DEPARTMENT OF Planning AND environment

\_\_\_\_\_\_\_\_\_\_\_\_\_\_Planning Services \_\_\_\_\_\_\_\_\_\_\_

alteration OF gateway determination for planning proposal PP\_2014\_TUMUT\_002\_00

Purpose

* To recommend the Acting General Manager Southern Region as delegate for the Minister agree to alter the Gateway determination for Planning Proposal no. PP\_2014\_TUMUT\_002\_00 to undertake a range of amendments to implement the Tumut Shire Growth Strategy 2013-2033 and other housekeeping amendments and issue an Alteration of Gateway determination.

Recommendation

It is RECOMMENDED that the Minister’s delegate:

* **notes** the revised planning proposal ( Tab PP);
* **endorses** the planning proposal report on the revised PP (Tab B)
* **agrees** under s56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination for Planning Proposal no. PP\_2014\_TUMUT\_002\_00 in accordance with the Alteration of Gateway Determination document at (Tab A), which in summary involves the following:
  1. *Rezones land at Batlow from B2, R3, RE1 and IN1 to B4 Mixed Use Zone and adopts a minimum lot size of 225sqm;*
  2. *Rezones land at Batlow (known as Yellowin Road Investigation Area) from RU1 Primary Production to R5 Large Lot Residential with a Minimum Lot Size of 2 ha;*
  3. *Rezones land at Batlow (known as Keenan's Road Investigation Area) from R5 Large Lot Residential to RU4 Primary Production Small Lots Primary Production with a Minimum Lot Size of 8 ha;*
  4. *Rezones land at Boundary Street, Tumut from R2 Low Density Zone to R5 Large Lot Residential with a Minimum Lot Size of 2400m2;*
  5. *Amends the Minimum Lot Size Map for land at Boundary Street West, Tumut from 5000sqm to 1 ha;*
  6. *Add the site known as the Sturt Close Industrial Estate to Schedule 1 to permit dwellings ancillary to an industrial use which reflects the former status under Tumut LEP 1990, and amend the Minimum Lot Size from 750sqm to 1 ha.*

*7. Rezone land on Northern side of Merivale Street, Lots 2 and 3 DP 226818, Tumut from R3 Medium Density Zone to B2 Local Centre;*

1. *Permit a home business identified as Piano Research and Development on Lots 1 and 2 DP 373069 with a maximum gross floor area of 1000sqm on East Street, Tumut, through adding the site to Schedule 1 of Tumut LEP 2012;*
2. *Amend the land use table to insert a new SP1 Special Activities Zone, B4 Mixed Use Zone and RU4 Primary Production Small Lots Zone;*
3. *Amend Schedule 5 to remove some items previously proposed to be included as items of environmental heritage;*

*11. Insert new Urban Release Area 4.1(c) clause to facilitate rural boundary adjustments;*

*12. Rezone part Lot 20 DP 710061, Murray Jackson Drive, Talbingo from RU1 Primary Production with 150 ha Minimum Lot Size and RU5 Village with a Minimum Lot Size of 225 m2 to R5 Large Lot Residential with a 2 ha Minimum Lot Size;*

*13. Rezone a section of Crown Land in Adelong from RU5 Village Zone with a minimum lot size of 220m2 to RU1 Primary Production with a Minimum Lot Size of 150 ha which corrects a minor mapping error;*

*14. Insert additional permitted uses in the RU1 Primary Production Zone;*

*15. Insert as additional permissible uses in the RU1 Primary Production Zone in Schedule 1- “a building or place that is used to sell wine or other alcoholic beverages by retail, and that beverage is produced predominantly from grapes or horticultural produce grown in the surrounding area”. This has the effect of broadening the capacity for the production and sale of other alcoholic beverages in the RU1 Primary Production zone other than wine.*

* **directs** under part 3, division 4 of the *Environmental Planning and Assessment Act 1979* that the revised Planning Proposal should be subject to further community consultation as proposed in condition [1] in the Alteration of Gateway determination at (Tab A).
* **signs the** Alteration of Gateway Determination(Tab A).
* **signs** the letter to Tumut Shire Council (Tab Council).

