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**REPORT NUMBER:** DD&E 1  
**SUBJECT:** Planning Proposal - Tumut Shire Growth Strategy  
2013 - 2033. (.)  
**REPORT AUTHOR:** Jim Mumford  
**RESPONSIBLE MANAGER:** Paul Mullins

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**PURPOSE OF REPORT:** Council authorisation of the final draft Growth Strategy and Planning Proposal and consideration of minor amendments.

#### KEY ISSUES

1. Council resolution of 26<sup>th</sup> November, 2013 to adopt the Tumut Shire Growth Strategy with certain amendments and to prepare a Planning Proposal.
2. Further Council consideration required on several policy matters.

#### BUDGET IMPACTS

NIL. The project is included in Council's Delivery Plan. However, completion of the project is required for Council to claim \$66,000 from an outstanding grant under the Planning Reform Program.

#### SOCIAL IMPACTS

The Growth Strategy is part of Council's ongoing responsibility to facilitate the orderly release of suitable zoned land for development.

#### ENVIRONMENTAL IMPACTS

Management of environmental impacts is a component of the Growth Strategy.

#### OPERATIONAL PLAN IMPACTS

The Growth Strategy is an item in the Operational Plan.

#### BACKGROUND

At its Ordinary Meeting held on 26<sup>th</sup> November, 2013, Council considered the recommendations of the 22<sup>nd</sup> October, 2013 LEP Steering Committee Meeting and resolved as follows:-

**RESOLVED** that Council amend the Tumut Shire Growth Strategy and prepare a Planning Proposal to amend Tumut LEP 2012 so as to achieve the following outcomes:

1. Adelong – At this stage, no rezoning to take place in Adelong and the Adelong Investigation Areas be adopted in the Strategy as future urban expansion options.
2. Batlow - The Keenans Road R5 area to be rezoned to RU1, with a minimum lot size of 30 ha.

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3. Batlow - The Yellowin Road Investigation Area to be rezoned from RU1 to R5, with lot sizes ranging from 5,000m<sup>2</sup> to 2 ha (depending on constraints).
4. Batlow - The B2 Local Centre zone be replaced by a B4 Mixed Use zone and that further consultation of residents and businesses in the area be conducted by Council.
5. Batlow - The IN1 zone north of Memorial Avenue to be replaced with a B4 Mixed Use zone or B5 Business Development zone.
6. Batlow - The land south of Memorial Avenue between Pioneer Street and Mill Road (as far south as the new hospital) to be rezoned to B4 (this will also correct a mapping error in Tumut LEP 2012).
7. Tumut - The Boundary Street Investigation Area East to be rezoned from R3 to R5 with a lot size of 2,400 m<sup>2</sup> and the area west to retain its R5 zone but have its lot size increased from 5,000 m<sup>2</sup> to 1 ha. Development is to be restricted to defined building envelopes east of the ridge line.
8. Tumut - The Tumut South East Investigation Area north of Stony Creek and above the 270m contour be rezoned to R3 and R5, with appropriate lot sizes and buffers to areas of high conservation value. Environmental Protection zones to be used with the aim of creating a corridor along Stony Creek. The Standard Instrument release area clause preventing premature subdivision to be added to Tumut LEP 2012 and applied to this land. The land south of Stony Creek to remain RU1 but be adopted in the Strategy as a future urban expansion area. Indigenous heritage to be identified and protected.
9. Tumut - The existing R5 zoned area between Bundarra Crescent and East Street be rezoned to R2 with a Lot size of 600 m<sup>2</sup>. Direct access to Blowering Road from new subdivisions in this area will not be permitted.
10. Tumut - Proposed industrial land rezonings (draft LEP amendment No.24) to be abandoned as LEP 2012 permits industry in the RU1 zone.
11. Tumut - The Sturt Close industrial estate to be added to Schedule 1 of Tumut LEP 2012 as an area where a dwelling house is permissible in conjunction with an industry on the same land. The minimum lot size for the Estate to be increased from 750m<sup>2</sup> to 1 ha.
12. Tumut – The northern side of Merivale Street, between Capper and Fitzroy Streets, to be rezoned from B2 and R3 to B4 Mixed Use (subject to no new vehicular access to the Snowy Mountains Highway and provision of adequate on-site parking).
13. Heritage – The exhibited draft Heritage Inventory be adopted and included as heritage items in Tumut LEP 2012 with the following exceptions:
  - (a) The Sugar Pine Walk and Pilot Hill Arboretum to be included as heritage items; and
  - (b) “Gibraltar”, Lot 251 DP 757220 not to be listed.

