



Snowy Valleys Council

PLANNING PROPOSAL

TUMUT LEP 2012 (AMENDMENT NO.6)

Amendment to permit 'artisan food and drink industry' in the
Zone B2 Local Centre

October 2020

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Part 1 – Objectives

Snowy Valleys Council has resolved to prepare a Planning Proposal as per Section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979). The proposal seeks 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.

Artisan food and drink industry is defined as follows:

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Part 2 – Explanation of the Provisions

To achieve the objective outlined in Part 1, this planning proposal 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).

Part 3 – Justification

Background

Council has received numbers of enquiries in respect of appropriate locations for artisan food and drink premises. Inquirers have made it clear that it would be desirable and logical to locate in the Tumut CBD.

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.

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>Including '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>	<p>Not specifically. However, Council's <i>Community Strategic Plan 2028</i> includes the following strategy supporting 'Towns and villages':</p> <p>'Provide a planning and development framework which protects the local amenity while supporting sustainable growth and an appropriate balance of land use.'</p> <p><i>Snowy Valleys Destination Management Plan</i> states the following in respect of strategic themes:</p> <p>'Theme 3: Showcasing Regional Produce Through Contemporary Food And Agritourism Experiences</p> <p>The region has strong agri-tourism credentials through wine and cider and craft beer production, however the experience of local commodities is limited.</p> <p>Visitation data shows a low level of dining activity when benchmarked against other destinations.</p> <p>There is a need for Council to facilitate and support private sector investment in dining, agritourism and beverage experiences. This is critical for facilitating yield in tourism and also in attracting new and contemporary visitor markets.'</p> <p>Allowing artisan uses in the B2 Local Centre zone will support economic development, reinforce the primacy of Tumut's central business district and will attract visitors to the region.</p>	<p>Yes. There is no better way. The proposed approach allows for specific guidance and outcomes to potentially be added to 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 for planning, growth and governance.</p>

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 (SEPP)?	6. Is the Planning Proposal consistent with applicable Section 9.1 Ministerial Directions (former s.117 directions)?
<p>Including '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>	<p>The Planning Proposal is consistent with the following Riverina Murray Regional Plan Directions and Goals:</p> <p>Goal 1 – A growing and diverse economy</p> <p><i>Direction 4 – Promote business activities in industrial and commercial areas:</i></p> <p>The proposal is consistent with the intent of this Direction. The proposal will encourage new retail activity in the existing Tumut commercial centre, to strengthen the role and function of the area, capitalise on existing infrastructure (including transport and community</p>	<p>The Planning Proposal is consistent with the <i>Snowy Valleys Community Strategic Plan 2028</i> and <i>Snowy Valleys Destination Management Plan</i>.</p>	<p>SEPP No. 55 applies to the land. SEPP No 55 aims to identify lands where potential contamination requires that land to be remediated prior to being developed, used, or zoned in a certain way. Prior to any use or development occurring subject to a development application, land will need to be assessed against Clause 7 of the SEPP. The Planning</p> <p>clause</p> <p>7</p> <p>of the</p> <p>SEPP.</p> <p>The Proposal is consistent with,</p>	<p>Refer to the Table below headed: "Consideration of Section 9.1 Ministerial Directions"</p>

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	<p>facilities), and, enhance the value of existing public spaces.</p> <p><i>Direction 7 – Promote tourism opportunities:</i></p> <p>The proposal is consistent with the intent of this Direction. It will enhance the appeal of Tumut's commercial area. The craft of food and drink production at a local scale, located alongside other experiential uses (retail and dining), will attract visitors to Tumut and add to visitor experiences.</p> <p>Goal 4 – Strong, connected and healthy communities</p>		<p>and not in contravention of, this SEPP.</p> <p>contamination</p> <p>requires</p> <p>that land to be remediated</p> <p>prior to being developed, used, or zoned in a certain</p> <p>SEPP No. 64 in respect of advertising and signage is applicable. The Planning Proposal does not conflict with the requirements and assessment criteria</p> <p>the</p> <p>aims,</p> <p>development</p> <p>consent and assessment criteria for advertising and</p>	

