

Blayney Local Environmental Plan 2012 (Amendment 5)

Proposal Title :	Blayney Local Environmental Plan 2012 (Amendment 5)		
Proposal Summary :	Proposed amendments to the Blayney Local Environmental Plan 2012 to amend Schedule 5 Environmental heritage in relation to heritage items and heritage maps.		
PP Number :	PP_2015_BLAYN_002_00	Dop File No :	15/08710

Proposal Details

Date Planning Proposal Received :	26-May-2015	LGA covered :	Blayney
Region :	Western	RPA :	Blayney Shire Council
State Electorate :	BATHURST	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	31 Gerty Street		
Suburb :		City :	Blayney
Land Parcel :	Lot 1, DP 134341; Lots 4 and 6, DP 871015; Lot 2, DP 881855		
Street :	274 Millthorpe Road		
Suburb :		City :	Blayney
Land Parcel :	Lot 1, DP 168843		
Street :	9 Macquarie Street		
Suburb :		City :	Neville
Land Parcel :	Lot 2, Section 1, DP 37459		
Street :	Mount Macquarie Road		
Suburb :		City :	Neville
Land Parcel :	Lot 2, DP 130387; Lots 1, 3 and 4, DP 231822, Lots 2 and 4, DP 241517; Lot 1, DP 526649; Lots 18,21,44,68,69,83,85,87,100,120,125,127 and 131, DP 750407; Lot 7001, DP 1023326; Lot, 1 DP 1094747		
Street :	42 Hill Street		
Suburb :		City :	Blayney
Land Parcel :	Lot 456, DP1127058		
Street :	7-13 Collins Street		
Suburb :		City :	Carcoar
Land Parcel :	Lots 17-20, Section 10, DP 758225		

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Street : **907 Four Mile Creek Road**
Suburb : City : **Cadia** Postcode : **2799**
Land Parcel : **Part Lot 100, DP 576778**
Street : **907 Four Mile Creek Road**
Suburb : City : **Cadia** Postcode : **2799**
Land Parcel : **Part Lot 100, DP 576778**
Street : **Calvert Lane (off Convent Lane)**
Suburb : City : **Forest Reefs** Postcode : **2799**
Land Parcel : **Lot 1, DP 668340; Lot 1, DP 668339; Lot 7300, DP 1146833**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0
The NSW Government Yes Lobbyists Code of Conduct has been complied with :	
If No, comment :	

Have there been meetings or communications with registered lobbyists?

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Blayney Shire Council is seeking to update and amend the list of Heritage Items in Schedule 5 and relevant Heritage maps. Council has proposed the removal of four local heritage items, addition of one new heritage item and the correction of administration errors and mis-descriptions for another five existing heritage items.

Blayney Item No. 159, Blayney Abattoirs and saleyard, 31 Gerty Street Blayney (local heritage item) – the saleyards were decommissioned in 2005 and the abattoir was closed in 1998, Council considers the facilities are rather typical and not rare. In 2009 the details of the item were not recorded accurately and the implications of listing were not considered, Council now believe that this may create a barrier to future remediation and re-use of the site. Council place high importance on these sites being re-used from an economic and social perspective. Council propose that the listing of the abattoir and the sale yards be removed from Schedule 5 of the Blayney LEP 2012, but that the Heritage Inventory sheet is retained, reviewed and updated as a record of this complex in the history of Blayney.

Blayney Item No. 178, cottage and garden, 274 Millthorpe Road Lot 1 DP 168843 (local heritage item) – the significance of the building is unclear and Council believe that the listing is meant to in fact be No. 254 Millthorpe Road. The building has since been demolished (with consent DA 59/2014) and there is no need to retain a heritage listing on the property. Council recommend that the listing be removed from Schedule 5 of the Blayney LEP 2012, and propose that the Heritage Inventory sheet is retained, reviewed and updated as a record of the history of the construction and occupation of the building being further investigated.

Neville Item No. 1327 Cottage, 9 Macquarie Street Neville Lot 2 Sec 1 DP 37459 (local heritage item) – current land owner is requesting that the item be removed. Whilst it is a substantial Federation style dwelling, Council consider it to be typical of a number of dwellings in the district and note that it has been substantially altered. The building was identified as being of heritage significance in the 1989 Heritage Study, although was not listed in the previous Blayney LEP 1998. Council recommend that the listing be removed from Schedule 5 of the Blayney LEP 2012, and propose that the Heritage Inventory sheet is retained, reviewed and updated as a record of this dwelling in the history of Neville.

Neville Item No. 1331 State Pine Forest, Mount Macquarie Road, Neville (local heritage item) – the land is zone RU3 forestry under the Blayney LEP 2012. This is a mature State pine forest located on Mount Macquarie managed by Forestry NSW and established from 1955. The initial listing was intended to retain some of the current planting around the periphery of the site, however this is inconsistent with its forestry function and the current planting does not have special significance to warrant protection. Council recommend that the listing be removed from Schedule 5 of the Blayney LEP 2012, and propose that the Heritage Inventory sheet is retained, reviewed and updated as a record of the landscape feature. The land is currently zone RU3 Forestry under the Blayney LEP 2012

Lime Siding Cottage – the proposed additional local heritage listing should cover the 'Cottage and outbuildings' which includes a dwelling (substantially rebuilt), cottage and kitchen, blacksmith's shop, hay/workshop shed and sulky shed. These buildings were important examples of the Lime Siding community and are associated with the Blayney lime kilns across the road and the Jarman family. Council propose that the cottage and outbuildings be listed in Schedule 5 of the Blayney LEP 2012.