## THE PLANNING PROPOSAL

The Growth Strategy has now been amended in accordance with Council's resolution (copy provided under separate cover).

However, in the course of preparing the Planning Proposal for submission to the Planning and Infrastructure Agency, several matters requiring clarification became apparent. These are –

- A. Batlow – Resolution No. 3 (Yellowin Road).** After consultation with the Batlow Development League and the community generally, it became apparent that the community did not support lots being created with an area less than 2 ha. Also, areas subject to slumping should be excluded from development.

Council needs to consider whether it agrees with the Batlow Development League in this regard and if so, resolve appropriately.

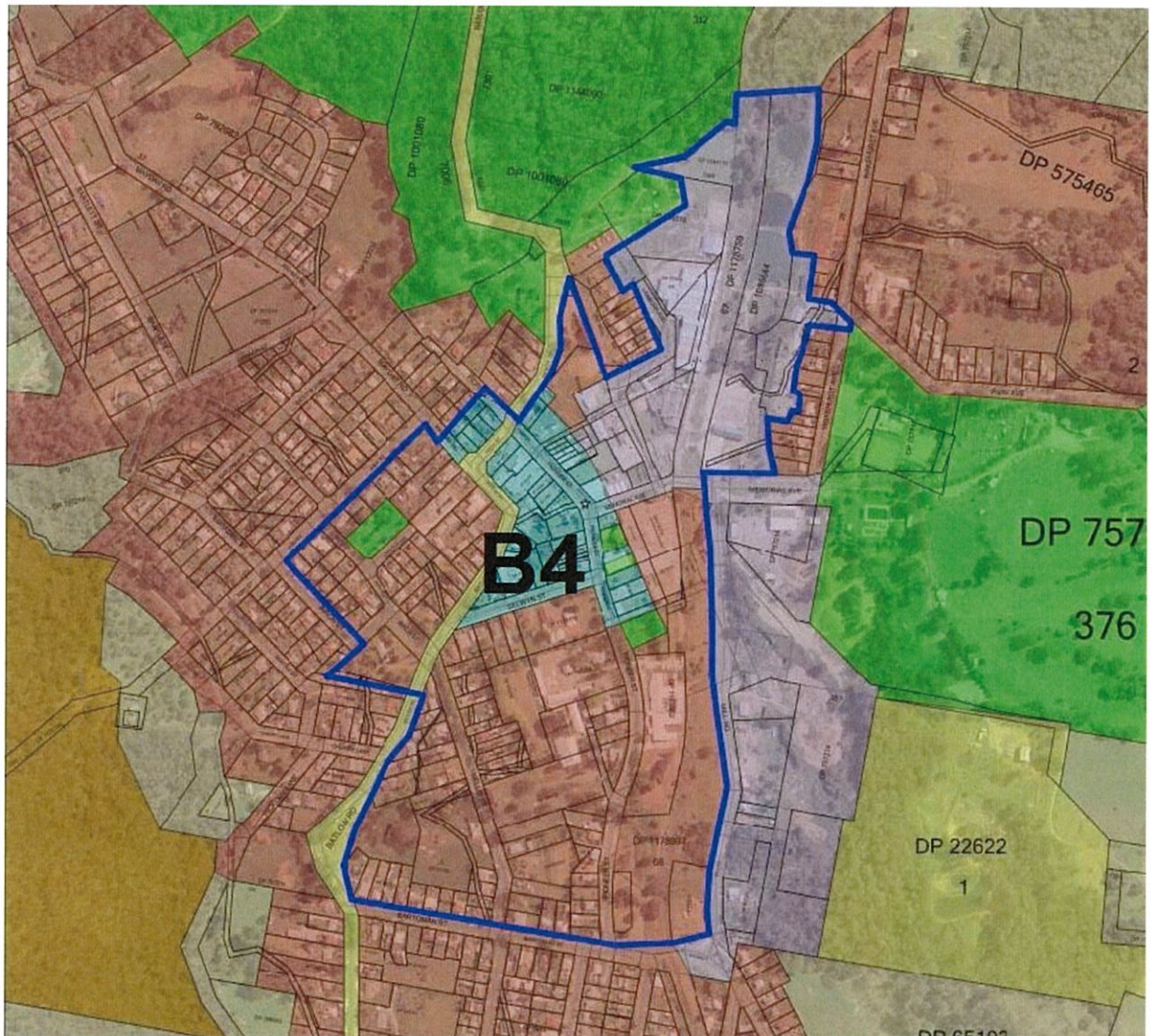
NOTE: The exclusion of slump areas can be achieved by a consequential amendment to the Rural Residential Chapter of Tumut Shire Development Control Plan 2011.



