



New South Wales

Tumut Local Environmental Plan 1990 (Amendment No 23)

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*. (Q00/00085/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 192

Clause 1 Tumut Local Environmental Plan 1990 (Amendment No 23)

Tumut Local Environmental Plan 1990 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tumut Local Environmental Plan 1990 (Amendment No 23)*.

2 Aims of plan

The aims of this plan are:

- (a) to protect the current and future use of Tumut Airport by safeguarding the obstacle limitation surfaces and flight paths of the airport, and
- (b) to encourage the establishment of freight warehousing and distribution facilities within the Airport Development Area, and
- (c) to encourage the continued use of land for agricultural purposes within the Airport Development Area while ensuring that any proposed development will not impinge on the flight paths of Tumut Airport, and
- (d) to ensure that the consideration of any development proposal takes into account the likely impact that the proposed development will have on the operation of the airport, and on any of the following within the locality:
 - (i) residential amenity,
 - (ii) Aboriginal heritage items,
 - (iii) flooding,
 - (iv) watercourses,
 - (v) threatened species and threatened species habitat.

3 Land to which plan applies

This plan applies to land in the local government area of Tumut known as the Airport Development Area, as shown edged heavy black on the map marked "Tumut Local Environmental Plan 1990 (Amendment No 23)" deposited in the office of Tumut Council.

4 Amendment of Tumut Local Environmental Plan 1990

Tumut Local Environmental Plan 1990 is amended as set out in Schedule 1.

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Tumut Local Environmental Plan 1990 (Amendment No 23)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 37

Insert after clause 36:

37 Development within the Airport Development Area

- (1) This clause applies to land in the local government area of Tumut known as the Airport Development Area, as shown edged heavy black on the map marked “Tumut Local Environmental Plan 1990 (Amendment No 23)”.
- (2) Despite any other provision of this plan, development within the Airport Development Area may be carried out only with the consent of the Council.
- (3) The Council may grant consent to development on land within the Airport Development Area for any of the following purposes:
 - (a) purposes ancillary to Tumut Airport,
 - (b) freight warehousing and freight distribution facilities,
 - (c) agricultural purposes, including buildings and structures.
- (4) Before granting consent to development on land within the Airport Development Area, the Council must be satisfied that:
 - (a) the proposed use will have no adverse effect (other than an adverse effect of an insubstantial nature) on the current and future operation of Tumut Airport, and
 - (b) the proposed use will not exceed the limitations specified in the map marked “Obstacle Limitation Surface Map”.
- (5) Before granting consent to development on land within the Airport Development Area, the Council must take the following into consideration:
 - (a) any comments or advice received from the Civil Aviation Safety Authority of the Commonwealth in relation to the development application,
 - (b) Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*,
 - (c) any impact the proposed development may have on the following within the locality:
 - (i) residential amenity,
 - (ii) Aboriginal heritage items,

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- (iii) flooding,
 - (iv) watercourses,
 - (v) threatened species or threatened species habitats, including aquatic habitats.

[2] Schedule 2 Development for certain additional purposes

Insert at the end of the Schedule:

Lot 1, DP 528649, Lot 3, DP 560744 and Lot 4, DP 513702 Wee Jasper Road, Bombowlee.

Development associated with aviation such as hangars or tie-down areas and associated residential development comprising dwellings.

Land on which development is to occur to be above the 1:100 year flood level and the use of all lots to be linked to the operations of Tumut Aerodrome.

Land to be part of a neighbourhood scheme under the *Community Land Management Act 1989*.