service will be consulted after a Gateway Determination is issued. It is Council's intention to comply with Planning for Bushfire Protection 2006.</p>

5. REGIONAL PLANNING	
5.10 Implementation of Regional Plans	Directions 1, 3, 4, 9, 15, 16, 17, 18, 22, 23 and 29 of the Riverina Murray Regional Plan are relevant and the Planning Proposal is consistent with those Directions.
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements	Consistent as the planning proposal does not include any concurrence, consultation or referral requirements

Part 4 – Mapping

The following maps show the location of the land affected and the current and proposed zoning and lot size in relation to surrounding land. Maps showing the land constraints are also provided.

Council requests that as these maps are sufficiently detailed for public exhibition purposes, maps consistent with the Department's Technical Guidelines not be prepared until finalisation of the LEP.

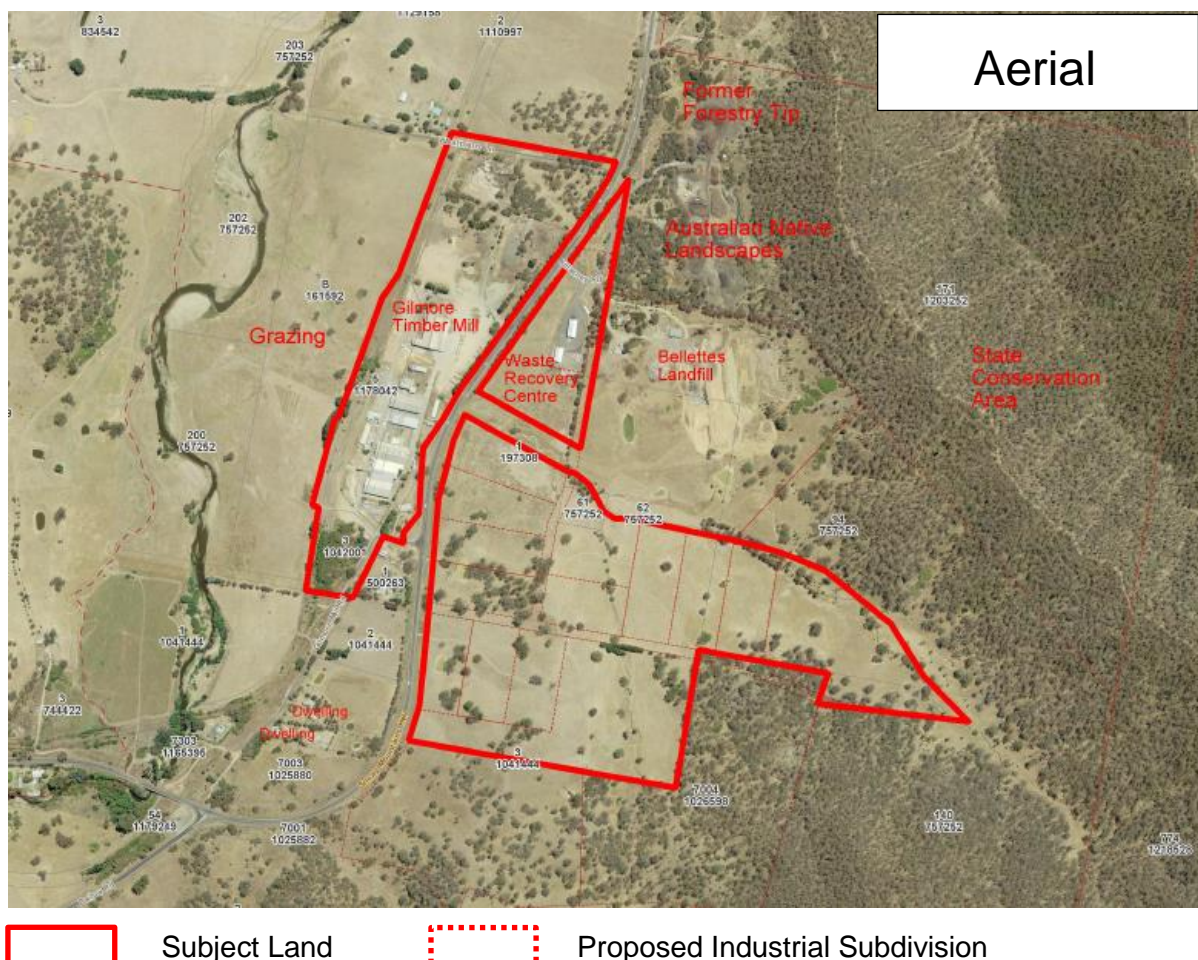


Figure 1. Aerial view of subject land

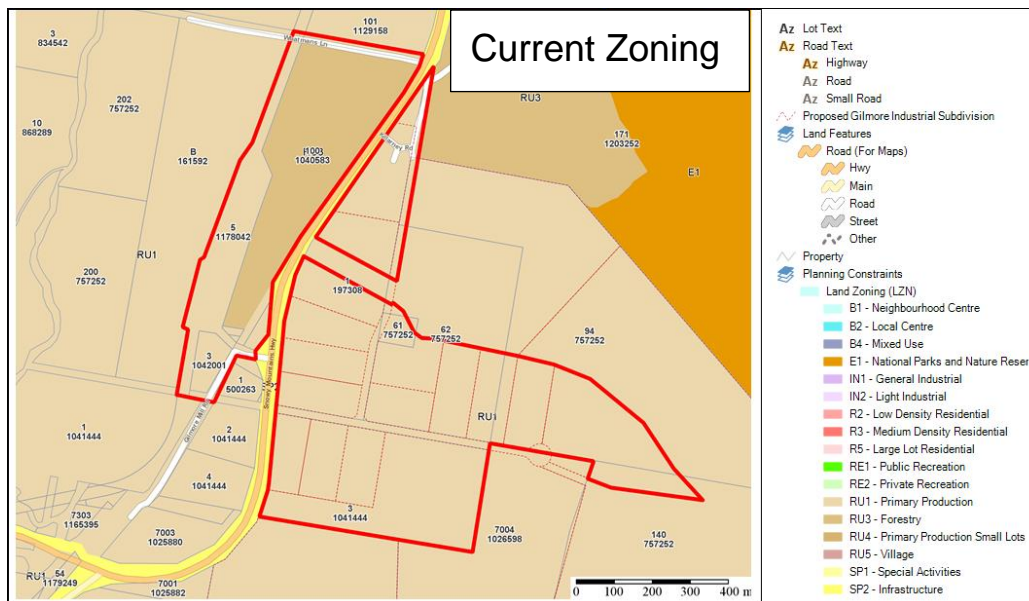


Figure 2. Current Zoning

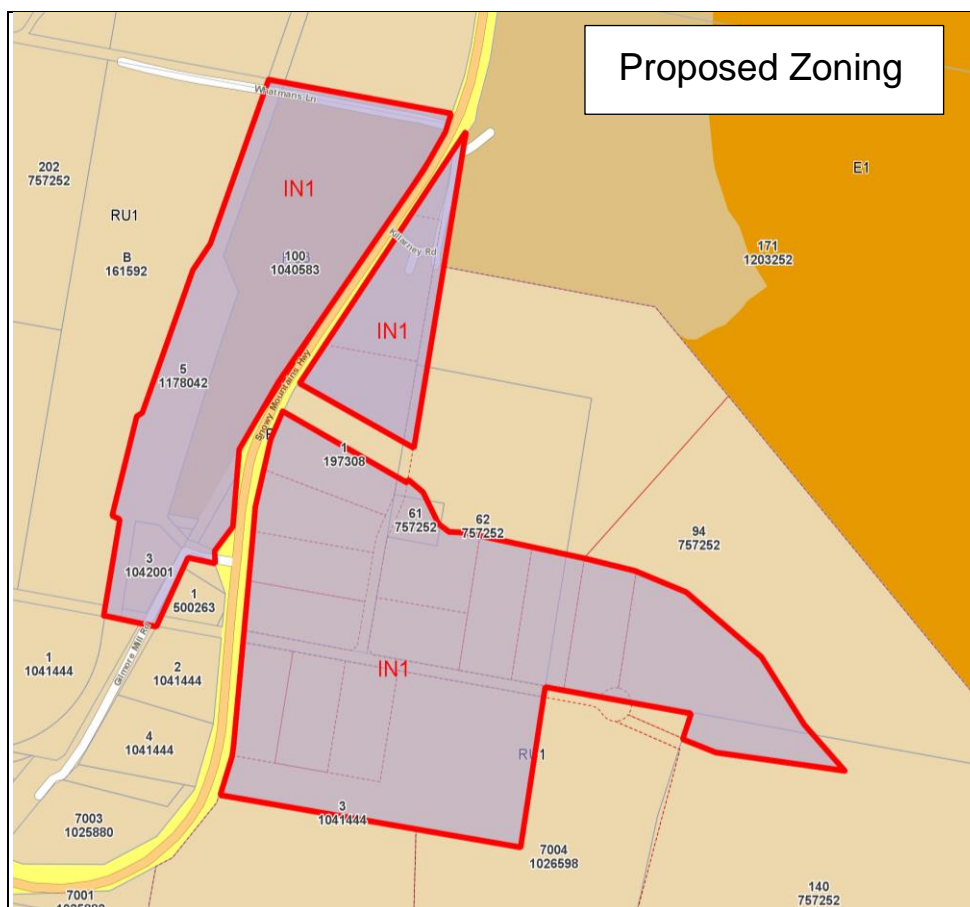


Figure 3. Proposed Zoning

Current Lot Size

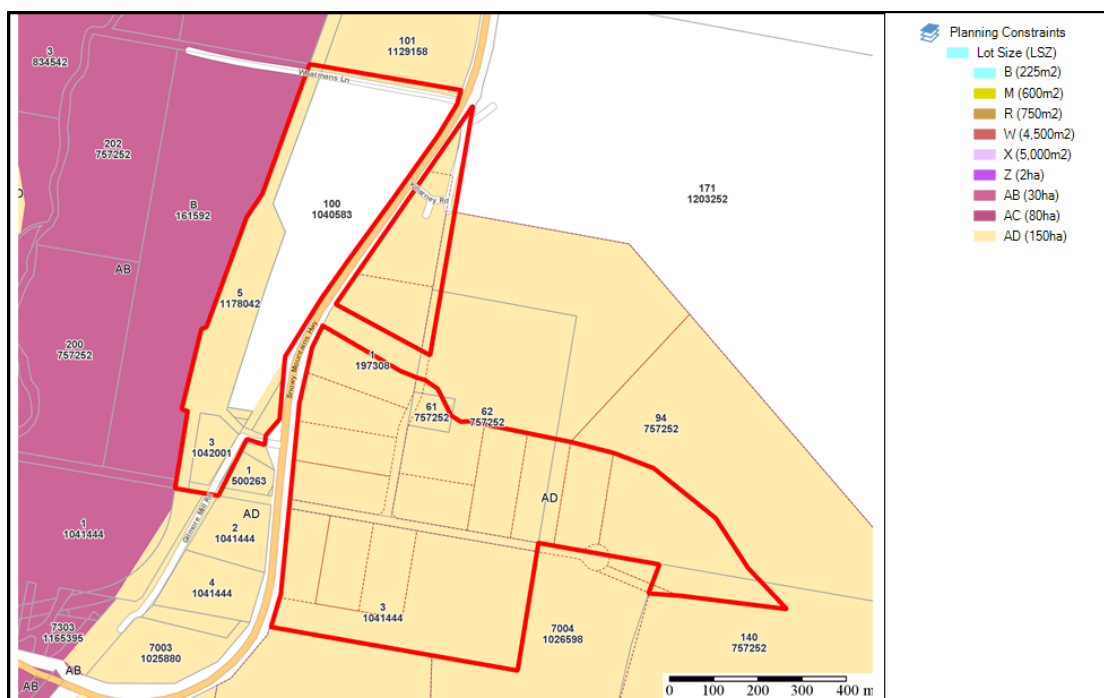


Figure 4, Current Lot Size

Proposed Lot Size

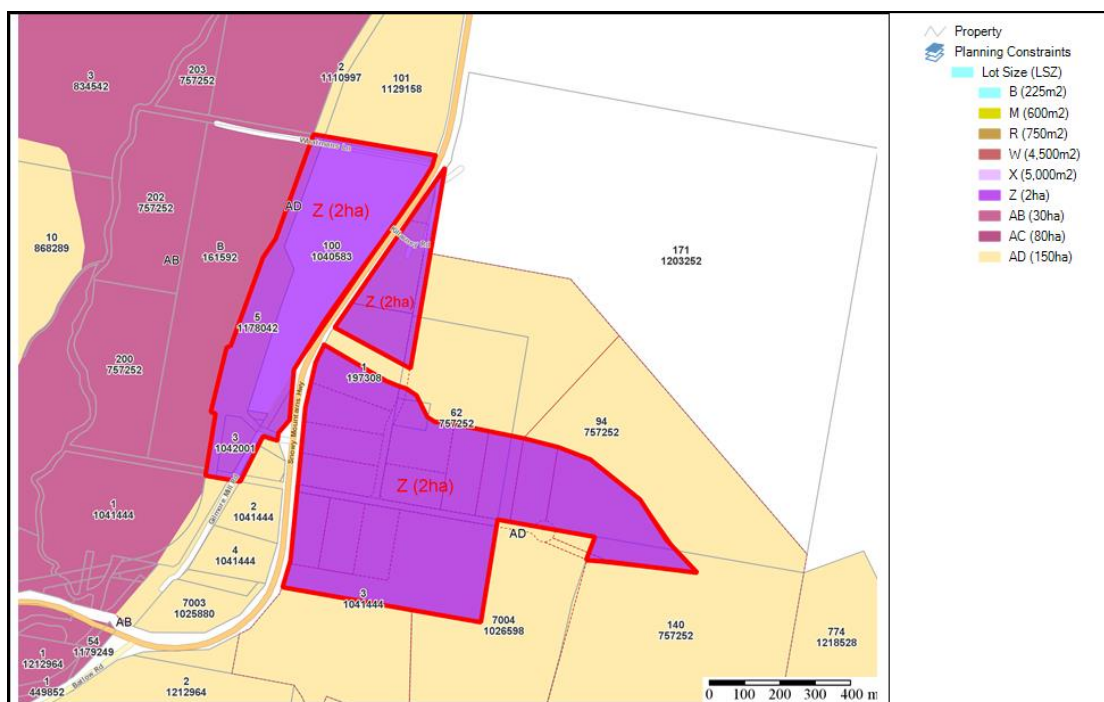
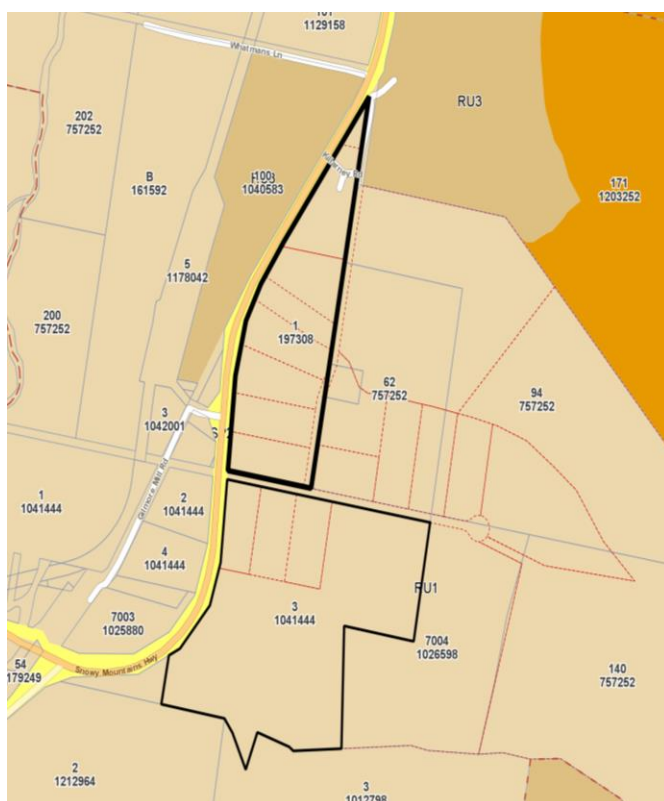
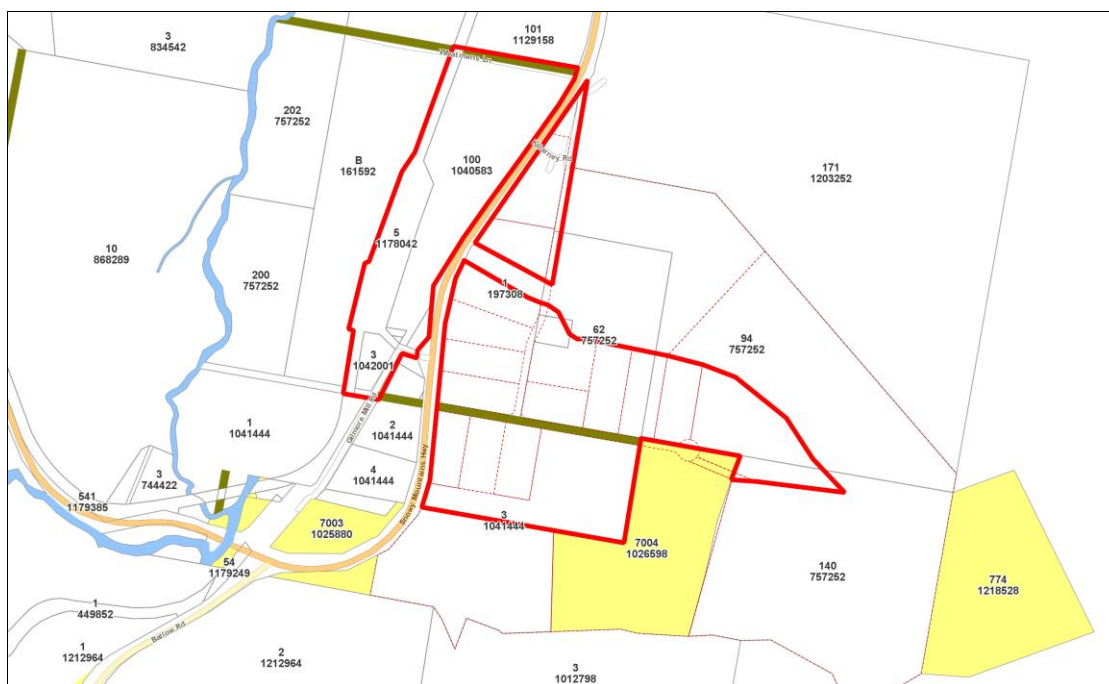
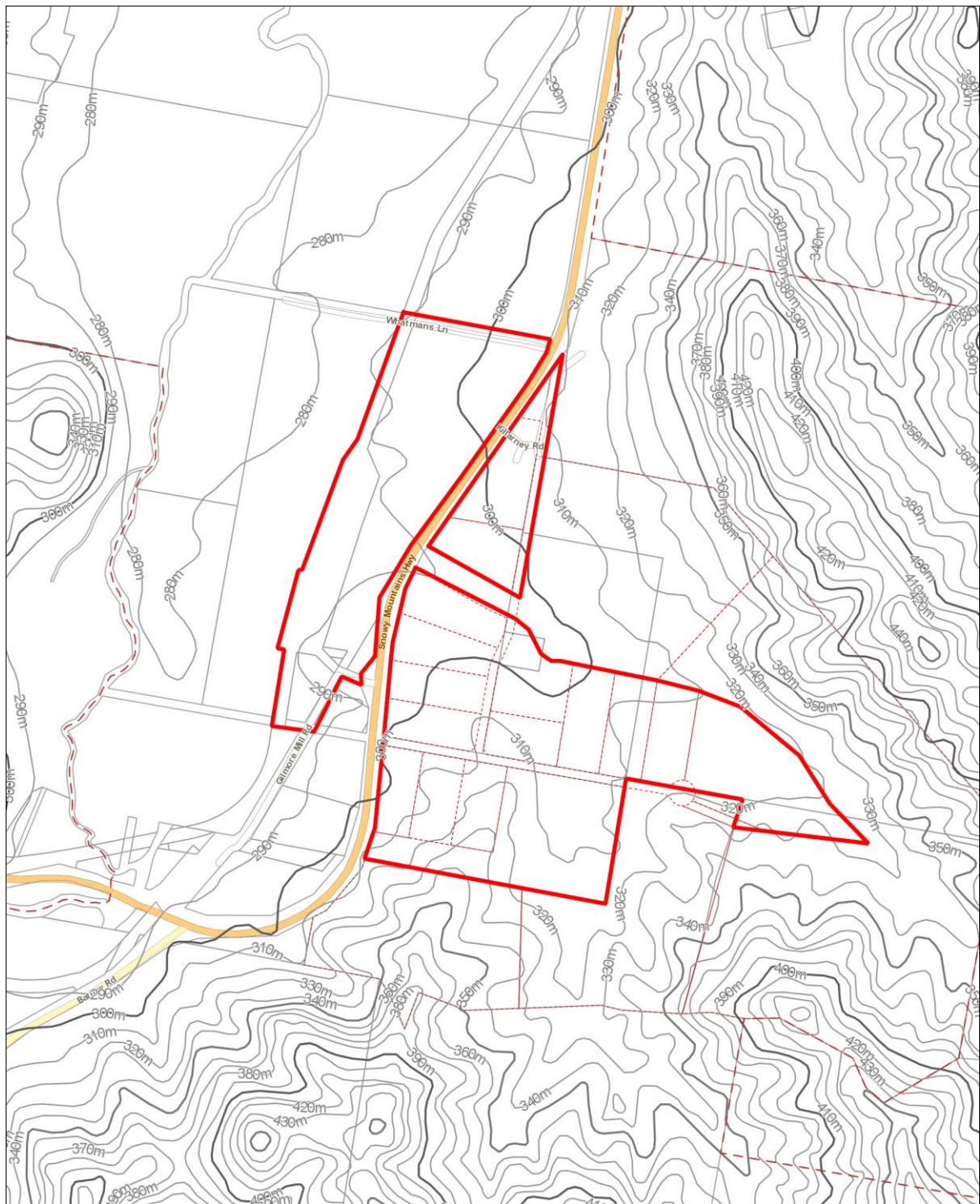


