

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

Cr Ferguson having declared a pecuniary interest departed the Chair and left the Chambers.

The Deputy Mayor, Cr Kingham, assumed the Chair.

**PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL
ENVIRONMENTAL PLAN 2012 - RU1 PRIMARY
PRODUCTION TO RU5 VILLAGE, 61 FOREST REEFS ROAD
MILLTHORPE**

1807/014

RESOLVED:

1. That Council, following consideration of the submissions received and the issues raised during community consultation, proceed to endorse the amendment to the Blayney Local Environmental Plan 2012,
2. That, Council, in exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to amend the Blayney Local Environmental Plan 2012 by rezoning 61 Forest Reefs Road Millthorpe from Zone RU1 Primary Production to RU5 Village, and the making of the Local Environmental Plan.
(Newstead/Ewin)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST	
Councillor Ewin		
Councillor Kingham		
Councillor Reynolds		
Councillor Newstead		
Councillor Denton		
Total (5)	Total (0)	CARRIED

Cr Ferguson returned to the meeting and assumed the Chair.

14) PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - RU1 PRIMARY PRODUCTION TO RU5 VILLAGE, 61 FOREST REEFS ROAD MILLTHORPE

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 2.3 Our local planning instruments support the agricultural, industry, business/tourism and residential growth demands in a sustainable manner

File No: LP.PL.2

Recommendation:

1. That Council, following consideration of the submissions received and the issues raised during community consultation, proceed to endorse the amendment to the Blayney Local Environmental Plan 2012,
2. That, Council, in exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to amend the Blayney Local Environmental Plan 2012 by rezoning 61 Forest Reefs Road Millthorpe from Zone RU1 Primary Production to RU5 Village, and the making of the Local Environmental Plan.

Reason for Report:

The purpose of this report is to seek Council resolution to endorse and proceed to make an amendment to Blayney Local Environmental Plan 2012 (BLEP2012) by rezoning 61 Forest Reefs Road Millthorpe from Zone RU1 Primary Production to RU5 Village.

Report:

Background

At this Ordinary Meeting of 18 April 2017 **Resolution Number (1704/016)**, Council resolved to forward a Planning Proposal (PP) to the Minister for Planning & Environment seeking to amend the BLEP2012 by rezoning 61 Forest Reefs Road Millthorpe from RU1 Primary Production to RU5 Village.

It is noted Resolution Number (1704/016) was resolved under the previously elected Council and was approximately 15 months ago. For the benefit of Council, a proposal briefing overview is provided.

Proposal Briefing Overview.

The proposed PP prepared by Peter Basha Planning and Development on behalf of the landowners, which outlines the proposed amendment to the BLEP2012 in this PP is provided in full as attachment 1.

61 Forest Reefs Road Millthorpe from RU1 Primary Production, Figure 1 below shows the current zoning of Millthorpe and its surrounds. 61 Forest Reefs Road Millthorpe is outlined in red.

