

**Amend Blayney LEP 2012 to Rezone 61 Forest Reefs Road, Millthorpe from zone RU1  
Primary Production to RU5 Village**

Proposal Title : Amend Blayney LEP 2012 to Rezone 61 Forest Reefs Road, Millthorpe from zone RU1 Primary Production to RU5 Village

Proposal Summary : The planning proposal seeks to rezone 3.85ha of land from zone RU1 Primary Production to zone RU5 Village to facilitate a 20 lot residential subdivision at 61 Forest Reefs Road, Millthorpe, Lot 286 DP1018875. The subject site is adjacent to the existing RU5 Village zone in Millthorpe and there is 1 existing dwelling on the site.

PP Number : PP\_2017\_BLAYN\_001\_00      Dop File No : 17/07608

**Proposal Details**

Date Planning Proposal Received : 08-Jun-2017      LGA covered : Blayney

Region : Western      RPA : Blayney Shire Council

State Electorate : BATHURST      Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

**Location Details**

Street : 61 Forest Reefs Road

Suburb : Millthorpe      City : Millthorpe      Postcode : 2798

Land Parcel : "Cheneyvale" Lot 286 DP 1018875

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

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**Land Release Data**

Growth Centre : N/A      Release Area Name : N/A

Regional / Sub Regional Strategy : Central West and Orana      Consistent with Strategy : Yes

Regional Strategy : Regional Plan 2036

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MDP Number :		Date of Release :	
Area of Release (Ha) :	<b>3.85</b>	Type of Release (eg Residential / Employment land) :	<b>Residential</b>
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>20</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

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

If No, comment : **There have been no known meetings or communications with registered lobbyists.**

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

If Yes, comment : **There have been no known meetings or communications with registered lobbyists.**

**Supporting notes**

Internal Supporting Notes : **The planning proposal seeks to rezone 3.85ha of land from the existing zone RU1 Primary Production to zone RU5 Village and reduce the Minimum Lot Size (MLS) from 100ha to part 450m2 and part 1.25ha. The proposal would facilitate a 20 lot residential subdivision on the southern side of Millthorpe village.**

**The subject site adjoins the existing RU5 Village zone and is currently used as a residential property with small scale grazing. There is one (1) existing dwelling and ancillary structures.**

**The assessment below considers the planning grounds and merits of the planning proposal:**

**- Heritage**  
**The subject site is located within the Millthorpe heritage conservation area, which encompasses the entire area zoned RU5 Village, as well as surrounding scenic landscapes. A local heritage item, "The Pines, cottage and avenue of radiata pines" (I263) is located approx. 100m to the west of the subject site. This local heritage item is not directly adjacent to the subject site. The planning proposal does not anticipate any views or interface relationships to be diminished due to future residential development on the subject site.**

**However, given the subject site is within the Millthorpe heritage conservation area, it is recommended that the Office of Environment and Heritage (OEH) be consulted as part of the agency consultation process, especially with regard to any impacts on views to and from other parts of Millthorpe village.**

**It is noted that any impact on scenic views and interface relationships with the heritage character of the existing village can be mitigated at the Development Application and assessment stage, guided by development controls in Council's Development Control Plan (DCP).**

**- Flooding**  
**The subject site is not identified as flood prone land on LEP mapping, however the Blayney Settlement Strategy 2012 states that the northern tip of the site may be subject to**

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flooding due to poor drainage arrangements associated with the railway underpass on Forest Reefs Road. This is a minor matter than can be resolved at the Development Application and assessment stage.

**- Traffic**

The planning proposal addresses traffic and access impacts on the surrounding area and since Forest Reefs Road is a local road, any traffic/access issues can be resolved at the Development Application and assessment stage.

**- Consistency with the local landuse strategy**

It is noted that Council has concurrently resolved to review the "Blayney Settlement Strategy 2012" during 2017/18 financial year, as part of its resolution dated 18 April 2017 to proceed with the planning proposal.

The planning proposal is mostly consistent with the 'Blayney Settlement Strategy 2012' which is the local landuse strategy that applies to the site. The northern part of the subject site is identified in the Strategy as a "Future Investigation Village Zone", while the southern part of the site is not identified for future urban purposes. The northern part (proposed lots 1-11 and 13-20) of the site is a natural extension of the existing RU5 Village zone and is consistent with an endorsed local landuse strategy.

The inclusion of the southern part of the site in the planning proposal creates a minor inconsistency with the strategy, however this is deemed to be of minor significance. The entire subject site is a natural extension of the existing RU5 Village zone. In considering the southern part of the subject site, any inconsistency with the Strategy 2012 is deemed to be of minor significance.