LOT SIZE MAP

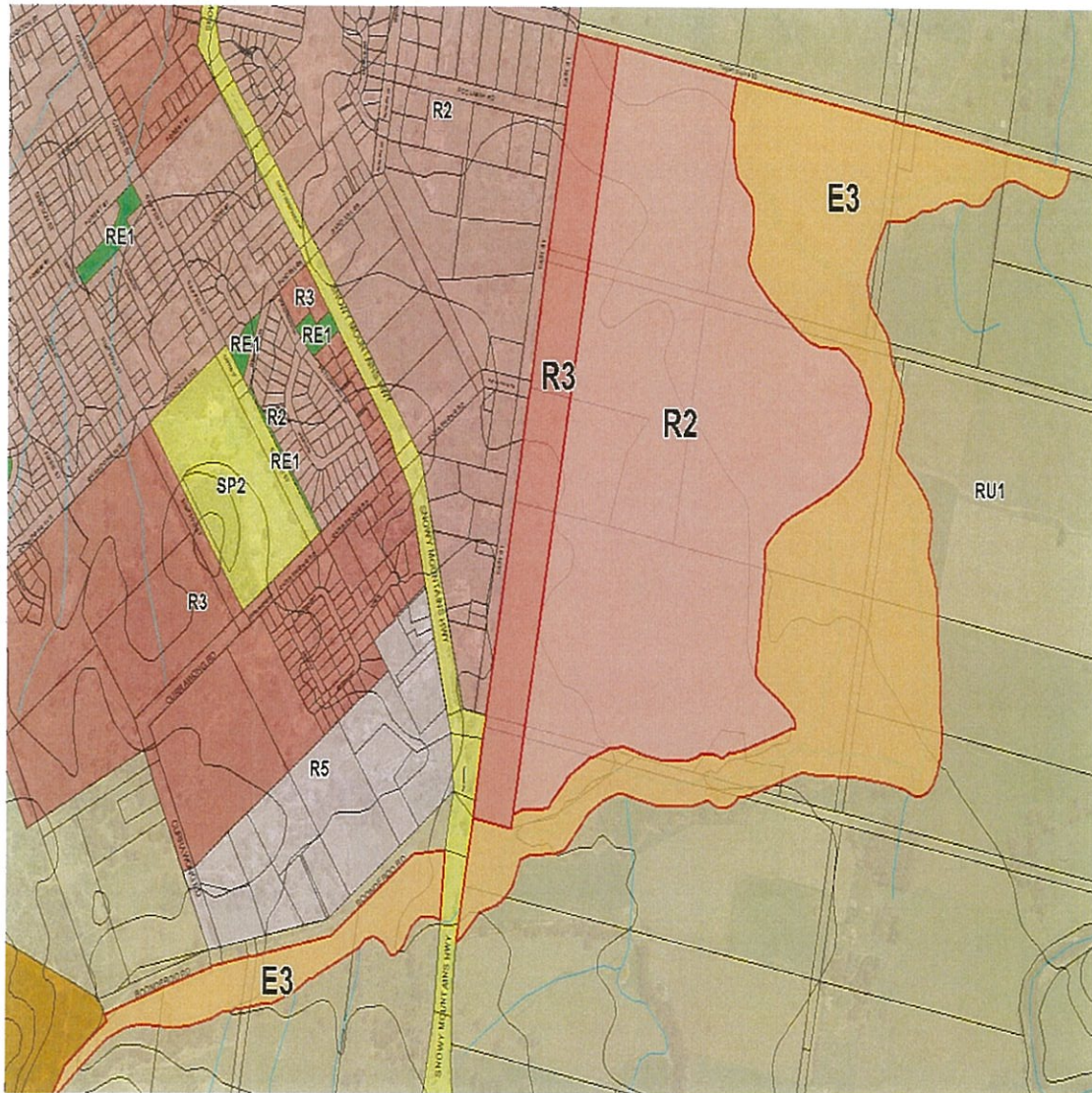
- B. **Batlow – Resolution Nos. 4, 5 and 6 (Batlow CBD).** The Batlow Development League and the owner of the former Mountain Maid site agree that the entire central town area should be zoned B4 – Mixed Use with appropriate flexible permissible uses and prohibition of heavy industry.

