

Blayney Shire Council



20 December 2012

Mr Ashley Albury
Regional Director
Western Region
Department of Planning & Infrastructure
PO Box 58
DUBBO NSW 2830

Dear Ashley

RE: Planning Proposal to rezone land at 32 Charles Street, Blayney from Zone R1 General Residential to B2 Local Centre

Please find attached Planning Proposal in regard to the rezoning of Lot 10 DP 667562, 32 Charles Street, Blayney.

The Planning Proposal has been prepared as a result of an error which was made when the principal Blayney Local Environmental Plan 2012 was notified. The Planning Proposal seeks to rezone Lot 10 DP 667562 from R1 General Residential to B2 Local Centre.

Council does not wish to use its delegations for this Planning Proposal and would request that the Department of Planning liaise directly with Parliamentary Counsel to make the LEP following the Gateway Determination, should it support the progression of the Planning Proposal.

Would you please make arrangements for the drafting of a local environmental plan to give effect to the Planning Proposal. All relevant mapping and documentation is attached.

Should you have any further questions regarding this matter please contact Council's Environmental Services Department on (02) 6368 9618.

Yours faithfully

Patsy Moppett
Senior Town Planner
For the General Manager



Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: **Blayney Shire Council**

Contact Person: **Patsy Moppett (Senior Town Planner)**

Contact Phone Number: **02 6368 9615**

Contact email address: pmoppett@gmail.com

Planning Proposal Details - Attachments

ADDRESS OF LAND (e.g. Street Address and Lot and Deposited Plan if applicable):

32 Charles Street, Blayney – Lot 10 DP 667562

Attached ✓

LAND DESCRIPTION

1. **MAPS** (If applicable - electronic and hard copy)

- Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').
- Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site (tagged 'existing zoning')
- Proposed zoning map showing the proposed zoning of the site and surrounding land and proposed zoning change for the site (tagged 'proposed zoning')

2. **PHOTOS and other visual material (if applicable)**

- Aerial photos of land affected by the Planning Proposal
- Photos of land involved and surrounding land uses

COMPLETE PLANNING PROPOSAL (electronic and hard copy)

1. All matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals

(other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal ' are completed prior to forwarding to the Regional Office in the first instance. See attached pro-forma.

2. Planning controls applying to the land



- Applicable section 117 directions, SEPPs, REPs, LEPs, DCPs and their relevant clauses.

Blayney Local Environmental Plan 2012

- Clause 2.1 Land use zones – B2 Local Centre

I.M. Moppett

Signed for and on behalf of the Relevant Planning Authority

DATE: 20 December 2012

Blayney Local Environmental Plan 2012 (Amendment No. 2)

Part 1. Objectives or intended outcomes

The objective of this planning proposal is to change the zoning of the subject land, Lot 10 DP 667562, from R1 General Residential to B2 Local Centre, through alteration to LEP map LZN_004B, to permit the premises to be utilized for commercial/light industrial activity, consistent with the adjoining land which is already zoned B2.

Part 2. Explanation of the provisions to be included

The planning proposal is intended to amend LEP map LZN_004B to change the zoning of the subject site from R1 to B2 as shown on the attached LEP map, as originally intended by the recently made Blayney Local Environmental Plan 2012 (23 November 2012). No new provisions to the Blayney Local Environmental Plan 2012 would be required.

Part 3. Justification for objectives, outcomes and provisions

Section A – Need for the planning proposal

1. The planning proposal seeks to rectify an error in the making of the recently notified Blayney Local Environmental Plan 2012. The site, Lot 10 DP 667562, was originally zoned R1 in the exhibited Draft documents for BLEP 2012. As a result of a submission received in relation to an existing business on the site, the land was recommended for inclusion in the B2 zone along with the adjoining Lot 1 DP 1094068, to enable the logical extension and continued operation of existing commercial premises in the urban zone.
2. The planning proposal is required as opposed to any other means of planning control, because Lot 1 is currently vacant land and any expansion of the adjoining business cannot occur under existing use rights. The lots were always intended to be rezoned together. Existing use rights cannot guarantee that different tenants who have different uses will be protected.

