

Appendix 3 –

Item 2(g)

Land on the Eastern Side of East Street Tumut.

Report to Council 26th August 2014 and
Council Resolution.

**TUMUT SHIRE COUNCIL
PLANNING PROPOSAL 2014**

BRIEFING NOTE FOR COUNCILLORS

Subject: Proposed Home Business – Piano Research and Development 1/56 East Street, Tumut

Date: 26th August, 2014

Author: Jim Mumford

Manager: Paul Mullins

BACKGROUND:

The Managing Director of Piano Australia Pty Ltd has approached Council staff with a view to relocating the research and development arm of his company to a property in East Street, Tumut where he also intends to reside.

The land is currently zoned R5 – Large Lot Residential along the East Street frontage and RU1 – Rural Production for the rest of the block. An activity such as he is proposing is permissible with (Council Consent) on the land zone RU1.

However, the land is at the Southern edge of the South East Tumut Release Area identified in the adopted Tumut Shire Growth Strategy 2013 – 2033 and is proposed to be rezoned to R2 – Low Density Residential and R3 – Medium Density Residential. Under these zones, a use such as that proposed would be restricted to a floor area of 100 m², considerably less than the ultimate 300 m² proposed.

While Council can approve the proposal until such time as the land is actually rezoned, the Company is naturally concerned that the rezoning may have adverse effects on the continuation of their operations in the future.

CONSIDERATION:

As the Growth Strategy has been adopted by Council and endorsed by the Department of Planning and Environment, it would be difficult for Council to justify a change to the proposed Release Area rezonings at this stage.

However, the Planning Proposal to give effect to the Growth Strategy is still with the Department for approval to continue the rezoning process and will require some “tweaking” before the Proposal is put out for public comment.

At any time prior to exhibition of the Planning Proposal, Council can make amendments (as long as they are minor and consistent with adopted strategies). If Council is supportive of the Piano Australia proposal, it can resolve to amend the Planning Proposal 2014 to add the subject land (lots 1 and 2, DP 3737069) to Schedule 1 – Additional Permitted Uses of Tumut

Such an amendment would allow the use to continue without undue restriction when the land is rezoned.

1. That Council advise Piano Australia Pty Ltd that it is supportive of Lots 1 and 2, DP 373069 East Street, Tumut being used for a Piano Research and Development Home Business (subject to submission and approval of a Development Application).
2. That Council resolve to amend the Tumut Shire Planning Proposal 2014 to allow “Development associated with piano research and development” on lots 1 and 2, DP 373069 East Street, Tumut.

1. Map of proposed site.
2. Email from Piano Australia Pty Ltd



Tumut Shire Council

Dear Mr Mullins,

Thank you for your email this morning and comments regarding my request for a late item presentation. I note the points you raise and in the event that Council may not accept this as an urgent item, I wonder whether it could be tabled at tomorrow's meeting for review in the interim period and then presented for discussion/decision at the scheduled September Meeting.

Submission to Tumut Council Seeking to Reserve Rights for Title DP 373069 1/56 East Street Tumut Pending the Proposed Rezoning of the East Street Release Area

This submission seeks Council approval for the preservation of all rights attributed to Lot DP373069 under its current RU1 & R5 zonings going forward pursuant to the proposed sale of this title within this calendar year. The interested purchasers are reliant on the preservation of existing rights of Continuance in light of the proposed re-zoning of the East Street precinct, The Tumut Growth Strategy 2013 -2033.

The RU1 and R5 code facilitates development expectations of this title as a joint rural/home based enterprise.

The interest in this lot is primarily to establish a home coupled with rural interests and a piano research and development workshop under the RU1 zoning.

It is proposed that the existing dilapidated farm sheds be replaced with a single 200m² building within the Rural Code guidelines to accommodate rural support activities and house a piano research project. Over a proposed 5 year period the shedding may require expansion by up to an additional 300m² to cater for possible expansion of the research workshop.

Without official Reserved Rights approval, progress to acquire the site in this instance would be effectively compromised.

After 3 years of researching the Riverina region the Stuart family, owners of Piano Australia Pty Ltd who make the renowned Stuart & Sons pianos, have identified this property to be highly desirable for their particular specialist purpose as part of a Succession Strategy. Tumut has a favourable climate and general amenity conducive to the family's personal and business objectives.

For almost 20 years Piano Australia has functioned out of Newcastle, initially within the University of Newcastle as a research and development initiative of the Faculty of Music and subsequently, from their own 1,500m² factory in Maryville, an inner city suburb.