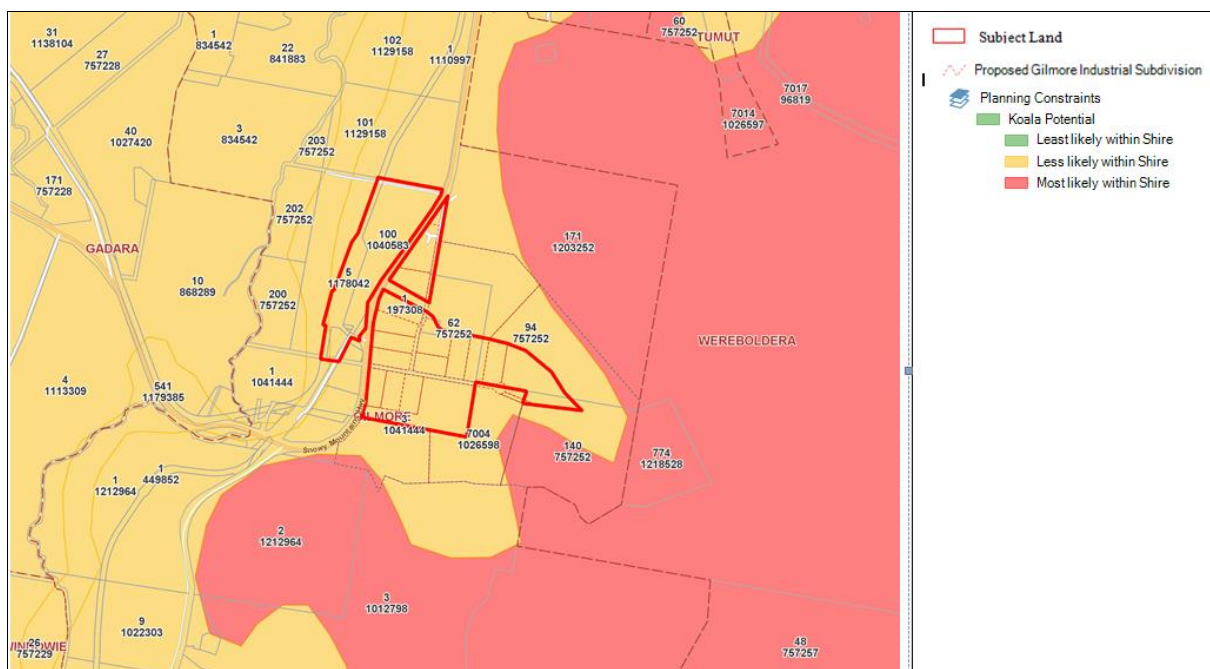
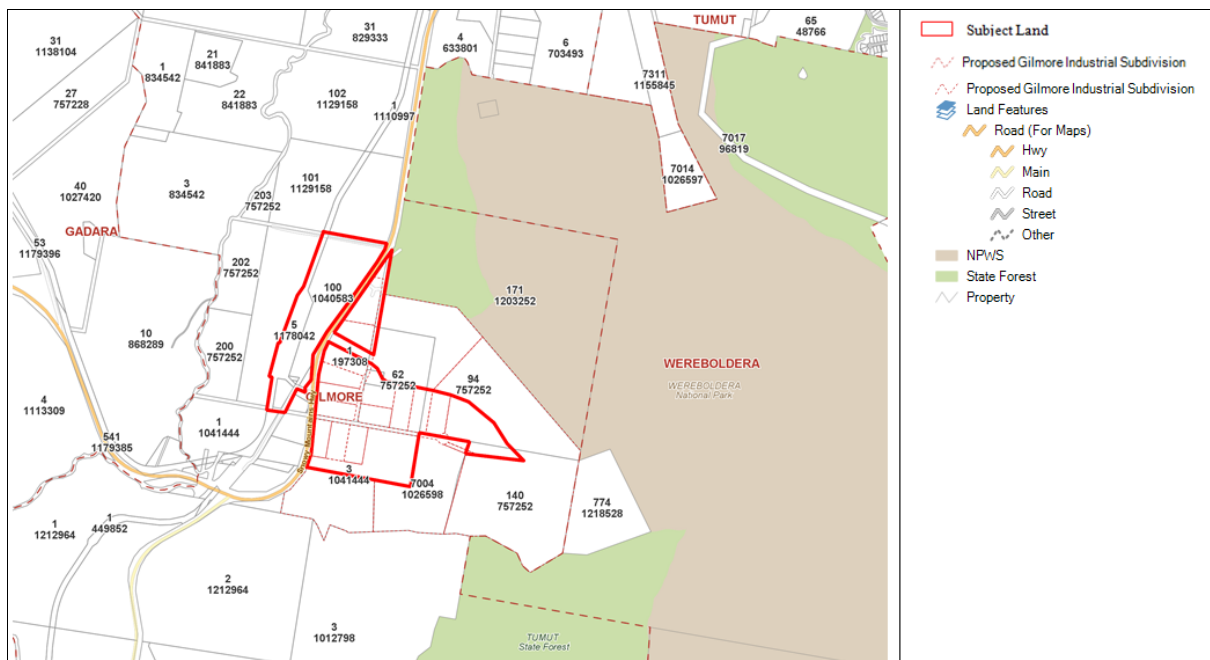
Figure 5, Proposed Lot Size





Subject Land

Figure 8, Contours (10m)