**BATLOW MIXED USE MAP**



- C. **Tumut- Resolution 8. (Tumut South East).** A more precise map has been prepared showing the environmental buffer as an E3 – Environmental Management zone that extends along Stony Creek to connect with the Werboldera State Conservation Area as previously agreed between Council and the Office of Environment and Heritage.

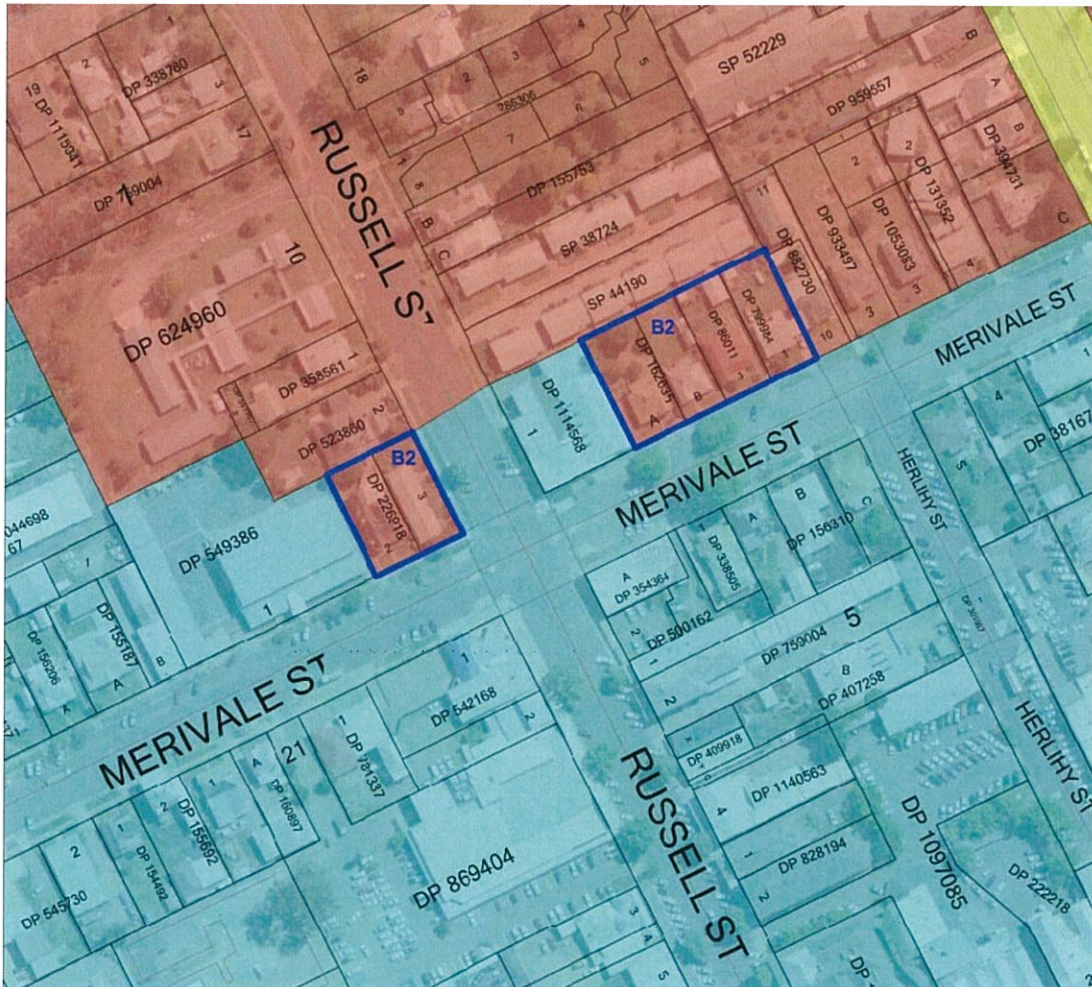
In addition, the current R5 – Large Lot Residential zone is shown as R3 – Medium Density Residential while the remainder of the proposed Urban Release Area is shown as R2 – Low Density Residential. These zones are determined by the physical and environmental constraints on the land.