Current position

* Council has prepared a Planning Proposal to undertake a range of housekeeping amendments and to implement the Tumut Shire Growth Strategy 2013-2033.
* The Gateway determination issued on 11 November 2014 (Tab C 2**)** determined that the proposal should proceed subject to consultation prior to public consultation with the NSW Rural Fire Service, and the Office of Environment and Heritage.
* Council has submitted a revised Planning Proposal (Tab PP).
* The planning proposal responds to the submissions received from the public and agencies. The revised and new matters are as follows:
  + The inclusion of a clause to address the need to facilitate rural boundary adjustments,
  + To add additional uses in the RU1 Primary Production Zone, and the IN1 General Industrial Zone to address mistakes made in the roll over from the former Tumut LEP 2002 4(a)( General Industrial) zone to IN1 General Industrial Zone;
  + The inclusion of cellar door premises, plant nurseries, markets and garden centres as a permissible use in the RU1 Primary Production Zone
  + Insert in Schedule 1 additional permissible uses, a clause that provides for additional activities which provide the use of a building or place that is used to sell wine or other alcoholic beverages by retail, and that beverage is produced predominantly from grapes or horticultural produce grown in the surrounding area. This provides for uses such as a cidery, or for the manufacturer of vodkas using locally grown potatoes, for example.
  + The inclusion of a new item being the correction of a minor mapping error for Crown Land in Adelong which was incorrectly zoned RU5 Village with a minimum lot size of 225m2 to RU1 Primary Production with a new Minimum Lot Size of 150 has (see Tab B Planning Proposal Report);
  + The inclusion of a new item to rezone part Lot 20 DP 710061, Murray Jackson Drive Talbingo from RU1 Primary Production with a minimum lot size of 225m2 to R5 Large Lot Residential with a 2 hectare minimum lot size (see Tab B Planning Proposal Report).
* It is considered that the revised Planning Proposal has merit and should proceed.
* Community consultation in relation to the Planning Proposal occurred between 12 January 2015 to the 6 March 2015. Due to the extent of the revisions to the Planning Proposal, it is considered that further community consultation is required (see proposed condition [1] in the Alteration of the Gateway Determination at Tag A).

**Linda Davis**

**Acting General Manager,**

**Southern Region**

**Planning Services** Approved / Not Approved

Contact Officer: Ann Martin   
Southern Region

Phone: 42249466

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| Mr Bob Stewart  General Manager  Tumut Shire Council  76 Capper Street  TUMUT NSW 2720 | Our ref: PP\_2014\_TUMUT\_002\_00  14/05160  Your ref: Tumut LEP 2012  ( Amendment no 3) |
| Dear Mr Stewart |  |

Planning Proposal PP\_2014\_TUMUT\_002\_00– Alteration of Gateway Determination

I refer to your letter of 30 July 2015 and submission of a revised Planning Proposal received on the 7 of September 2015 (PP\_2014\_TUMUT\_002\_00) and a request for a new Gateway determination.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 11 November 2015 for PP\_2014\_TUMUT\_002\_00 .The Alteration of the Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Ann Martin to assist you. Ms Martin can be contacted on (02) 42249466.

Yours sincerely

**Linda Davis**

**Acting General Manager**

**Southern Region**

**Planning Services**

**Department of Planning and Environment**

Encl:

Alteration to Gateway Determination

**Alteration of Gateway Determination**

***Planning proposal (Department Ref: PP\_2014\_TUMUT\_002\_00 – Amendments resulting from the Tumut Shire Growth Strategy 2013-2033 and other Housekeeping amendments.***

I, Linda Davis, Acting General Manager, Southern Region, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979 (*EP&A Act) to alter the Gateway determination dated November 11th 2014 for the proposed amendment to the Tumut Local Environmental Plan 2012 as follows:

1. Change the description of the Planning Proposal

**from**

*1. Rezone land at Batlow from B2, R3, RE1 and IN1 to B4 Mixed Use Zone;*

*2. Rezone land at Batlow (known as Yellowin Road Investigation Area) from RU1 to R5 Large Lot Residential with a Minimum Lot Size of 2ha;*

*3. Rezone land at Batlow (known as Keenan's Road Investigation Area) from R5 to RU1 Primary Production with a Minimum Lot Size of 30ha;*