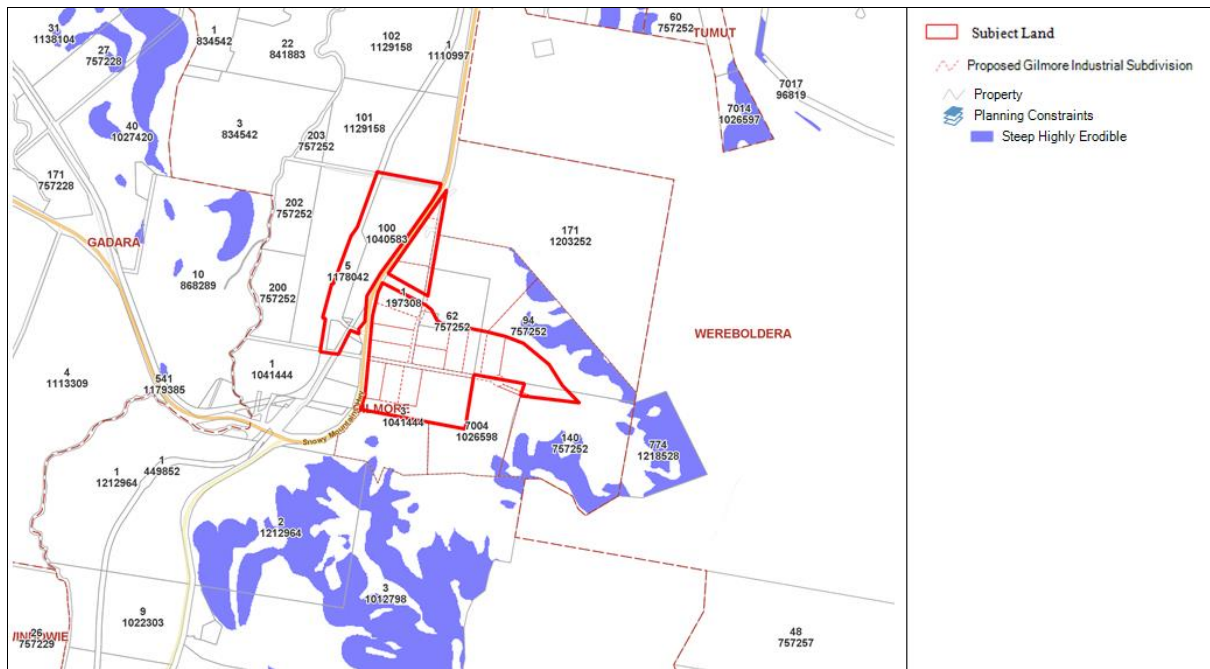


Figure 11, Steep, Highly Erodible Land

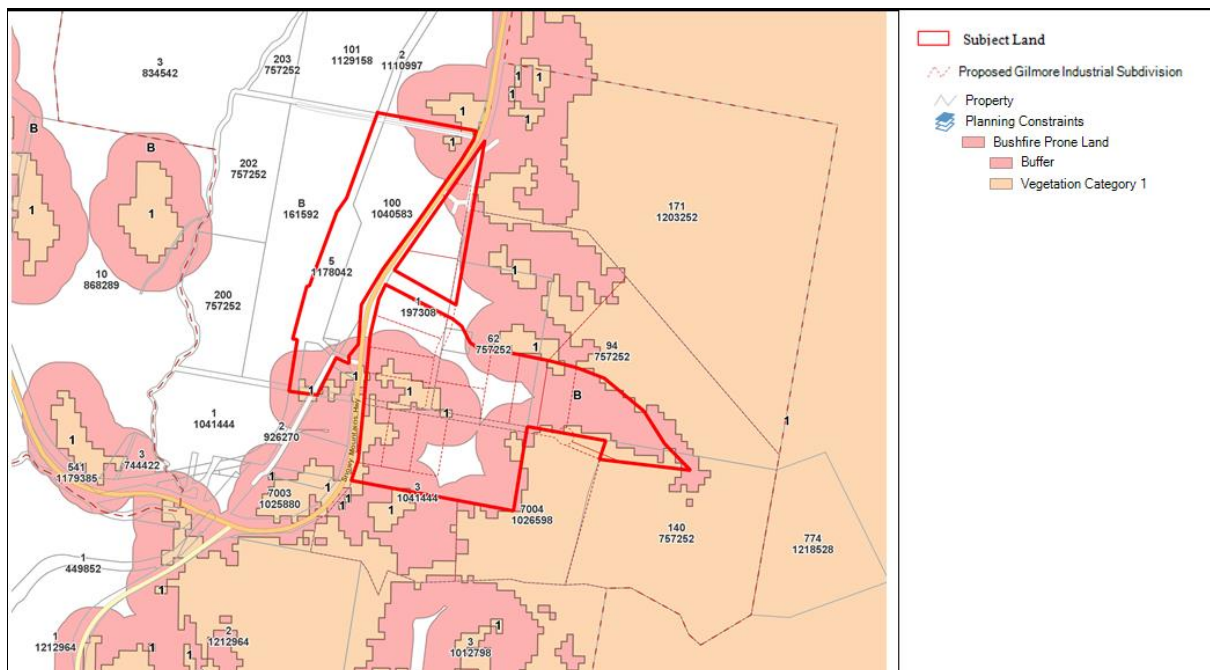


Figure 12, Bushfire Prone Land

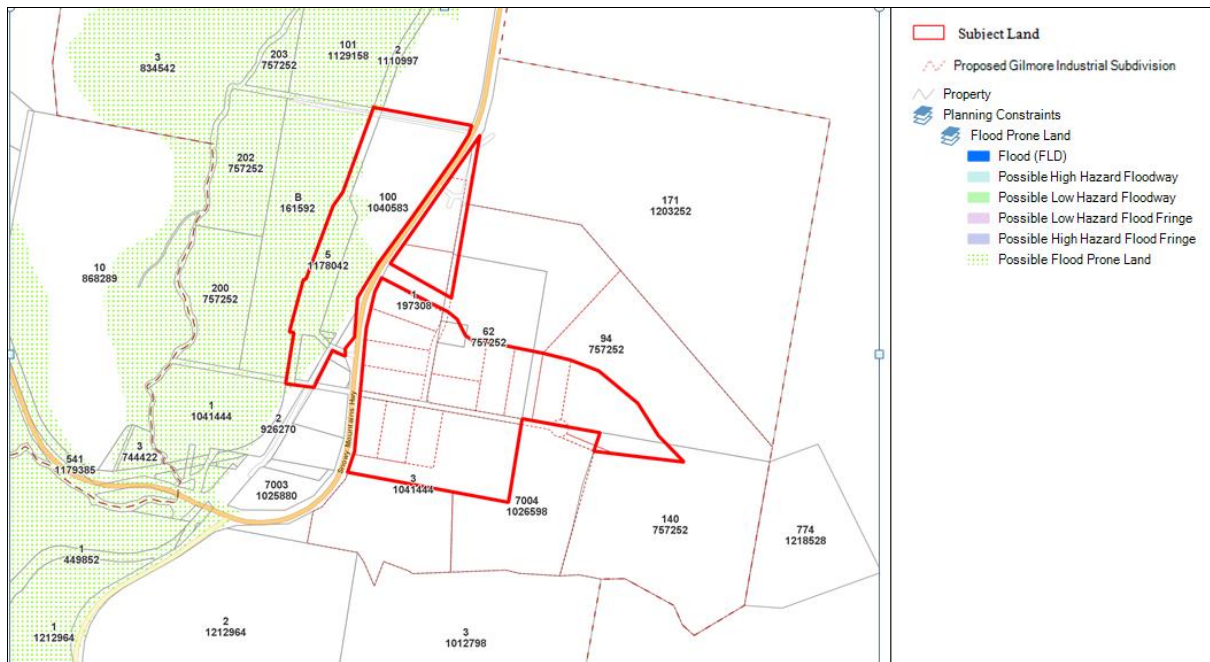