### TUMUT SOUTH EAST MAP

- D. **Tumut – Resolution 12 (North Side of Merivale Street).** The original proposal was for the entire northern side of Merivale Street between Capper and Fitzroy Streets to be rezoned from B2 – Local Centre and R3 – Medium Density Residential to B4 – Mixed Use (the same zone as central Batlow). However, upon preparing the maps, it became obvious that the easternmost properties in Merivale Street are predominantly occupied by Medium Density housing and the insertion of Mixed Uses would likely create conflicts in the future.

Council may therefore wish to consider amending the proposal to exclude the five (5) lots closest to Fitzroy Street and rezone the indicated land to B2 – Local Centre (the same as the Tumut CBD).



**NEW MERIVALE STREET MAP**

**E. Additional Matters.**

There are several consequential amendments that will need to be made to Tumut LEP 2012. These are not matters for inclusion in the Growth Strategy but need to form part of the Planning Proposal.

**1. Insertion of a SP 1 Special Activities Land Use Table.**

Tumut Cemetery is shown as SP 1 on the LEP 2012 zoning maps but the LEP document does not contain a SP 1 zone.

**2. Insertion of a B 4 Mixed Use Zone.**

A Land Use Table (permissible and prohibited uses) needs to be inserted to give effect to the discussions with the Batlow community. The land use table recommended will permit (with Council consent) Commercial Premises, Residential Accommodation, Light Industry, General Industry and Tourist Accommodation but will prohibit heavy industry and other uses inappropriate for a Mixed Use area.

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NOTE: If the northern side of Merivale Street is zoned B4 Mixed Use, these uses will also be permissible there.

**3. Insertion of an E 3 Environmental Management Zone.**

This is to cover the corridor along Stony Creek in the South East Tumut Release Area. It will be recommended that the existing minimum lot sizes be retained and that permissible land uses will enable the current dairy operation to continue without restriction.

**4. Insertion of a New Schedule 5.**

Replace the existing list of heritage items with the new one adopted by Council in its 26<sup>th</sup> November 2013 resolution.

**5. Insertion of "Land Release Areas" provisions.**

It will be recommended that the Standard Instrument provisions relating to the release of the South East Tumut urban release area be inserted. These provisions ensure that the land is developed in an orderly fashion and that all urban infrastructure be in place prior to development.

**6. Amend Schedule 1 of Tumut LEP 2012 to allow ancillary dwellings in the Sturt Close Industrial Area.**

This, together with a new 1 ha lot size map, will give effect to Item 11 of Council's resolution of 26<sup>th</sup> November, 2013.

**COUNCIL SEAL REQUIRED**

NO.