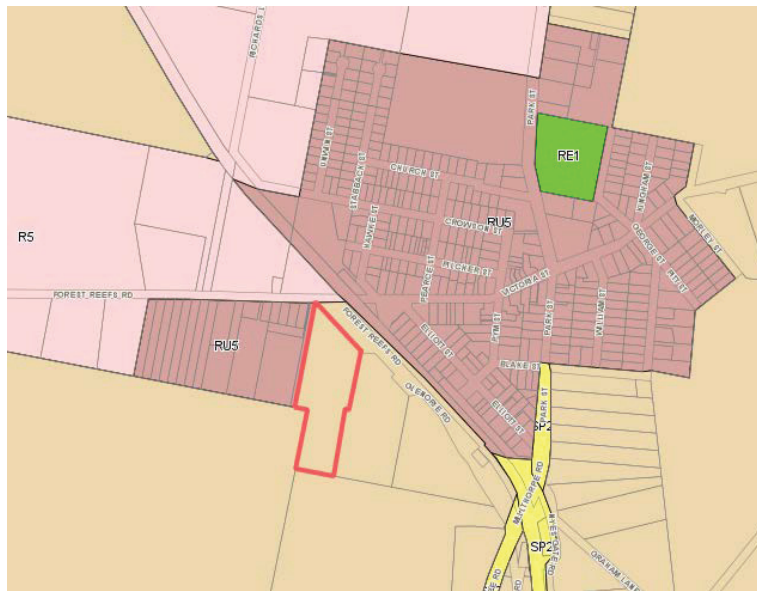


Figure 1

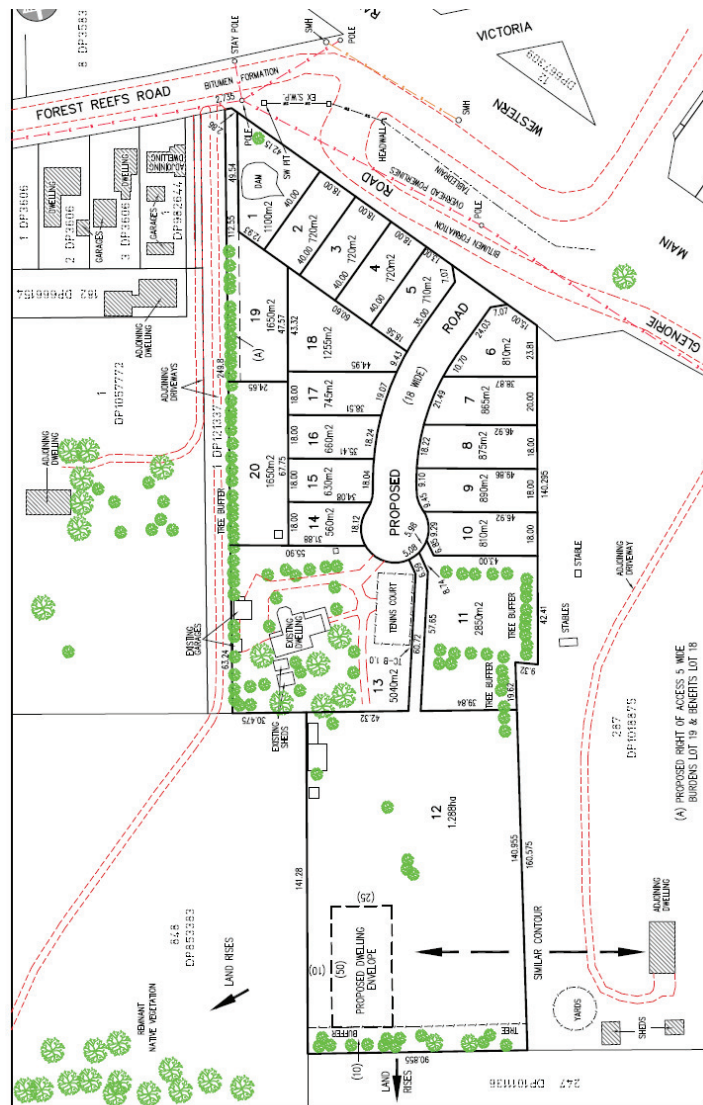
The northern half of the allotment is identified within the Blayney Settlement Strategy 2012 as “future investigation village zone”. Figure 2 below is an extract from the Blayney Settlement Strategy 2012 showing the northern part of the allotment outlined in white dots.



Figure 22: Future growth directions for Millthorpe.

Figure 2: Extract of Millthorpe from the Blayney Settlement Strategy 2012.

An indicative layout was provided by the applicant outlining a potential layout of 19 additional allotments being created. It is noted, this PP is not for a 19 lot subdivision, but to firstly change the zoning of the land that would then enable a future Development Application to be lodged for any proposed subdivision. The indicative layout is provided as figure 3 below.



This is Page No. 69 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 16 July 2018

Figure 3 shows proposed Lot 13 would contain the existing dwelling of the current allotment. Therefore, two additional allotments would be located in the area not identified as a future investigation area within the Blayney Settlement Strategy 2012.

Page 3 of the PP contains justification for inclusion of the southern part of the allotment to be rezoned to RU5 Village. The justification within the PP is considered adequate to include the southern half of the allotment as part of the rezoning.

Gateway Determination

Council received a favourable Gateway Determination on 26 June 2017, which the Department of Planning and Environment (DPE) determined that the proposed amendment should proceed subject to certain conditions. The Gateway Determination is provided as Attachment 2.