Figure 13, Possible Flood Prone Land

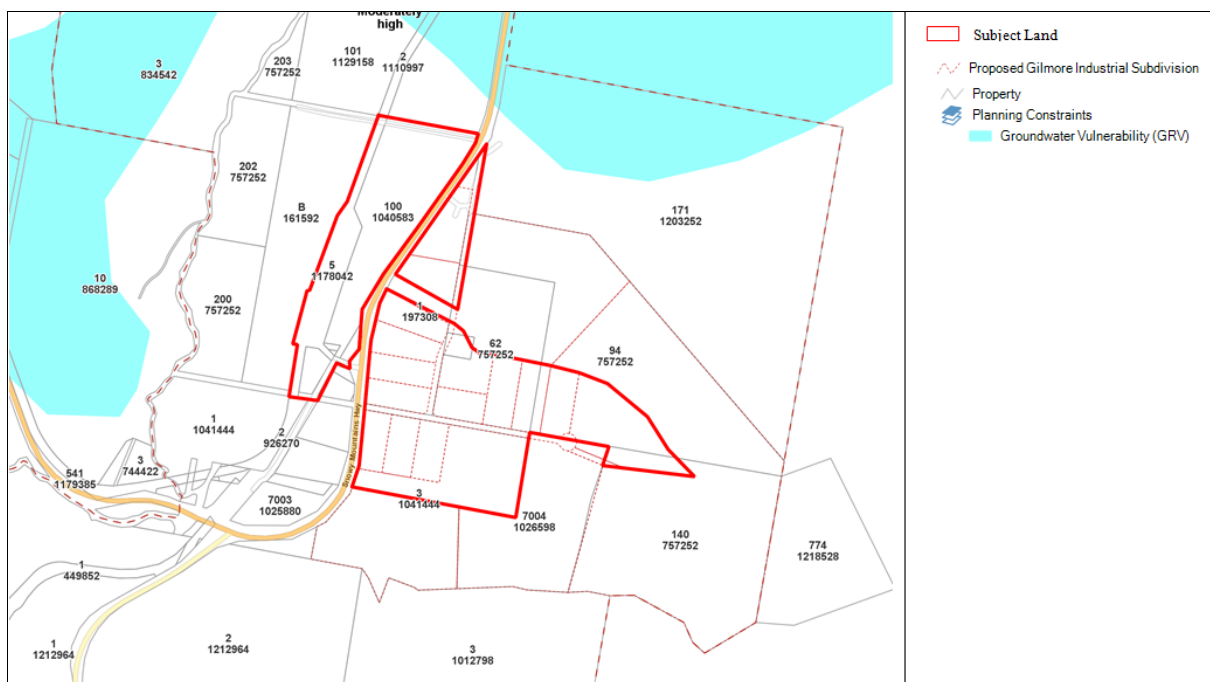
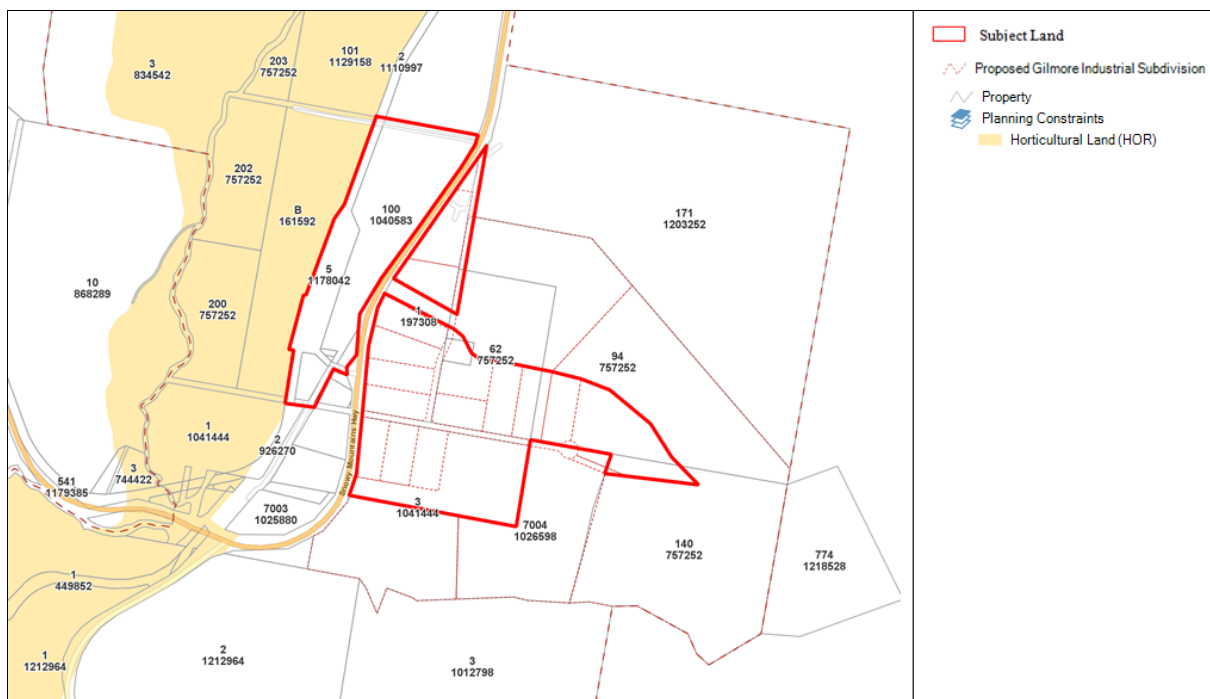
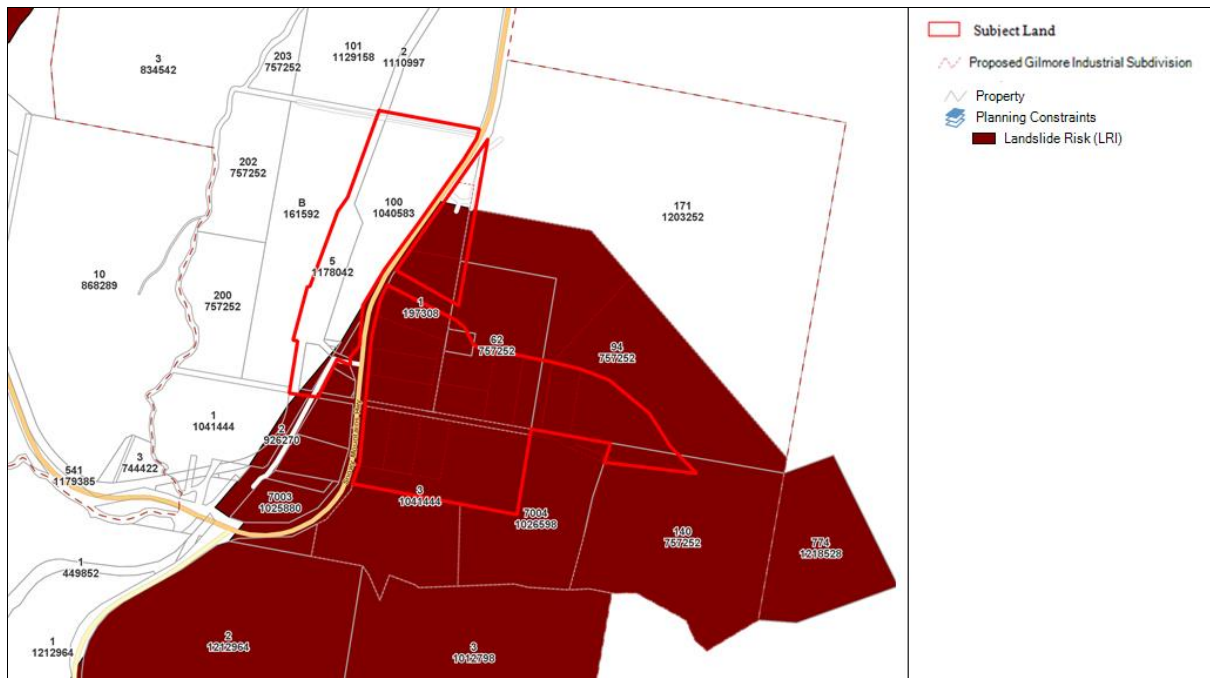