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	<p><i>Direction 22 – Promote the growth of regional cities and local centres:</i></p> <p>The proposal is consistent with the intent of this Direction. The proposal will grow the appeal of Tumut's B2 Local Centre zone, encourage investment and increase job opportunities and services – all of which will benefit the immediate and broader regional community.</p> <p><i>Direction 28 – Deliver healthy built environments and improved urban design:</i></p> <p>The proposal is consistent with the intent of this Direction. Allowing artisan uses in the B2</p>		<p>signage as provided in the SEPP.</p> <p>State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 applies. The Planning Proposal does not seek to make 'artisan food and drink industry' exempt or complying development in the LEP. Therefore the Planning Proposal is considered to be consistent with, and not in contravention of, this SEPP.</p> <p>State Environmental Planning Policy (Infrastructure) 2007 is applicable. The Planning Proposal does not conflict with the aims, permissibility,</p>	

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	<p>zone and will reinforce the primacy of Tumut's traditional town centre and will encourage investment in existing infrastructure.</p> <p><i>Direction 29 - Protect the region's Aboriginal and historic heritage:</i></p> <p>The proposal is consistent with the intent of this direction. Broadening the permissible uses in Tumut's commercial centre invites adaptive re-use of heritage assets and will help to support the local economy.</p>		development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.	

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?
<p>Including '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>	<p>No, given 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.</p>	<p>Some artisan uses, such as micro-breweries, small-scale distilleries, and cheese factories, may generate odours due to their manufacturing and chemical processes, generate traffic and parking demands and have the potential to generate noise.</p> <p>It should be noted that artisan food and drink industries are a sub-category of 'light industry' in the LEP Dictionary.</p> <p>In light of this, artisan uses can only be defined as such where the proposed use will not interfere with the amenity of the neighbourhood in which they are proposed to be situated. Therefore, any impacts likely to be generated by artisan food and drink industries on surrounding uses and the locality would be considered acceptable/low/minor.</p> <p>In those instances where proposed artisan uses are somewhat borderline in their perceived impacts, proponents</p>	<p>Social and economic benefits are addressed earlier under the heading Section A – Need for the Planning Proposal</p> <p>Potential detrimental social impacts would be addressed as part of the assessment of relevant development applications.</p>

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		would be encouraged to locate their establishments in industrial zoned land where artisan uses are presently permitted. This flexibility in choosing appropriate sites is an inherent benefit of allowing artisan uses in a variety of commercial and industrial zones.	

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?
Including '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).	Adequate public infrastructure is provided within the B2 Local Centre zone within the Tumut urban area. The Planning Proposal will not significantly increase the demand on existing infrastructure beyond its current capacity.	Relevant State and Commonwealth authorities will be consulted once the Gateway Determination has been issued and approval is granted to proceed further with the planning proposal.

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

Applicable Ministerial Direction	Including '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).	Consistent
EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	<p>The Planning Proposal has considered the objectives of this direction.</p> <p>The Proposal responds robustly to this Direction. The addition of artisan uses in nominated B2 Local Centre zone will encourage employment growth in suitable locations and protect the viability of employment lands. The appropriation of industrial land for artisanal uses, which are relatively low-impact and small-scale uses compared to other light and general industrial activities, will be complimented by allowing artisan uses in B2 zone which can comfortably accommodate those uses.</p>	Yes
ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	Tumut LEP 2012 already contains provisions for the conservation of post European and Aboriginal cultural heritage. Any Development Application for artisan uses in the B2 <i>zoned</i> land will need to	Yes
The Planning Proposal must incorporate provisions for the conservation of post European and Aboriginal cultural heritage items and places.		