*4. Rezone land at Boundary Street, Tumut from R2 to R5 Large Lot Residential;*

*5. Amend the Lot Size Map for land at Boundary Street West, Tumut from 5000sqm to 1ha;*

*6. Rezone land at Tumut (known as the South East Investigation Area) from R5 and RU1 to R3, R2 and E3 zones;*

*7. Rezone land between Bundarra Cres and East Street, Tumut from R5 to R2 Low Density Residential with a Minimum Lot Size of 600sqm;*

*8. Permit dwellings ancillary to an industrial use and amend the Minimum Lot Size from 750sqm to 1ha on land at Sturt Close, Tumut;*

*9. Rezone land on Merivale Street, Tumut from R3 to B2 Local Centre;*

*10. Permit a home business of Piano Research and Development with a maximum gross floor area of 1000sqm on East Street, Tumut;*

*11. Amend the land use table to insert a new SP1 Special Activities Zone, B4 Mixed Use Zone, and E3 Environmental Management Zone;*

*12. Amend Schedule 5 to include new items of environmental heritage;*

*13. Insert new Urban Release Area clauses and maps.*

**to**

*1. Rezone land at Batlow from B2, R3, RE1 and IN1 to B4 Mixed Use Zone and adopts a Minimum Lot Size of 225sqm;*

*2. Rezone land at Batlow (known as Yellowin Road Investigation Area) from RU1 Primary Production to R5 Large Lot Residential with a Minimum Lot Size of 2ha;*

*3. Rezone land at Batlow (known as Keenan's Road Investigation Area) from R5 Large Lot Residential to RU4 Primary Production Small Lots Primary Production with a Minimum Lot Size of 8 ha;*

*4. Rezone land at Boundary Street, Tumut from R2 Low Density Zone to R5 Large Lot Residential with a Minimum Lot Size of 2400m2;*

*5. Amend the Lot Size Map for land at Boundary Street West, Tumut from 5000sqm to 1ha;*

*6. Add the site known as the Sturt Close Industrial Estate to Schedule 1 to permit dwellings ancillary to an industrial use which reflects the former status under Tumut LEP 1990, and amend the Minimum Lot Size from 750sqm to 1ha.*

*7. Rezone land on Northern side of Merivale Street, Lots 2 and 3 DP 226818, Tumut from R3 Medium Density Zone to B2 Local Centre;*

*8. Permit a home business of identified as Piano Research and Development on Lots 1 and 2 DP 373069 with a maximum gross floor area of 1000sqm on East Street, Tumut, through adding the site to Schedule 1of Tumut LEP 2012*

*9. Amend the land use table to insert a new SP1 Special Activities Zone, B4 Mixed Use Zone and RU4 Primary Production Small Lots Zone;*

*10. Amend Schedule 5 to remove some items previously proposed to be included in as items of environmental heritage;*

*11. Insert new Urban Release Area 4.1(c) clause to facilitate rural boundary adjustments;*

*12. Rezone part Lot 20 DP 710061, Murray Jackson Drive, Talbingo from RU1 Primary Production with 150 ha Minimum Lot Size and RU5 Village with a Minimum Lot Size of 225 m2 to R5 Large Lot Residential with a 2 ha Minimum Lot Size;*

*13. Rezone a section of Crown Land in Adelong from RU5 Village Zone with a minimum lot size of 220m2 to RU1 Primary Production with a Minimum Lot Size of 150 ha which corrects a minor mapping error;*

*14. Insert additional permitted uses in the RU1 Primary Production Zone;*

*15. Insert as additional permissible uses in the RU1 Primary Production Zone in Schedule 1- “a building or place that is used to sell wine or other alcoholic beverages by retail, and that beverage is produced predominantly from grapes or horticultural produce grown in the surrounding area”. This has the effect of broadening the capacity for the production and sale of other alcoholic beverages in the RU1 Primary Production zone other than wine.*

2. Add new Condition 1:

Condition1”The planning proposal must be re-exhibited for a minimum of 28 days”.

Dated day of 2015

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|  | **Linda Davis Acting General Manager, Southern Region**  **Planning Services**  **Department of Planning and Environment**  **Delegate of the Minister for Planning** |