



New South Wales

**PARLIAMENTARY COUNSEL**

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*Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Tumut Local Environmental Plan 2012 (Amendment No 3)

Your ref: Jim Mumford  
Our ref: FG e2016-149.d11

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In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)  
Parliamentary Counsel  
17 October 2016



New South Wales

## Tumut Local Environmental Plan 2012 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

 23.12.2016

KAY LEWINN WHITEHEAD

ACTING INTERIM GENERAL MANAGER

Signed under delegation for Snowy Valleys Council  
As delegate for the Minister for Planning.

## **Tumut Local Environmental Plan 2012 (Amendment No 3)**

under the

**Environmental Planning and Assessment Act 1979**

### **1 Name of Plan**

This Plan is *Tumut Local Environmental Plan 2012 (Amendment No 3)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the land to which *Tumut Local Environmental Plan 2012* applies.

### **4 Maps**

The maps adopted by *Tumut Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

## **Schedule 1      Amendment of Tumut Local Environmental Plan 2012**

**[1]    Clause 1.2 Aims of Plan**

Omit “Tumut” from clause 1.2 (1).

Insert instead “that part of the Snowy Valleys local government area to which this Plan applies (in this Plan referred to as *Tumut*)”.

**[2]    Clause 2.1 Land Use Zones**

Insert “RU4 Primary Production Small Lots” in appropriate order under the heading “Rural Zones”.

**[3]    Clause 2.1**

Insert “B4 Mixed Use” in appropriate order under the heading “Business Zones”.

**[4]    Clause 2.1**

Insert “SP1 Special Activities” in appropriate order under the heading “Special Purpose Zones”.

**[5]    Land Use Table**

Insert “Cellar door premises;”, “Garden centres;”, “Markets;” and “Plant nurseries;” in alphabetical order in item 3 of the matter relating to Zone RU1 Primary Production.

**[6]    Land Use Table**

Insert after the matter relating to Zone RU3 Forestry:

### **Zone RU4 Primary Production Small Lots**

#### **1    Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide opportunities for intensive plant agriculture.
- To conserve high quality agricultural land by ensuring that it is not unnecessarily converted to non-agricultural land uses and that any lot created is capable of sustaining a range of agricultural land uses.
- To encourage development that protects, enhances and manages the riparian environment.

#### **2    Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

**3 Permitted with consent**

Agricultural produce industries; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Farm buildings; Farm stay accommodation; Garden centres; Home industries; Kiosks; Markets; Plant nurseries; Restaurants or cafes; Roadside stalls; Secondary dwellings; Waste or resource transfer stations; Any other development not specified in item 2 or 4

**4 Prohibited**

Amusement centres; Caravan parks; Cemeteries; Child care centres; Commercial premises; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Public administration buildings; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

**[7] Land Use Table**

Insert after the matter relating to Zone B2 Local Centre:

**Zone B4 Mixed Use**

**1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

**2 Permitted without consent**

Home businesses; Home occupations; Roads

**3 Permitted with consent**

Boarding houses; Camping grounds; Caravan parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health services facilities; Home-based child care; Hotel or motel accommodation; Information and education facilities; Industries; Medical centres; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Seniors housing; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Wholesale supplies; Any other development not specified in item 2 or 4

**4 Prohibited**

Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Intensive livestock agriculture; Sex services premises

**[8] Land Use Table**

Insert "Bulky goods premises;", "Cellar door premises;", "Landscaping material supplies;", "Plant nurseries;", "Rural supplies;", "Timber yards;", "Vehicle sales or hire premises;" and "Wholesale supplies;" in alphabetical order in item 3 of the matter relating to Zone IN1 General Industrial.

**[9] Land Use Table**

Insert after the matter relating to Zone IN2 Light Industrial:

**Zone SP1 Special Activities**

**1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

**4 Prohibited**

Any development not specified in item 2 or 3

**[10] Clause 4.2B Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones**

Insert after clause 4.2B (3) (c):

- (ca) is a lot created by a boundary adjustment in accordance with clause 4.2C and on which a dwelling house would have been permissible before the adjustment of the boundary, or

**[11] Clause 4.2C**

Insert after clause 4.2B:

**4.2C Boundary adjustments of land in certain zones**

- (1) The objective of this clause is to facilitate boundary adjustments between lots if the adjustment will result in the lot size of one or more of the lots being less than the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.

- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that:
  - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
  - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
  - (c) the potential for land use conflict will not be increased as a result of the subdivision.

**[12] Schedule 1 Additional Permitted Uses**

Insert after clause 1:

**2 Use of certain land in the Sturt Close Industrial Area**

- (1) This clause applies to land identified as “Sturt Close Industrial Area” on the Additional Permitted Uses Map.
- (2) Development for the purpose of a dwelling house is permitted with development consent if the development is ancillary to an industry on the same land.

**3 Use of land on which cellar door premises are permitted**

- (1) This clause applies to land on which development for the purpose of cellar door premises is permitted under this Plan.
- (2) Development for the purpose of a building or place that is used to sell alcoholic beverages by retail is permitted with development consent if the alcoholic beverages are produced predominantly from horticultural produce grown in the surrounding area.

**4 Use of certain land for industrial activity relating to pianos**

- (1) This clause applies to land at East Street Tumut, being Lots 1 and 2, DP 373069, identified as “Piano Research and Development” on the Additional Permitted Uses Map.
- (2) Development for the purpose of industrial activity relating to pianos is permitted with development consent on the land to which this clause applies if the total gross floor area of the development does not exceed 1,000 square metres.

**[13] Schedule 5 Environmental heritage**

Omit items I2–I24 from Part 1. Insert instead:

Adelong	Police Station group—consisting of Police Station (former Court House), Police residence and stables	11 Campbell Street	Lot 7012, DP 94468	Local I2
Adelong	Roman Catholic Convent	30 Gilmore Street	Lot 15, Section 8, DP 758009	Local I8
Adelong	Adelong Public School	50 Gilmore Street	Lot 8, Section 11, DP 758009	Local I3
Adelong	Residence (former St Paul's Rectory)	72 Gilmore Street	Lot 91, DP 1165144	Local I4
Adelong	Residence (former Adelong Hospital)	11 Grahamstown Road	Lot 7, DP 1191735	Local I5
Adelong	Residence	1 Gundagai Street	Lot 2, Section 1, DP 758009	Local I6
Adelong	Catholic Presbytery	26 Gundagai Street	Lot 14, Section 7, DP 758009	Local I7
Adelong	St Joseph's (Catholic) School	27 Gundagai Street	Lot 17, Section 8, DP 758009	Local I10
Adelong	Residence (former Uniting Church)	49 Lockhart Street	Lot 5, Section 13, DP 758009	Local I11
Adelong	Residence (former St Andrew's Presbyterian Church)	81 Lockhart Street (corner Lockhart and Havelock Streets)	Lot 1, Section 21, DP 758009	Local I12
Adelong	Residence	92 Lockhart Street	Lot 18, Section 22, DP 758009	Local I13
Adelong	Residence (former Wesleyan Parsonage)	22 Neill Street	Lot 10, Section 17, DP 758009	Local I14
Adelong	St. Paul's Anglican Church	30–32 Neill Street	Lot 92, DP 1165144	Local I15
Adelong	Residence (former Adelong Public School Headmaster's Residence)	33 Neill Street	Lot 21, DP 1125069	Local I16
Adelong	Rodda's Gold Miner's Cottage	1855 Snowy Mountains Highway	Lot 28, DP 828416	Local I17
Adelong	Residence (former Bank of New South Wales)	47 Tumut Street	Lot 1, DP 209916	Local I18
Adelong	Beaufort House	77–79 Tumut Street	Lot 10, Section 14, DP 758009	Local I19

Tumut Local Environmental Plan 2012 (Amendment No 3) [NSW]  
 Schedule 1 Amendment of Tumut Local Environmental Plan 2012