Council also received written authorisation to exercise its delegation for this PP. Blayney Shire Council is therefore authorised to exercise the functions of the Minister for Planning under Section 3.36 of the Environmental Planning and Assessment Act 1979 that are delegated to it by instrument of delegation dated 14 October 2012 in relation to this Planning Proposal.

Note: On 12 June 2018, DPE issued an amended Gateway Determination specifically extending condition 4 (the timeframe Council was specified to have the LEP amendment completed by) until 3 January 2019.

Community and Agency Consultation

Council undertook the required consultation in accordance with Section 3.34 and 3.35 of the Environmental Planning and Assessment Act 1979, exhibiting the draft Planning Proposal for 28 days from 25 July 2018.

Six submissions were received from the community. The submissions are provided in Attachment 3 and a summary of the issues raised and comment are provided in Attachment 4.

The NSW Office Environment and Heritage (OEH) recommended that a Heritage Impact Assessment be undertaken prior to further consideration of the Planning Proposal. On 2 February 2018 the applicant supplied a Heritage Impact Assessment which is provided in Attachment 5.

Upon completion of the consultation and having considered the issues raised in the 6 submissions it is considered appropriate for the Planning Proposal to amend the BLEP 2012 to proceed as lodged by the applicant and initially endorsed by Council at its 18 April 2017 meeting (see attachment 1).

The following points support the proposed PP in this instance;

- The land was identified in the *Blayney Settlement Strategy and the Blayney Cabonne Orange Sub-Regional Rural and Industrial Landuse Strategy* as an investigation area for the future expansion of the Millthorpe village zone, with the exception of the southern area of this

PP. The Strategy suggested that once a take-up of 60 - 70% of lots was achieved in Millthorpe an extension to the village zone may be contemplated. The take up has now achieved 75%, and therefore it is timely to consider this PP.

- The PP suggests a minimum lot size (MLS) of 450sqm across the main northern sector of the subdivision. The larger proposed Lot 12 to the south would be an isolated parcel, with a defined dwelling envelope, and a MLS of 1.25ha to prevent further subdivision. This reduces dwelling density and forms a gradual transition between the village fringe and the rural land to the south.
- The land has little potential for sustainable agriculture and its primary use now is for rural residential purposes, separated from the main village by the railway line, and its development would be consistent with existing development to the south west.
- It is a highly modified landscape not constrained by biodiversity, flooding or bushfire. Traffic impacts would be addressed through upgrades to both Glenorie Road and Forest Reefs Road, and all infrastructure enhancement/extension would be provided by the developer. This includes water, sewer, power, telecommunications and stormwater.
- There is no known contamination associated with the land, although the site has been identified with a medium risk of the potential for naturally occurring asbestos.
- The location of dwellings within the subdivision would be located on the lower contours well below the southern ridgeline to protect landscape views from the village. It is noted that the considerable amount of existing landscaping and street trees within the existing Millthorpe village area, restricts views to the south.
- There are no heritage items in the immediate vicinity, although the land is located within the Millthorpe Heritage Conservation Area. The closest items are the railway station precinct 300m to the south east and two dwellings at 73 and 85 Forest Reefs Road.
- The proposal would increase the supply of residential land for Millthorpe, with appropriate provision of all relevant infrastructures, and an increase in population which would interact with the Millthorpe community on a number of different social and economic levels.

Risk/Policy/Legislation Considerations:

The Planning Proposal is to be considered in light of the Settlement Strategy recommendations and reflective of the lack of residential supply of land in Millthorpe, subject to consideration of amenity and provision of all relevant infrastructure.

Budget Implications:

The applicant paid the applicable lodgement fee, in accordance with Councils 2016/17 Operational Plan (PP was lodged prior to 30 June 2017).

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|----------|--|----------|
| 1 | Planning Proposal 61 Forest Reefs Road Millthorpe | 54 Pages |
| 2 | Gateway Determination issued by NSW Department of Planning & Environment | 7 Pages |
| 3 | Submissions Received During Public Consultation | 26 Pages |
| 4 | Summary Of Submissions Received During Public Consultation | 14 Pages |
| 5 | Heritage Impact Assessment Prepared By Karyn McLeod | 16 Pages |