

Rezoning of 137 Newbridge Road, Blayney

Proposal Title : **Rezoning of 137 Newbridge Road, Blayney**

Proposal Summary : **To rezone land at 137 Newbridge Road, Blayney from Zones part 1(a) General Rural and part 7(a) Environmental Protection - Scenic to Standard Instrument zones part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure.**

PP Number : **PP_2012_BLAYN_004_00**

Dop File No : **12/01949**

Proposal Details

Date Planning : **24-Jan-2012**

LGA covered : **Blayney**

Proposal Received :

Region : **Western**

RPA : **Blayney Shire Council**

State Electorate : **BATHURST**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **137 Newbridge Road**

Suburb : **Blayney**

City :

Postcode : **2799**

Land Parcel : **Lots 2 - 7 DP 1161062**

DoP Planning Officer Contact Details

Contact Name : **Tessa Parmeter**

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RPA Contact Details

Contact Name : **Claire Johnstone**

Contact Number : **0263689618**

Contact Email : **cjohnstone@blayney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **N/A**

Consistent with Strategy : **N/A**

Regional Strategy :

Rezoning of 137 Newbridge Road, Blayney

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(where relevant) :

Gross Floor Area : 18,000.00

No of Jobs Created : 50

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

The number of jobs created is an estimate based on (18 employees/ hectare) for a factory (based on RTA – Guide to Traffic generating Developments v2.2 dated Oct 2002). This is an estimate only.

External Supporting

Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The Planning Proposal (PP) is to rezone 137 Newbridge Road, Blayney (Lots 2,3,4,5,6 & 7 DP1161062) from part zones 1(a) General Rural and 7(a) Environmental Protection - Scenic under Blayney Local Environmental Plan 1998 to Standard Instrument zones part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure (Rail Infrastructure Facilities) in the draft Blayney LEP 2011 (draft BLEP 2011) to reflect the existing industrial land use on the site and to permit additional industrial development.

This PP is in accordance with the Councils of Blayney, Cabonne and Orange City Sub Regional Rural and Industrial Land Use Strategy (R&I Strategy). The R&I Strategy has been endorsed by the Director General on 30 June 2011.

It is Council's intention to finalise this PP with the draft BLEP 2011 which commenced public exhibition on 6 February 2012.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions indicate that Council intends to amend the draft BLEP 2011 which is in the Standard Instrument format instead of amending the current Blayney LEP 1998. On 12 October 2011, Blayney Council has a Section 65(2) Certificate to exhibit the draft BLEP 2011, with the public exhibition period commencing on 6 February 2012 and concluding on 30 March 2012.

The subject land is currently shown as Zone RU2 Rural Landscape in the draft BLEP 2011.

The PP will require that the draft BLEP 2011 map sheets Land Zoning Map LZN_004B be amended to rezone the subject land from RU2 Rural landscape to part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure (Rail Infrastructure Facilities). Lot Size Map Sheet LSZ_004B will need to be amended to reflect the land identified as IN1 General Industrial and SP2 Infrastructure as having no minimum lot size (white on the map).

One of the lots (Lot 7 DP1161062) will have split zoning of IN1 General Industrial and RU2 Rural Landscape to limit development on the west of the site to protect the scenic values of the area.

The PP is to confirm existing land use and R&I Strategy outcomes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

3.4 Integrating Land Use and Transport

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The draft BLEP 2011 which has been certified for public exhibition and commenced public exhibition on 6 February 2012.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The section 117 Directions are justified in accordance with an endorsed Strategy (R&I Strategy) or as minor significance.

Direction 1.2: Rural Zones - The PP is inconsistent with this direction as it rezones land from a rural zone to a part industrial zone.

This inconsistency is justified by the endorsed R&I Strategy. The inconsistency is also considered to be of minor significance as the site is already developed for industrial use.

Direction 1.3: Mining, Petroleum Production and Extractive Industries - The PP is inconsistent with this direction as the proposed zones prohibit extractive industries and open cut mining.

This inconsistency is considered to be of minor significance as there is minimal undeveloped land on the site which could accommodate mining or extractive industries. Additionally, Blayney Shire Council will consult with Department of Primary Industries (Minerals) during the public exhibition period and the inconsistency will be considered further after consultation.

1.5: Rural Lands - The PP is inconsistent with the direction because the proposal alters an existing rural or environmental protection zone boundary.

Rezoning of 137 Newbridge Road, Blayney

The RPA has considered the PP against the Rural Planning Principles in accordance with the Rural Lands (SEPP) 2008 and the Director General or nominated officer can be satisfied that the inconsistency has been justified by the endorsed R&I Strategy.

4.3: Flood Prone Land - The PP is inconsistent with this direction as the proposal alters the zones that apply to the land that is flood affected from part Zone 7(a) Environmental Protection - Scenic and part Zone 1(a) General Rural to part zones RU2 Rural Landscape and Part Zone IN1 General Industrial.

The Director General or nominated officer can be satisfied that this inconsistency is of minor significance as the portion of the lot which is flood affected is maintaining a rural zone (Zone RU2 Rural Landscape which is the equivalent zone to 7(a) Environmental Protection - Scenic). The part of the lot which is to be zoned IN1 General Industrial is outside the flood affected land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The PP includes a proposed land zoning map and a current land zoning map.