Adelong	Adelonia Theatre	84 Tumut Street	Lot 8, Section 27, DP 758009	Local I20
Adelong	Masonic Lodge	85 Tumut Street	Lot 3, Section 15, DP 758009	Local I21
Adelong	St James (Catholic) Church	34 Wyndham Street	Lot 16, Section 8, DP 758009	Local I9
Batlow	Batlow Museum (former Church)	12 Batlow Road	Lot 6, DP 17105	Local I22
Batlow	The Old Nurses' Quarters	7 Mayday Road	Lot 219, DP 109509	Local I23
Batlow	Batlow Hotel Building	12 Pioneer Street	Lots 3–4, DP 9646	Local I25
Batlow	Batlow Newsagent (former Batlow Post Office)	14–16 Pioneer Street	Lot 225, DP 757214	Local I26
Batlow	Former State Bank Building	19 Pioneer Street	Lot 1, DP 120750	Local I24
Batlow	Anglican Church	30–34 Pioneer Street	Part Lot 238, DP 757214	Local I27
Batlow	Batlow Literary Institute	45 Pioneer Street	Lot 13, DP 1195130	Local I28
Batlow	Old Batlow Co-operative Canning Office	67 Pioneer Street	Lot 2, DP 9269	Local I29
Batlow	Public School—Batlow Technology School	80 Pioneer Street	Lot 24, DP 757214	Local I30
Batlow	Batlow Masonic Centre	90 Pioneer Street	Lot 8, DP 13901	Local I31
Batlow	Roman Catholic Church/Convent	7 Selwyn Street	Lot 11, DP 1198577	Local I32
Batlow	Uniting Church	16 Selwyn Street	Lot 9, DP 7550	Local I33
Gadara	Gadara Homestead (Downing Homestead)	1302 Snowy Mountains Highway	Lot 102, DP 1035564	Local I34
Gilmore	Gilmore School	5740 Batlow Road	Lot 143, DP 757229	Local I35
Gilmore	Gilmore Hall	5870 Batlow Road	Lot 1, DP 326976	Local I36
Gilmore	Gilmore Church	5882 Batlow Road	Lot 1, DP 327015	Local I37
Gocup	Gocup School and residence	885 Gocup Road	Lot 70, DP 757241	Local I38
Goobarragandra	Pipers Hut	Goobarragandra Road	Lot 2, DP 713040	Local I39
Grahamstown	Residence (former "Gibraltar" Mine Managers Cottage)	243 East Grahamstown Rd	Lot 78, DP 757220	Local I40
Lacmalac	Lacmalac Hall	1015 Lacmalac Road	Lot 373, DP 750991	Local I41
Laurel Hill	Pilot Hill Arboretum	Bago State Forest	Lot 11, DP 757247	Local I42

Laurel Hill	Sugar Pine Walk	Kopsens Road	Lot 5602, DP 1196713	Local I43
Talbingo	Orana Lodge	45 Lampe Street	Lot 1, DP 238761	Local I45
Talbingo	Talbingo Shopping Centre	49 Lampe Street	Lots 9–21, DP 238761	Local I44
Talbingo	St Paul's Church	50 Lampe Street	Lot 9, DP 238214	Local I46
Tumut	Tumut Butter Factory	1–13 Adelong Road	Lot 3, DP 1005490	Local I48
Tumut	Tumut Railway Station Group, Railway Station and Residence (former Station Masters Residence)	Cootamundra-Tumut Railway, Tumut Station and associated buildings—15–55 Adelong Road, Residence—Yarra Road	Lot 1, DP 839094 and Lot 1, DP 829420	State I47
Tumut	Tumut Showground—grandstand	Broughton Street	Lot 5, Section 57, DP 759004	Local I50
Tumut	Tumut Showground—pavilion	Broughton Street	Lot 1, DP 724101	Local I49
Tumut	Residence	29 Capper Street	Lot 7, DP 634768	Local I53
Tumut	Administration Block, McAuley Catholic Central School	33–39 Capper Street	Lot 2012, DP 1174407	Local I51
Tumut	The Church of The Immaculate Conception—Parish House and Presbytery	33–39 Capper Street	Lot 2012, DP 1174407	Local I52
Tumut	Residence	103 Capper Street (corner Richmond Street)	Lot 11, DP 632037	Local I54
Tumut	The Church of The Immaculate Conception	31–33 Carey Street	Lot 8, Section 22, DP 759004	Local I55
Tumut	St Mary's Roman Catholic Presbytery	31–33 Carey Street	Lot 7, Section 22, DP 759004	Local I56
Tumut	Residence	55 Carey Street (corner Simpson Street)	Lot X, DP 161832	Local I57
Tumut	Residence	67 Carey Street	Lot 52, DP 705640	Local I58
Tumut	Residence	5 Clarence Street	Lot 1, DP 618856	Local I59
Tumut	Racecourse Grandstand and Committee Stand	Elm Drive	Lot 1, DP 668537	Local I60
Tumut	Residence—Brooklyn on Fitzroy	10–12 Fitzroy Street	Lot 1, DP 164081	Local I61
Tumut	Residence (art deco design)	34 Fitzroy Street	Lot 1, DP 514940	Local I62

