

Rezoning land at 32 Charles Street, Blayney

Proposal Title : **Rezoning land at 32 Charles Street, Blayney**

Proposal Summary : **Proposal to rezone land at 32 Charles Street, Blayney from R1 General Residential to B2 Local Centre.**

PP Number : **PP_2013_BLAYN_001_00**

Dop File No : **13/01100**

Proposal Details

Date Planning : **21-Dec-2012**

LGA covered : **Blayney**

Proposal Received :

Region : **Western**

RPA : **Blayney Shire Council**

State Electorate : **BATHURST
BURRINJUCK**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **Charles Street**

Suburb : **Blayney**

City : **Blayney**

Postcode : **2799**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Anna Cumberland**

Contact Number : **0268412180**

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RPA Contact Details

Contact Name : **Patsy Moppett**

Contact Number : **0263689618**

Contact Email : **patsy.moppett@blayney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Anna Cumberland**

Contact Number : **0268412180**

Contact Email : **anna.cumberland@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **N/A**

Consistent with Strategy : **Yes**

Regional Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.07	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **As it has been considered that this is a minor amendment, it is being recommended that the Department should commence drafting the instrument immediately rather than issue Council with delegations for this LEP. This will ensure the timely completion of the LEP.**

Council, in its covering letter dated 20/12/2012 has confirmed that it does not wish to use its delegations for this LEP, and has specifically requested that the Department liaise directly with PC to finalise the LEP. The Regional Planning Team will remain Council's principal contact on this matter and will advise Council on the progress of the draft LEP.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective is to permit commercial uses on the subject site.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The LEP map LZN_004B needs to be amended to amend the zone applicable to the subject site from R1 General Residential to B2 Local Centre.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones
3.1 Residential Zones**

* May need the Director General's agreement

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The Planning Proposal is consistent with section 117 direction 1.1 Business and Industrial zones because it will create an additional 670sqm of land to be used for local business purposes.**

The Planning Proposal is inconsistent with section 117 direction 3.1 Residential zones as it will reduce the amount of residential land available in the Blayney township by 670sqm. It is considered that the inconsistency is of minor significance because a sufficient supply of residential land is currently available in Blayney township - in excess of 17 years. In addition, there is unlikely to be demand to use the site for residential purposes given its historical use for business purposes, and the adjoining business zone.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **The proposal to change the zone of the subject site from R1 to B2 was adopted by Council as part of their section 68 report for the principal Blayney LEP 2012. It was an inadvertant error that the zoning map was not changed to reflect this proposal in the Blayney LEP 2012.**

Council discussed this proposal in detail and provided satisfactory reasons for the change in its section 68 report. The section 68 report has been publicly available to the Blayney Shire community since it was adopted by Council on 15 June 2012. There are no known objections from the Blayney Shire community. The proposal will ensure that the zoning of the site is consistent with the adjoining site which is currently being used for business purposes. It is considered that the Planning Proposal is minor, and does not require community consultation.

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 : **December 2012**

Comments in relation to Principal LEP : **The principal LEP was made on 23 November 2012.**

Assessment Criteria

Need for planning proposal :	The planning proposal is required to fix a minor inadvertant error in the mapping which was notified as part of the Blayney LEP 2012.
Consistency with strategic planning framework :	The final Blayney Settlement Strategy endorsed by the Director General on 9/11/2012 does not include a recommendation for a future land use on the subject site. It acknowledges that the site is vacant. However, it is considered that the rezoning of the site is appropriate in a strategic context as the site has previously been used for commercial purposes, and adjoins an existing business zone. This has established a commercial character and amenity in the area. The site is located on the boundary of the urban area of Blayney and may provide services for the surrounding residential area in the future. In addition, Council has provided information in its section 68 report for the principal Blayney LEP 2012 to support the proposed zoning of the site which is summarised as follows: The subject site has been used for approved business purposes since 1985. Development approval was issued for an auto-electrician business in 1985 and extensions in 1987. There are several businesses in the same block that have been included in Zone B2 including the adjoining site. There are issues with maintaining existing use rights when different tenants use the premises for various uses and there is no established long term business use that can be protected.
Environmental social economic impacts :	The site is within the urban area of Blayney and adjoins developed land. There is no existing vegetation on the site. The Proposal will create a positive social impact through the provision of new employment lands which may result in the creation of new jobs in the LGA.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
Timeframe to make LEP :	3 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :			
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. :			

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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
Cover letter and PP.pdf	Proposal Covering Letter	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Community consultation is not required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"),

2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act,

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway Determination.

Supporting Reasons : **N/A**

Signature:



Printed Name:

Ashley Albury

Date:

8/1/2013