**RECOMMENDATION**

1. **That Council amend the Tumut Shire Growth Strategy to incorporate the following changes and that the amended Strategy be submitted to the Director General of Planning for endorsement:**
  - a) **Batlow - The Yellowin Road investigation area to be zoned R 5 Large Lot Residential with a minimum 2ha lot size and Tumut Shire Development Control Plan 2011 to be amended to exclude slump areas from development.**
  - b) **Batlow - The Batlow central area to be zoned B 4 Mixed Use with no minimum lot size.**
  - c) **Tumut - The Tumut South East Release area to be zoned R 2 Low Density Residential, R3 Medium Density Residential and E 3 Environmental Management. The residential zones to have the 600 m<sup>2</sup> and 225 m<sup>2</sup> minimum lot sizes respectively and the E 3 zone to retain the current 30 ha and 150 ha lot sizes. The entire area is to be designated an Urban Land Release Area. The E 3 Land Use Table is to ensure that existing agricultural uses remain permissible.**



- d) Tumut - The northern side of Merivale Street, between Capper Street and Fitzroy Street be rezoned to B 2 Local Centre with the exception of Lots 10 & 11, DP 882730; Lot 3, DP 933497; Lots 1, 2, and 3, DP 1053083; Lots 1, 2, 3 & 4, DP 131352 and Lot C, DP 394731.
2. That the Planning Proposal submitted to the Office of Planning and Infrastructure to give effect to the Tumut Shire Growth Strategy include the following consequential amendments:
- a) Insertion of Land Use Tables for zones SP 1, B 4 and E 3 as follows:

**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 other development not specified in item 3.*

**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**

*Roads.*

3. *Permitted with consent*

*Camping grounds; Caravan parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; General Industry; Health services facility; Home based child care; Information and education facilities; Light Industry; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Tourist and visitor accommodation; wholesale supplies*

4. *Prohibited*

*Heavy industry; any other development not specified in item 2 or 3*

**Zone E3 Environmental Management**

1. *Objectives of zone*

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

2. *Permitted without consent*

*Agriculture; Environmental protection works; Home occupations; Roads*

3. *Permitted with consent*

*Dwelling houses; Home industries, Kiosks, Cellar door premises; roadside stalls*

4. *Prohibited*

*Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

**b) Insertion of a new Part 7 Urban Release Areas into Tumut LEP in the Standard Instrument format as follows:**

***7.1 Arrangements for designated State public infrastructure***

***Urban Release Area Map means the Tumut Local Environmental Plan 2012 Urban Release Area Map.***

***(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.***

*(2A) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot. (2B) Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.*

*(3) Subclause (2) does not apply to:*

- (a) any lot identified in the certificate as a residue lot, or*
- (b) any lot created by a subdivision previously consented to in accordance with this clause, or*
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or*
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.*

*(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).*

#### **7.2 Public utility infrastructure**

*(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*

*(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.*

#### **7.3 Development control plan**

*(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*

*(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

*(3) The development control plan must provide for all of the following:*

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*

- (b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
  - (c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
  - (d) *a network of passive and active recreational areas,*
  - (e) *stormwater and water quality management controls,*
  - (f) *amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
  - (g) *detailed urban design controls for significant development sites,*
  - (h) *measures to encourage higher density living around transport, open space and service nodes,*
  - (i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
  - (j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*
- (4) **Subclause (2) does not apply to any of the following development:**
- (a) *a subdivision for the purpose of a realignment of boundaries that does not create additional lots,*
  - (b) *a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,*
  - (c) *a subdivision of land in a zone in which the erection of structures is prohibited,*
  - (d) *proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.*

**c). Insertion of an item 2 in Schedule 1 of Tumut LEP 2012 as follows:**

2. **Erection of ancillary dwellings in the Sturt Close Industrial Area,**
  - 1) *This clause applies to land identified as “Sturt Close Industrial Area” on the Sturt Close Industrial Area map.*
  - 2) *Development for the purposes of a dwelling house is permitted with development consent if the development is ancillary to an industry on the same land.*
3. **That the amended Growth Strategy and Planning Proposal be submitted to the Planning and Infrastructure Agency.**
4. **Council hold a workshop on the 2014 Planning Proposal following public exhibition.**

**ATTACHMENTS**

(Under separate cover)

1. LEP Committee Report
2. Amended Growth Strategy
3. Draft Planning Proposal