Tumut Local Environmental Plan 2012 (Amendment No 3) [NSW]  
 Schedule 1 Amendment of Tumut Local Environmental Plan 2012

Tumut	Oriental Hotel	48 Fitzroy Street	Lot 2, DP 559788	Local I63
Tumut	Tumut Courthouse	50 Fitzroy Street	Lot 7315, DP 1154794	Local I64
Tumut	Residence	60 Fitzroy Street	Lot 1, DP 214361	Local I65
Tumut	Professional office (former infants school)	62 Fitzroy Street	Lot 7, Section 9, DP 759004	Local I66
Tumut	Department of Primary Industries Office (former residence)	64 Fitzroy Street	Lot 81, DP 996298	Local I67
Tumut	Residence	69 Fitzroy Street	Lot 1, DP 152835	Local I68
Tumut	Residence	109 Fitzroy Street (corner Herbert Street)	Lot 2, DP 554980	Local I69
Tumut	Residence	4 Kaleema Crescent	Lot 11, DP 236167	Local I70
Tumut	Building—Valmar Support Services (former Tumut Maternity Hospital)	3–5 Kirk Avenue	Lot 23, DP 863801	Local I71
Tumut	Residence/ professional office	41 Merivale Street	Lot 2, DP 226918	Local I72
Tumut	Residence	64 Merivale Street	Lot 1, DP 536264	Local I73
Tumut	Residence	81 Merivale Street	Lot 21, DP 856177	Local I74
Tumut	Tumut Swimming Pool entrance facade	Richmond Street	Lot 7024, DP 1025482	Local I75
Tumut	Residence (former government school)	9 Richmond Street	Lot 1, DP 1116920	Local I76
Tumut	Sefton House	29A Richmond Street	Lot A, DP 396476	Local I77
Tumut	All Saints Church and Rectory	8 River Street	Lot 2, DP 1129295	Local I78
Tumut	Commercial premises (former JJ Learmont Drapery)	42 Russell Street	Lot 1, DP 828194	Local I79
Tumut	Montreal Community Theatre and moveable heritage collection	44 Russell Street	Lot 2, DP 828194	State I80
Tumut	Tumut Star Hotel	59 Russell Street	Lot 13, DP 628147	Local I81
Tumut	Cafe (former bakery)	66 Russell Street	Lot 1, DP 736414	Local I82
Tumut	Residence	151 Simpson Street	Lot 11, DP 789823	Local I83
Tumut	Residence	213 Simpson Street	Lot 1, DP 546886	Local I84
Tumut	Residence	12 Wynyard Street	Lot 1, DP 155772	Local I85
Tumut	Tumut police residence	20 Wynyard Street	Lot 20, Section 9, DP 759004	Local I87
Tumut	Residence	21 Wynyard Street	Lot 5, DP 864147	Local I86