The PP requires a map to the Standard Instrument standards for public exhibition as the proposal intends to amend the draft BLEP 2011.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The PP recommends community consultation for 28 days which is not supported as this is considered to be a routine PP and consistent with an endorsed Strategy. Therefore a minimum of 14 days is suggested.

As the draft BLEP 2011 is currently on public exhibition it is suggested that the PP exhibition period conclude concurrently with the draft BLEP 2011 exhibition period, if possible.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : **Blayney Shire Council's Local Environmental Plan Acceleration Fund (LEPAF) time frame has indicated that the draft BLEP 2011 will be completed by 30 June 2012.**

Assessment Criteria

Need for planning proposal : **The subject site was not zoned in accordance with the endorsed R&I Strategy outcomes in the preparation of the draft BLEP 2011. The PP addresses this.**

Rezoning of 137 Newbridge Road, Blayney

The subject site is currently used for industrial development and has had two development approvals on the site for further industrial use - being a 17,900m² expansion on the existing dry goods warehousing and an approval for a gold / copper filtration plant as part of the Cadia East Copper and Gold Mine Project.

The RU2 Rural Landscape zone proposed in the draft BLEP 2011 is not appropriate and does not permit the current and approved (with development consent) land uses on the site.

While the current proposed zone on the site does not invalidate the existing development approvals, it would restrict any additional industrial development outside of what has already been approved.

The endorsed R&I Strategy identifies this site for industrial purposes and the PP facilitates this strategic outcome (see attached extracts - subject site identified as "SA E" in the strategy).

Additionally, progressing a PP at the same time as the draft BLEP 2011 is being exhibited will make both exhibitions complicated, as the same parcels of land will have two different land use recommendations proposed. Council will need to clearly communicate to the public the proposed changes to this land.

Consistency with strategic planning framework :

The site is identified in the Councils of Blayney, Cabonne and Orange City Sub Regional Rural and Industrial Land Use Strategy (R&I Strategy) as an area for industrial expansion in the short term (5-10 years) (see attached extracts - subject site identified as "SA E"). This Strategy has been adopted by Council and endorsed by the Director General on 30 June 2011.

The PP is therefore consistent with the R&I Strategy outcomes.

Environmental social economic impacts :

Environmental:

This site is currently developed for dry goods warehousing / cold storage facilities and has had development approval for further expansion of the existing warehousing and a copper / gold filtration plant as part of the Cadia Gold and Copper mine. This site is no longer utilised for rural or agricultural land uses.

Part of the site will be zoned RU2 Rural Landscape to protect the scenic quality of the undeveloped western part of the site close to Blayney township. This will limit the extent of any future industrial expansion. The part of the site to be zoned RU2 Rural Landscape is also partially flood affected, which limits the environmental impacts and the proposed split zoning provides an environmental buffer protecting the scenic qualities of the area.

Information provided by Council indicates that the proposal does not impact on any threatened species, ecological communities or their habitats. The site is not known to be bushfire prone or affected by land slip.

Social:

There is a local heritage item adjacent to the site. The rezoning of the site utilises a part RU2 Rural Landscape zone to minimise the impact of any future development on the adjacent heritage item and minimise the impact of the scenic qualities of the area. Council in approving the two development applications on the site for additional industrial land uses, should have considered the impact on the adjacent heritage item.

The change of zone clarifies the intention of the land to the community. The current proposed zone of RU2 Rural Landscape in the draft BLEP 2011 does not reflect the existing and future industrial development on or the strategic intent for the site.

Economic:

The zoning of this site to permit additional industrial development will provide additional development and associated employment. The rezoning will enable the site to be developed to its full potential in accordance with an endorsed strategy.

Rezoning of 137 Newbridge Road, Blayney

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Minerals and Petroleum**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Blayney Planning Proposal_Rezone 137 Newbridge Road, Blayney.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
2.1 Environment Protection Zones
3.4 Integrating Land Use and Transport
6.3 Site Specific Provisions

Additional Information : **It is recommended that the Planning Proposal (PP) be approved subject to conditions.**

1. The PP be exhibited for 14 days.

2. The exhibition of the draft Blayney LEP (BLEP) 2011 be concurrent with the exhibition of the PP, if possible.

Rezoning of 137 Newbridge Road, Blayney

3. The PP is to be notified and Council is to clearly explain to the public how the PP impacts on and relates to the exhibition of the draft BLEP 2011.

5. Prior to exhibition, Council is to submit to the Department, the draft Standard Instrument Land Zoning map LZN_004B be amended to show the proposed change of zone. The draft Standard Instrument Lot Size Map LSZ_004B is also to be amended to show the proposed change of lot size, consistent with the proposed change of zone.

6. Consultation with Department of Primary Industries (Minerals) to specifically address Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

7. The timeframe to complete this PP is 6 months.

Supporting Reasons :

This Planning Proposal (PP) reflects the current industrial use and strategic outcome for the subject land. The PP is consistent with the R&I Strategy which has been endorsed by the Director General. The PP has been submitted at this time to enable it to run concurrently and be finalised with the draft BLEP 2011.

Signature:



Printed Name:

Ashley Albury

Date:

10/2/2012