

17) **PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council forward a Planning Proposal to the Minister for Planning and Infrastructure seeking an amendment to the Blayney Local Environmental Plan 2012 to replace Zone E3 Environmental Management with Zone RU1 Primary Production.

REPORT

The purpose of this report is to seek Council resolution to submit a Planning Proposal to the Department of Planning & Infrastructure (DPI) to amend the Blayney Local Environmental Plan 2012 (BLEP).

Council at its Ordinary Meeting on 8 December 2014 deferred this matter due to concerns raised about the Planning Proposal document by Mr. R and Mrs. K Menzies. Subsequently on 13 January 2015 a meeting was attended by; Blayney Shire Council's; Mayor, General Manager, Director of Planning and Environmental Services, 2 representatives from the Department of Planning's Dubbo office and Mr. R and Mrs. K Menzies to discuss concerns about the content of the Planning Proposal to change the E3 zone to the RU1 zone. Several outcomes were agreed too at the meeting, the Planning Proposal has been altered and is brought to Council for consideration.

Attached is the altered Planning Proposal prepared by iPLAN PROJECTS on behalf of Blayney Shire Council justifying the replacement of Zone E3 Environmental Management with Zone RU1 Primary Production within BLEP.

Council at its Ordinary Meeting on 16 September 2014 resolved to prepare 3 Planning Propsals to amend the BLEP 2012. Replacing Zone E3 Environmental Management with Zone RU1 Primary Production was one of those Planning Proposals. Analysis of the other 2 Planning Proposals are still being undertaken and upon finalisation will be brought to a forthcoming meeting. They have no impact upon this Planning Proposal.

As part of the analysis for this Planning Proposal consideration was given to a land owners request to allow "intensive plant agriculture" (IPA) within the RU1 Primary Production zone to be permissible without consent, currently IPA requires development consent. Intensive plant agriculture is defined in the NSW Standard Instrument LEP as;

intensive plant agriculture

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,

(d) viticulture.

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary

With removal of the E3 Environmental Management zone it would be inappropriate to allow IPA to be permissible without development consent in the RU1 zone. Because of the intensive style of farming IPA has the potential for a detrimental environmental impact and as such to ensure environmental protection, particularly of drinking water catchments any proposed development should have its potential impact assessed through lodgment of a Development Application (DA).

Some Local Government Areas within the central west including Oberon and Cowra allow IPA as permissible without consent, however Cabonne and Orange within their respective LEP's retain IPA as permissible with consent. Permissible with consent means that IPA is allowed to take place within the RU1 zone, it just requires a DA to do so.

The detailed analysis required to undertaken to potentially justify that IPA is suitable to be undertaken without development consent in the RU1 zone would be significant and the cost benefit is questioned when to Councils knowledge only one (1) landowner is advocating for this change. In the event a landowner wanted to undertake IPA they could lodge a DA at a cost of \$285.00.

Even if Council allocated resources to undertake the detailed analysis any Planning Proposal is likely to encounter significant resistance from multiple state government agencies including; Central Tablelands Water, NSW Environment and Heritage, NSW Health, NSW Office of Water.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

The proposed Planning Proposals would alter the content of Blayney Local Environmental Plan 2012.

IP&R LINK

DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

Attachments

1	IPan Projects Planning Proposal to to replace Zone E3 Environmental Management with Zone RU1 Primary Production	44 Pages
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