Tumut	Tumut Police Station and lockup	26 Wynyard Street	Lot 7315, DP 1154794	Local I88
Tumut	Woolpack Hotel	30–40 Wynyard Street (corner Fitzroy Street)	Lot 33, DP 1083581	Local I89
Tumut	Commonwealth Bank Building	61 Wynyard Street	Lot 1, DP 71003	Local I90
Tumut	Post Office	82–84 Wynyard Street	Lot 2, DP 33472	Local I91
Tumut	Royal Hotel (formerly Rising Moon)	88 Wynyard Street	Lot 1, DP 770948	Local I92
Tumut	National Australia Bank	95 Wynyard Street	Lot 21, DP 1064875	Local I93
Tumut	Westpac Bank	102 Wynyard Street	Lot 1, DP 222344	Local I94
Tumut	Commercial Hotel	103 Wynyard Street	Lot 11, Section 6, DP 759004	Local I95
Tumut	School of Arts	108 Wynyard Street	Lot B, DP 158378	Local I96
Tumut	Tumut Fire Station	146 Wynyard Street	Lot 20, DP 1114274	Local I97
Tumut	Residence	160–162 Wynyard Street	Lot 191, DP 998830	Local I98
Tumut	Residence	176 Wynyard Street (corner Simpson Street)	Lot 1, DP 153729	Local I99
Tumut	Tumut Primary School	177 Wynyard Street	Lot 1, DP 795171	Local I100
Tumut	St Stephens Uniting Church	178 Wynyard Street	Lot 2, DP 1000588	Local I101
Tumut	St Stephens Uniting Church Manse	182 Wynyard Street	Lot 1, DP 1000588	Local I102
Tumut	Residence	199 Wynyard Street	Lot 1, DP 501582	Local I103
Tumut	Residence	200 Wynyard Street	Lot 1, DP 527912	Local I104
Tumut Plains	Junction Bridge	Tumut Plains Road		State I105
Tumut Plains	Residence	572 Tumut Plains Road	Lot 151, DP 908788	Local I106
Tumut Plains	Residence	585 Tumut Plains Road	Lot A, DP 164366	Local I107

**[14] Schedule 5, Part 2**

Omit “Urban” wherever occurring. Insert instead “Heritage”.

**[15] Schedule 5, Part 2**

Omit “C2”. Insert instead “C3”.

**[16] Dictionary**

Insert in alphabetical order:

*Additional Permitted Uses Map* means the Tumut Local Environmental Plan 2012 Additional Permitted Uses Map.

**[17] Dictionary**

Omit “Tumut Shire” from the definition of *Council*. Insert instead “Snowy Valleys”.

**Tumut Local Environmental Plan  
2012 (Amendment No 3)**

**Snowy Valleys Council  
76 Capper Street  
Tumut NSW 2720**

## Map Cover Sheet

The following map sheets are revoked:

<b>Map Sheet</b>	<b>Map Identification Number</b>
<b>Heritage Map</b>	
HER_001	7500_COM_HER_001_160_20120803
HER_001A	7500_COM_HER_001A_010_20120803
HER_001B	7500_COM_HER_001B_010_20120803
HER_003A	7500_COM_HER_003A_020_20120803
HER_003DA	7500_COM_HER_003DA_010_20120803
HER_003E	7500_COM_HER_003E_010_20120803
HER_003G	7500_COM_HER_003G_010_20120803
<b>Lot Size Map</b>	
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<b>Lot Zoning Map</b>	
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LZN_004C	7500_COM_LZN_004C_010_20121127
LZN_004E	7500_COM_LZN_004E_010_20121127

The following map sheets are adopted:

<b>Map Sheet</b>	<b>Map Identification Number</b>
<b>Heritage Map</b>	
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HER_003	7500_COM_HER_003_160_20160816

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**Lot Size Map**

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LSZ\_004E

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**Land Zoning Map**

LZN\_001B  
LZN\_003B  
LZN\_003DA  
LZN\_003E  
LZN\_004  
LZN\_004A  
LZN\_004C  
LZN\_004E

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**Additional Permitted Uses Map**

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APU\_003G  
APU\_003H

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7500\_COM\_APU\_003H\_010\_20161013

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23.12.2016

Kay Whitehead  
Acting Interim General Manager

Signed under delegation for *Snowy Valleys Council*  
As delegate for the Minister for Planning