Section B – Relationship to strategic planning framework

3. The planning proposal remains consistent with the objectives and actions of the applicable Sub-Regional Rural & Industrial Strategy.
4. The planning proposal remains consistent with the objectives and actions of the Blayney Settlement Strategy.
5. There are no particular State Environmental Planning Policies relevant to the proposal.
6. Section 117 Direction 3.1 Residential zones applies. The Planning Proposal is inconsistent with this Direction because it seeks to make changes to an existing residential zone. The inconsistency is considered to be of minor

significance because the land adjoins an existing business zone and is better suited to be used for a commercial purpose. The business zone will enable Council to continue to allow an existing employment generating activity on the site which provides jobs and economic development in the Blayney Shire. It is also considered that Blayney township has a sufficient supply of existing residential land which will satisfy demand requirements for 17 years.

Section C – Environmental, social and economic impact

7. It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. The site is within a highly disturbed urban environment.
8. There are no other environmental effects expected to result from the planning proposal.
9. There are no expected changes to the social and economic impacts of the planning proposal. The site was identified in the S68 report for the Draft Blayney Local Environmental Plan 2012, in the schedule, Summary of Proposed Amendments to Draft Plan. It was identified at Point 6 as a site that has been used for an approved business since 1958. The owner wished to ensure that current and future business uses could continue on the site. There are several businesses in the same block that have already been included in the B2 zone.

Council supports maintaining businesses on this land considering that it may be included in a future extension of the business zone.

Section D – State and Commonwealth interests

10. The planning proposal may result in minor extension of public infrastructure (power, telecommunications, water sewer) to the site. The cost of such extension would be borne by the developer and /or supplemented through S94 contributions.
11. As the planning proposal is intended to correct an error, where a change of zoning for Lot 10 from R1 to B2 was inadvertently left unmade prior to the BLEP 2012 being notified, Council did not consider that any consultation with Agencies was warranted.

Part 4: Mapping

This planning proposal is supported by the attached mapping and photographs as follows:

- Location plan showing the land affected by the planning proposal
- Existing zoning map showing the existing zoning of the site and surrounding land
- Proposed zoning map showing the intended zoning of the site and surrounding land
- Photographs of the land the subject of the planning proposal, and the surrounding land.

No additional mapping is required to support the planning proposal.

Part 5: Community consultation

As the planning proposal is intended to correct an error, where a change of zoning for Lot 10 from R1 to B2 was inadvertently left unmade prior to the BLEP 2012 being notified, Council does not consider that any additional consultation with the community or Government agencies is warranted. Council's intention for this site was made clear in its section 68 report supporting the Blayney LEP 2012 which has been made available on Council's website. Council submits that this is a minor amendment that is site specific and unlikely to be opposed by the community. It is consistent with other business uses on this block.

Note: This planning proposal is prepared in accordance with "A Guide to Preparing Planning Proposals", Planning & Infrastructure 2012.



View from subject land to opposite side of road. Streetscape looking towards west.



Streetscape looking west on same side as subject land.



Subject land. Vacant land located east side of existing shed: Lot 10 DP 667562



Commercial premises on adjoining land: Lot 1 DP 1094068



View of agricultural block on the eastern side of vacant subject land.

Location Plan



Wyalong Shire Council



Blayney Local Environmental Plan 2012

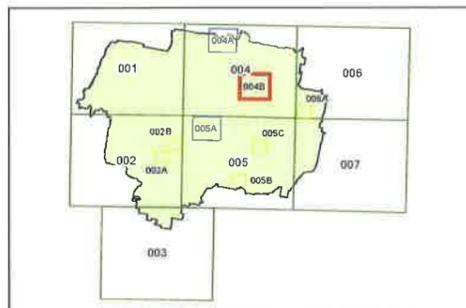
Land Zoning Map - Sheet LZN_004B

Zone

- B2 Local Centre
- B5 Business Development
- B6 Enterprise Corridor
- E3 Environmental Management
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU5 Village
- SP2 Infrastructure
- DM Deferred Matter