Semi-retirement of the key directors and the need to invoke a Succession Strategy aimed at exploring the application of new materials technology and production methodologies in to the design and production process is critical for this iconic Australia product to go forward.

This set of circumstances has enabled the senior shareholders of Piano Australia to consider relocating the research aspect of the business to a more favourable climatic location away from the humidity of the eastern seaboard.

Background History to Piano Australia Pty Ltd

1st Stage of development: Initial Research and Development 1974 NSW State Conservatorium of Music...1983 - 1994 Northern Melbourne Institute of TAFE, Victoria.

2nd Stage: 1995 - 2001 Relocated to University of Newcastle.

3rd Stage: 2001 established as free standing company.

2002 acquired freehold factory in Maryville NSW.

4th Stage: 2014 -2020 commencement and development of Succession Strategy and research in to computer numerical control production methodologies and composite material applications.

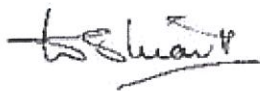
Impact on Immediate Environment

The enterprise would be totally contained within the built environment and has a very limited capacity for external impact. Extremely low potential for sound, light and other pollution. Mostly on-line activity

Immediate Imperative

To secure Continuance rights to enable the enterprise to function under existing zoning codes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Stuart', with a stylized flourish at the end.

Wayne Stuart OAM
MD Piano Australia Pty Ltd

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Mr Jim Mumford
Senior Town Planner
Tumut Shire Council
76 Capper Street
Tumut 2720

20/8/2014

Dear Mr. Mumford,

I am planning to relocate my family business to the Riverina district and Tumut has favourable aspects that have attracted my attention.

I am the manager of a micro piano manufacturing facility Piano Australia Pty Ltd (PA). PA builds bespoke grand pianos under the brand of Stuart & Sons www.stuartandsons.com. and has been the only legitimate piano maker to function in Australia over the past 20 years. The company was established after a long research and development period in TAFE Victoria, and with The University of Newcastle. Commercial piano building was deregulated in Australia during the 1970's and subsequently ceased in 1976. Stuart & Sons was established with a bespoke agenda and has earned international recognition. It has a proven track record of building outstanding, leading edge grand pianos.

Since 1995 Stuart & Sons has operated in Newcastle initially within the precincts of the University of Newcastle and then as a free standing company.

I'm planning the next phase in the evolution of the brand and a timely Succession Strategy for the next generation. This is an opportunity to resolve a range of practical imperatives to facilitate the effective transition from a traditional production methodology to a sophisticated, stream-line, low impact assembly model. In conjunction with this approach I wish to re-define how I live and work within a rural perspective.

As an ideal, I would like to acquire a dwelling with a small holding of land under 15 acres and build a series of (3) insulated sheds up to 200m² totaling around 500m² over a period of say 5 years. The enterprise will have virtually no impact beyond the buildings it inhabits and there will be minimal if indeed, any, road or service impact. Most activity will be on line.

My primary concern is:

Would Tumut Council allow a micro piano assembly and research operation on RU1 zoned land?

For the sake of immediate guidance I need to have a clear response from Tumut Council as to whether:

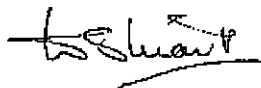
1. It would view such a proposal sympathetically under the RU1 code?
2. It would require an extensive DA approval process?
3. If a DA is required what would the cost and probability of success in RU1 zoning be?

I have noted a proposed Growth Strategy before NSW Planning Infrastructure, this focuses on swathes of currently zoned RU1 and R5 land. How would such a rezoning impact on a proposal of this nature in the event that land might be the subject of this re-zoning push?

Would Council commit to protecting the current zoning rights in the event the proposed rezoning was passed unopposed by the community at some undetermined time in the future?

I would sincerely appreciate your earliest response to this email.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Stuart', with a horizontal line underneath.

Wayne Stuart OAM

MD Piano Australia P/L

LATE REPORT considered as a Matter of Urgency:

DD&E - Proposed Home Business – Piano Research and Development 1/56 East Street, Tumut

341 RESOLVED:

1. That Council advise Piano Australia Pty Ltd that it is supportive of Lots 1 and 2, DP 373069 East Street, Tumut being used for a Piano Research and Development Home Business (subject to submission and approval of a Development Application), and
2. Amend the Tumut Shire Planning Proposal 2014 to allow "Development associated with piano research and development" on lots 1 and 2, DP 373069 East Street, Tumut.

Cr S Stevenson/Cr M Isselmann