Figure 14, Groundwater Vulnerable



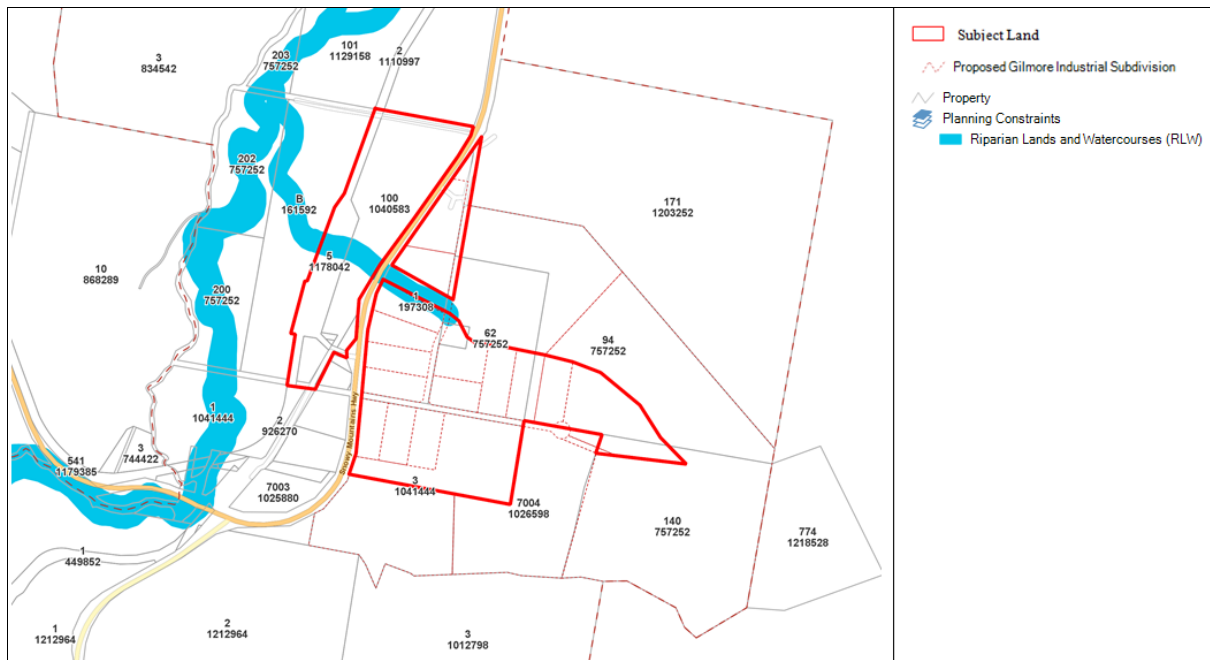


Figure 17, Riparian Lands and Watercourses

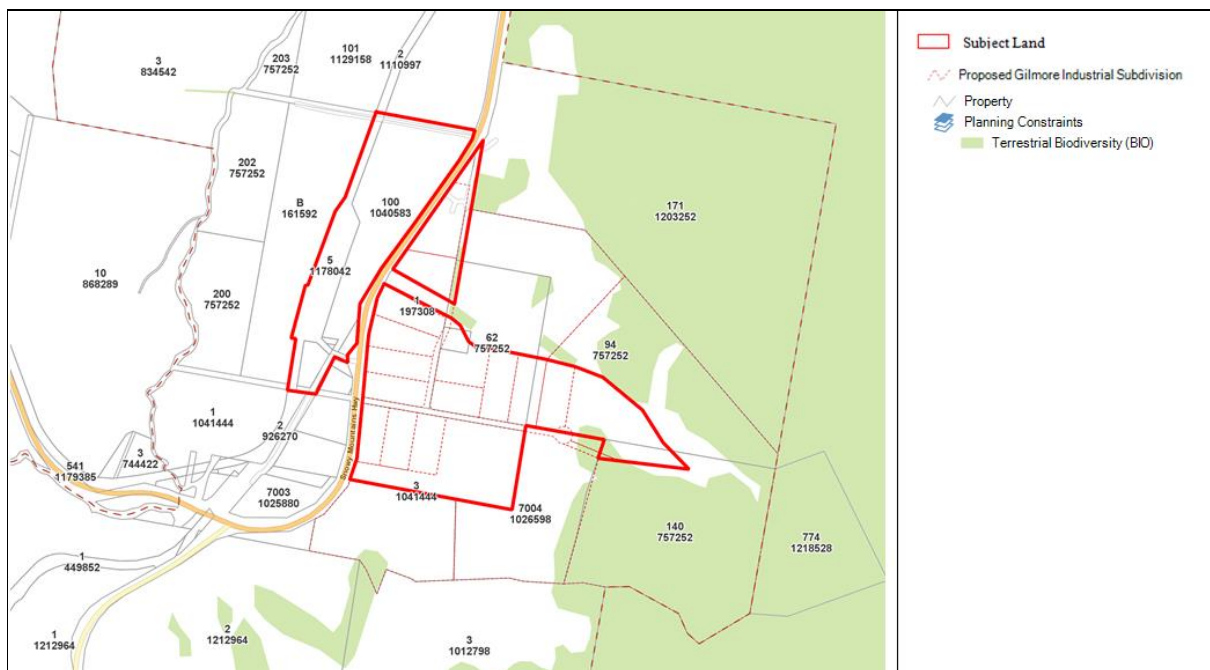


Figure 18, Terrestrial Biodiversity

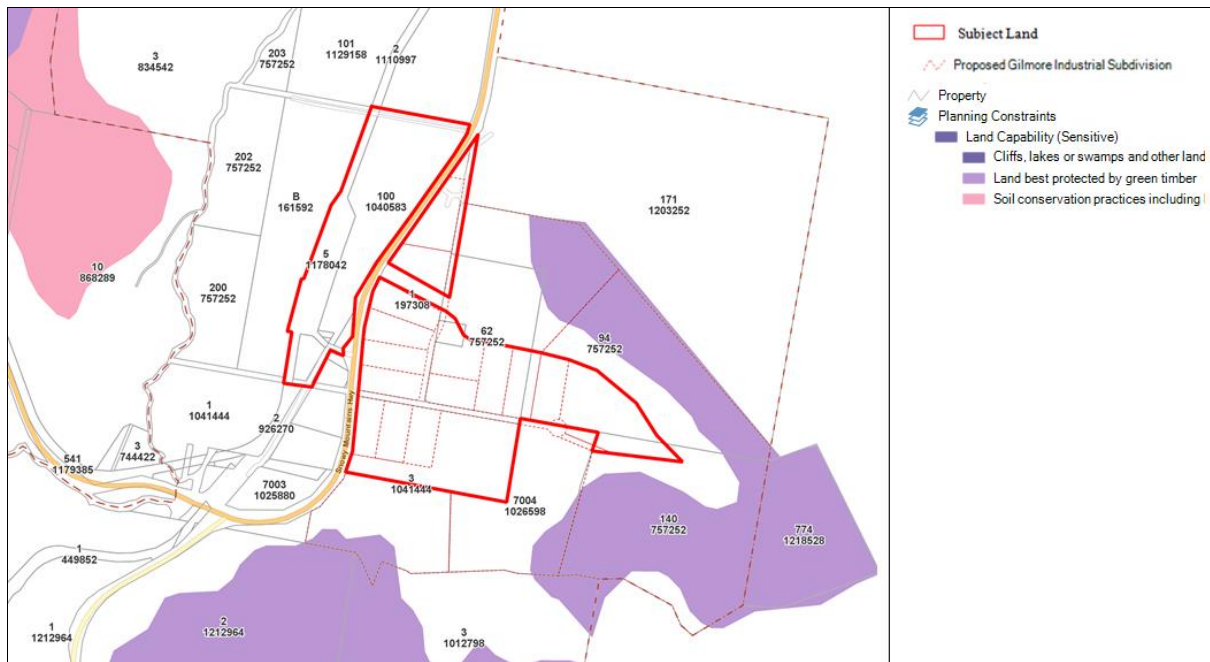


Figure 19, Land Capability (sensitive)

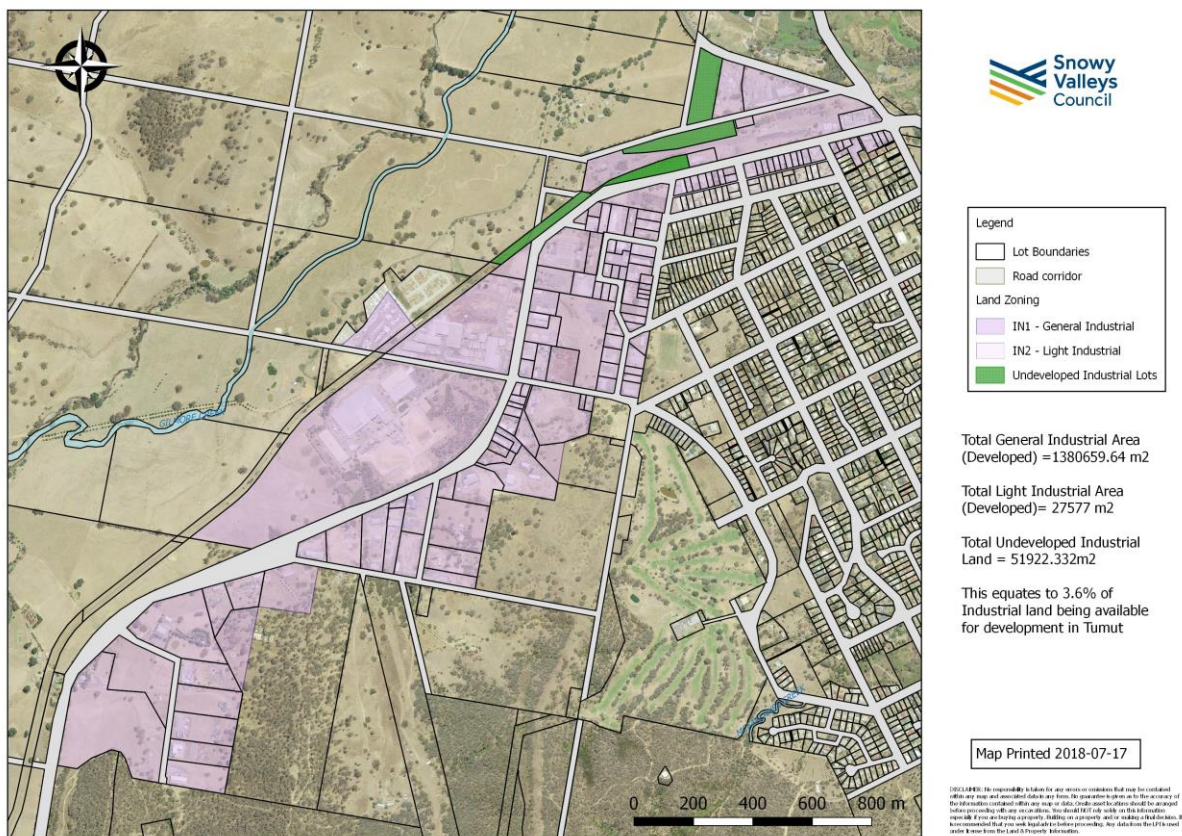


Figure 20, Existing Tumut Industrial Land, showing extent and utilisation rate.

The following maps, listed in the Table below, are proposed for amendment once approval to proceed is issued under the Gateway Determination.

Lot Size Maps	
LSZ_003B	7500_COM_LSZ_003B
Land Zoning Maps	
LZN_003B	7500_COM_LZN_003B

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with The Department's guidelines and instructions under the Gateway Determination. As is Council's normal practice, the Proposal will be placed on Council's website and notified in the local newspaper, the "Tumut and Adelong Times". All affected and adjacent landowners will be notified by letter and invited to make a submission.

In this instance, as the proposed zoning change from Rural to Industrial has the potential to affect the character of the locality, Council considers that a 28-day period of exhibition would be appropriate.

Part 6 – Project Timeline

Task	Anticipated Timeline
Gateway Determination	20th July 2018
Agency Consultation	3 rd August 2018
Public Exhibition Period	3 rd August – 31 st August 2018
Report to Council on Planning Proposal including consideration of submissions	27 th September 2018
Submission to Department to Finalise the LEP	27 th October 2018

Attachments

1. Council Report (Minutes and Attachments), Ordinary Meeting 6th February 2001
2. Industrial Land Strategy 20th February 2001
3. Council Report (and attachments), Ordinary Meeting 27th July 2017
4. Council Report Minutes, Ordinary Meeting 27th July 2017
5. Environmental Study Future Industrial Land, Tumut and Gilmore July 2002
6. Tumut and Industry 2000
7. Growing Local Economies application 2018.