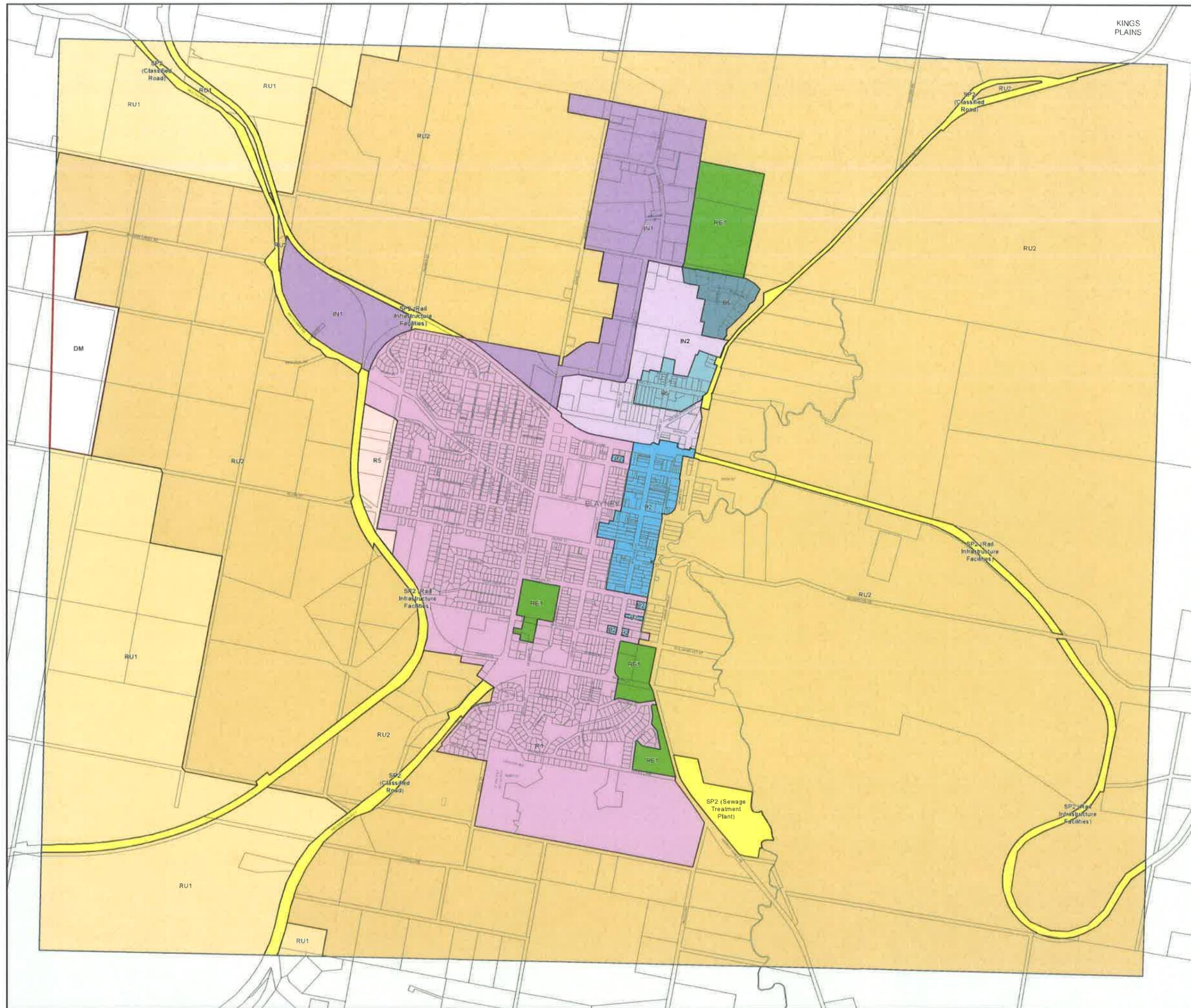
Cadastre

□ Cadastre 03/11/2010 © NSW LPMA



Projection: GDA 1994 MGA Zone 55
Scale: 1:20,000 @ A3

Map identification number: 0650_COM_LZN_004B_020_20120724





Blayney Local Environmental Plan 2012

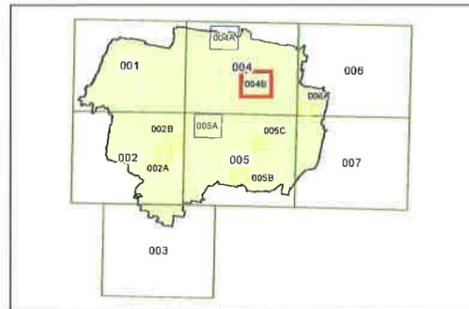
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Cadastre

□ Cadastre 03/11/2010 © NSW LPMA



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Projection: GDA 1994
MGA Zone 55

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