	demonstrate the merits of the proposal against the EP&A Act 1979, which includes consideration under Clause 5.10 of the Tumut LEP 2012, being the same process for any other commercial/industrial development application.	
2.6 Remediation of Contaminated Land	The Planning Proposal does not detract from the objectives of this direction. Prior to any use or development occurring, land will need to be assessed against clause 7 of the State Environmental Planning Policy No 55 – Remediation of Land. This in turn also satisfies terms 4 and 5.	Yes
HOUSING INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	<p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>Forms of housing and residential accommodation are permitted with consent in the B2 zone.</p> <p>In response to (4) and (5) of this Direction, the Planning Proposal does not encourage additional housing in the B2 zone nor does it contain requirements for servicing of land to meet residential development needs. The Planning Proposal does not seek to reduce the residential density of land by any proposed controls.</p> <p>The Planning Proposal will not remove residential accommodation uses and given the above points, it is not</p>	Partly

	<p>anticipated that proposed change to the land use table will detract from the variety of housing options. The Planning Proposal generally accords with the objectives of this Direction so the inconsistency with terms (4) and (5) is considered irrelevant.</p>	
3.4 Integrating Land Use and Transport	<p>Land zoned for business purposes within the Tumut urban area is affected by the Planning Proposal.</p> <p>It is considered that allowing artisan uses in the B2 zone will partly consolidate trip generating leisure/retail/hospitality activities in the Tumut. CBD. The CBD is more accessible to consumers and public transport users than other areas, such as industrial zoned land in which artisan uses are currently permitted</p>	Yes
HAZARD AND RISK		
4.3 Flood Prone Land	<p>Part of the B2 zoned land is identified as being in a flood planning area on the Tumut Flood Panning Maps.</p> <p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>There are patches of flood prone land in the B2 zone, on which artisan uses will be made permissible by virtue of the Planning Proposal. It is conceded that the Proposal, using a strict interpretation, is inconsistent with (4) and (6).</p>	Partly

	<p>The justification for inconsistency is grounded in the fact that the Planning Proposal does not seek to vary any of the flood control provisions currently contained in the LEP.</p> <p>Any proposed development that requires consent will need to demonstrate compliance with clause 6.2 of the LEP, which is the clause that seeks to limit inappropriate development of flood prone land. Therefore, the Planning Proposal will not result in development of flood prone land that is inconsistent with the <i>Floodplain Development Manual 2005</i>, nor will it result in changes to the LEP that would undermine clause 6.2.</p> <p>The Planning Proposal's inconsistency with terms of (4) and (6) is therefore considered to be of minor significance in comparison to the overall objectives of this Direction.</p>	
5. REGIONAL PLANNING		
5.10 Implementation of Regional Plans	<p>Directions 4, 7, 22, 28 and 29 of the Riverina Murray Regional Plan are relevant and the Planning Proposal is consistent with those Directions.</p> <p>The Planning Proposal is generally consistent with the goals, directions and actions as contained within the Riverina-Murray Regional Plan as it seeks to support economic development and tourism growth within Tumut, whilst also having regard to the context and setting of the area.</p>	Yes
6. LOCAL PLAN MAKING		

6.1 Approval and Referral Requirements	The planning proposal does not include any concurrence, consultation or referral requirements.	Yes
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Part 4 – Mapping

No changes are proposed to the Tumut LEP 2010 maps.

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the requirements of Schedule 1, Clause 4 of the *Environmental Planning & Assessment Act 1979*, the NSW Department of Planning's: *A guide to preparing local environmental plans (August 2016)* and any conditions of the Gateway Determination (to be issued).

As is Council's normal practice, the Proposal will be placed on Council's website and notified in the local newspapers.

The written notice will contain:

- A brief description of the objectives or intended outcomes of the Planning Proposal.
- An indication of the zones which will be affected by the Proposal.
- Information on where and when the Planning Proposal can be inspected.
- The name and address of Council for the receipt of submissions.
- The closing date for submissions.
- Whether the Minister has chosen to delegate Plan Making powers to Council.

A 28-day period of exhibition would be appropriate.

During the public exhibition period the following documents will be placed on public exhibition:

- The Planning Proposal.
- The Gateway determination.
- Relevant council reports

Part 6 – Project Timeline

Task	Anticipated Timeline
Gateway Determination	November 2020
Agency Consultation	November/December 2020
Public Exhibition Period	December 2020/January 2021

Report to Council on Planning Proposal including consideration of submissions	February 2021
Submission to Department to Finalise the LEP	February 2021