Council is encouraged to consider the expansion of the RU5 Village zone strategically and in accordance with a comprehensive review of the Strategy 2012. Council is commended for resolving to review the endorsed Strategy 2012 in the 2017/18 financial year. When Council is reviewing the Strategy, the southern part of the site (proposed lot 12) can be considered in relation to the adjacent area identified as "Future Investigation Large Lot Residential". The R5 Large Lot Residential Zone may be a more suitable landuse zone for the southern part of the subject site, given its context and interface with existing agricultural uses.

**- Millthorpe village housing supply/demand:**

The Strategy 2012 outlines that the area identified "Investigation Village Zone" will come under consideration once the short and medium term infill development opportunities reach 60-70% take-up of existing vacant land/lots. This area constitutes the northern part of the subject site in this planning proposal.

The planning proposal provides data to demonstrate that a recent strong take-up rate of vacant residential lots would justify the proposed rezoning of the subject site. The number of vacant residential lots in the existing village zone has dropped from 48 lots in 2009, to 12 as of December 2016 according to figures in the planning proposal. Based on these figures, the take-up rate is approx. 75%, indicating a modest yet increasing demand for vacant residential lots.

**- Recommendation to Gateway**

The planning proposal is recommended to proceed to Gateway with conditions, to rezone 3.85ha of land from RU1 Primary Production to RU5 Village and reduce the Minimum Lot Size from 100ha to part 450m<sup>2</sup> to part 1.25ha to facilitate a 20 lot residential development in the village of Millthorpe.

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External Supporting  
Notes :

**Adequacy Assessment**

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal clearly states its objectives and intended outcomes. These are:

- To rezone the subject land from RU1 Primary Production to RU5 Village.
- To amend the current Minimum Lot Size (MLS) to reflect the proposed subdivision pattern depicted in the planning proposal.

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

Is an explanation of provisions provided? Yes

Comment : The objectives and intended outcomes of the planning proposal would be achieved by:

- Amending the Blayney LEP 2012 Land Zoning Map (Sheet LZN\_004A) to rezone Lot 286 DP 1018875 to R5 Large Lot Residential.
- Amending the Blayney LEP 2012 Lot Size Map (Sheet LSZ\_004A) to permit a MLS of 450m2 for that part of the site relating to proposed lots 1 to 11 and lots 13 to 19; and permit a MLS of 1.25ha for that part of the site relating to proposed Lot 12.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

- 1.2 Rural Zones
- 1.5 Rural Lands
- \* May need the Director General's agreement
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 5.10 Implementation of Regional Plans

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 55—Remediation of Land  
SEPP (Rural Lands) 2008

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

**Consideration of Section 117 Directions:**

**1.2 Rural Zones:** This Ministerial Direction is relevant as the proposal affects land within an existing rural zone. In this case, the planning proposal may be inconsistent with the terms of this Direction as the inconsistencies are justified by a local landuse strategy. The Blayney Settlement Strategy 2012 has been endorsed by the Department and the proposal considers the objectives of this direction, as required under clause (5)(a) of this Direction. While the southern part (proposed lot 12) of the subject site is not identified in the strategy, this is of minor significance as the area is a natural extension of the existing RU5 Village zone. Therefore, no further work will be required to address this Direction.

**1.5 Rural Lands:** This Ministerial Direction is relevant as the planning proposal involves changing the existing the Minimum Lot Size (MLS) within a rural zone. The proposal

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includes an assessment of the Rural Planning Principles of SEPP (Rural Lands) 2008. Any inconsistencies can be justified as the planning proposal is supported by an endorsed local landuse strategy. While the southern part (proposed lot 12) of the subject site is not identified in the Strategy, this is of minor significance as the area is a natural extension of the existing RU5 Village zone. No further work is required to address this Direction.

**2.3 Heritage Conservation:** This Ministerial Direction is relevant as the planning proposal involves land within a heritage conservation area. The proposal does not create inconsistencies with this Direction. The Gateway determination will include consultation requirements with OEH. No further work is required to address this Direction.

**3.1 Residential Zones:** This Ministerial Direction is relevant as the planning proposal seeks to rezone land to RU5 Village to facilitate residential subdivision and development. The proposal addresses the objectives of this Direction and does not create any inconsistencies. No further work is required to address this Direction.

**3.4 Integrated Land Use and Transport:** This Ministerial Direction is relevant as the planning proposal seeks to expand urban land, in this case for village purposes. The proposal does not create any inconsistencies and no further work is required do address this Direction.

**4.3 Flood Prone Land:** This Direction has been identified in the planning proposal, however the subject lands are not indicated as flood prone land on LEP mapping. Council's local landuse strategy outlines that the northern tip of the site experiences localised flooding due to poor drainage arrangements associated with the Forest Reefs Road rail underpass. Localised flooding and drainage issues are matters that can be resolved at the development application and assessment stage. Any inconsistencies with this Direction are likely to be of minor significance and therefore no further work is required to address this Direction.

**5.10 Implementation of Regional Plans:** This Ministerial Direction applies to any planning proposal. The proposal is consistent with the Central West and Orana Regional Plan, as it gives effect to the overall vision and facilitates delivery of land for housing to satisfy goals and directions related to housing needs.

**Consideration of relevant SEPPs**

**SEPP 55 - Remediation of Land:** The planning proposal considers potential contamination and recommends undertaking a preliminary site investigation once the proposal proceeds to Gateway. Given the existing uses on the site (a rural residential dwelling, ancillary structures and small scale grazing), any requirement to investigate potential contamination can be addressed at the development application and assessment stage.

**SEPP (Rural Lands) 2008 -** The planning proposal demonstrates consistency with the Rural Planning Principles and creates opportunities for housing near an existing settlement.

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

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? Yes

Comment : The planning proposal provides adequate mapping for the purpose of public exhibition.

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**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **The planning proposal shall be publicly exhibited for a period of 28 days.**

**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 : **November 2012**

Comments in relation to Principal LEP : **The Blayney Local Environmental Plan 2012 was notified on 23 November 2012**

**Assessment Criteria**

Need for planning proposal : **The planning proposal is required in order to achieve its objectives and intended outcomes. The proposal will facilitate a residential subdivision at the subject site by expanding the RU5 Village zone in Millthorpe.**

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Consistency with strategic planning framework :

The planning proposal is subject to Council's landuse strategy, known as the "Blayney Settlement Strategy 2012" which was endorsed by the Department on 9 September 2012.

It is noted that Council has concurrently resolved to review the "Blayney Settlement Strategy 2012" during 2017/18 financial year, as part of its resolution dated 18 April 2017 to proceed with the planning proposal.

The planning proposal is mostly consistent with the 'Blayney Settlement Strategy 2012' which is the local landuse strategy that applies to the site. The northern part of the subject site is identified in the Strategy as a "Future Investigation Village Zone", while the southern part of the site is not identified for future urban purposes. The northern part (proposed lots 1-11 and 13-20) of the site is a natural extension of the existing RU5 Village zone and is consistent with an endorsed local landuse strategy.

The inclusion of the southern part of the site in the planning proposal creates a minor inconsistency with the strategy, however this is deemed to be of minor significance. The entire subject site is a natural extension of the existing RU5 Village zone. In considering the southern part of the subject site, any inconsistency with the Strategy 2012 is deemed to be of minor significance.

Council is encouraged to consider the expansion of the RU5 Village zone strategically and in accordance with a comprehensive review of the Strategy 2012. Council is commended for resolving to review the endorsed Strategy 2012 in the 2017/18 financial year. When Council is reviewing the Strategy, the southern part of the site (proposed lot 12) can be considered in relation to the adjacent area identified as "Future Investigation Large Lot Residential". The R5 Large Lot Residential Zone may be a more suitable landuse zone for the southern part of the subject site, given its context and interface with existing agricultural uses.

The planning proposal does not consider the Central West and Orana Regional Plan, however upon assessment the proposal demonstrates support for the overall vision and goals/directions related to the delivery of more housing.

Environmental social economic impacts :

The proposal is unlikely to have any adverse environmental, social or economic impacts. Any impacts can be mitigated and the development application and assessment stage.

**Assessment Process**

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage  
NSW Department of Primary Industries - Agriculture**

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 :

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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

**Planning Team Recommendation**

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 5.10 Implementation of Regional Plans

Additional Information :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

- a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
- b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

2. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:

- (a) NSW Office of Environment and Heritage
- (b) Department of Primary Industries - Agriculture

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

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. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP map must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

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5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal seeks to rezone land to facilitate an additional 19 lot residential development in Millthorpe village. The subject site is a natural extension of the existing RU5 Village zone, with access to utilities and services.

The proposal is mostly consistent with an endorsed local landuse strategy. In considering the southern part (proposed lot 12) of the site, which is not identified for future urban release, any inconsistency with the landuse strategy is deemed to be of minor significance.

Any future expansions of the RU5 Village zone should be justified by a comprehensive review of the Blayney Settlement Strategy 2012.

Signature:

Deniz

Printed Name:

Deniz Kilic

Date:

26-06-2017

Endorsed  
Whannay  
TLWR 26/6/2017