Blayney Item No. 164 Former Catholic Convent, Hill Street Blayney Lot 456 DP 1127058 (local heritage item) – the property description is incorrect, the property should be described as No. 40 Hill Street, rather than No. 42 Hill Street. Council proposed this be corrected.

Carcoar Item No. I131 Part Roman Catholic Church group –Lot 16 Section 10 DP 758225 No.15, Collins Street Carcoar, is owned by the Catholic Church, but is vacant land, outside the grounds of the heritage items. Council proposes Lot 16 Section 10 DP 758225 be removed from the property description.

Cadia Item No. I358 Cadia Cemetery, Part Lot 100 DP 576778, 907 Four Mile Creek Road Cadia (local heritage item) is mostly within the Cabonne LGA so only the curtilage applies. Council proposes the street address be removed from the LEP. Council would have an address for the Lot even though only part of the Lot is within the Blayney LGA. The address should be included. If the current address is not correct then Council should correct this.

Cadia Item No. 3I57 Cadia Engine House – alter description. Part Lot 100 DP 576778, 907 Four Mile road Cadia (State heritage item) is mostly within the Cabonne LGA. The engine house itself is totally within Cabonne LGA. Part of this curtilage is within Blayney LGA. Consultation with Heritage Office is required in relation to this matter.

Forest Reefs Cemetery Item no. I365 Calvert Lane, Forest Reefs – Council propose to amend the property description and remove reference to Calvert Lane. The cemetery location is off Convent Lane.

The Heritage impacts of the proposed amendments have been addressed by Council in a Heritage Inventory Sheets.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **Council outline that the objective of this planning proposal is to amend Schedule 5 Environmental Heritage of the Blayney Local Environmental Plan 2012 to update and amend the list of heritage items.**

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

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

Comment : **Council propose to amend the Blayney Local Environmental Plan 2012 as follows:**

a) amend the applicable heritage maps to remove/add the relevant heritage items as per the proposal

b) amend Schedule 5 Environmental Heritage to remove/add/alter the listing for relevant heritage items as per the proposal.

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

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

N/A

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

List any other matters that need to be considered:

1.1 Business and Industrial Zones

The Ministerial Direction is relevant to the planning proposal as the proposal affects land within an existing business zone.

The planning proposal is consistent with this Direction.

2.3 Heritage Conservation

The Ministerial Direction is relevant to the planning proposal as the proposal affects items, areas, objects and places of environmental heritage significance.

Council provided a report highlighting the reasons for the proposed amendments to Schedule 5 – Environmental Heritage including the corrections of minor mis-descriptions, removal of existing items and inclusion of an additional item. It is considered that Council have provided adequate justification for the removal of the following items:

Blayney Item No. I59, Blayney Abattoirs and saleyard

Blayney Item No. I78, Cottage and garden

Neville Item No. I327 Cottage

Neville Item No. I331 State Pine Forest

The inconsistency with this Direction is justified as the items proposed to be removed have been assessed by Council to be of minor significance in terms of environmental heritage.

The Standard model heritage provisions remain in the Blayney LEP 2012.

3.1 Residential Zones

The Ministerial Direction is relevant to the planning proposal as the proposal affects land within an existing residential zone – being land at (include reference to the relevant item).

Whilst the addition of a new heritage (Lime Siding Cottage) may affect future development of the existing dwelling, Council have sought approval from the landowner.

The planning proposal is considered consistent with this Direction as the model heritage provisions remain in Blayney LEP 2012.

Councils preliminary review suggests no additional flood, bushfire or geo-technical hazards from this Proposal.

6.3 Site Specific Provisions

Council notes that whilst this proposal is not aimed at allowing specific development to be undertaken but broadly recognises the heritage status.

The planning proposal is consistent with this Direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

A condition will be recommended on the Gateway determination requiring the preparation of clear locality maps for community consultation. The amending LEP Heritage Maps in accordance with the Standard Technical requirements for LEP can be provided with the section 59 submission.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Councils proposed community consultation is acceptable.**

Council propose a public consultation period of 28 days during which submissions may be made to Council.

The Public Notice will include:

a)Notification in the Blayney Chronicle newspaper prior to the public exhibition period;

b)Written notification to all adjacent landowners OR notification through multiple media outlets.

The proposed community consultation program is acceptable.

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 :

Assessment Criteria

Need for planning
proposal : **The planning proposal is required to update and amend the list of heritage items in Schedule 5 and the relevant Heritage maps.**

Consistency with
strategic planning
framework : **The proposal is consistent with the recommendation of the endorsed Blayney Cabonne and Orange Subregional Rural and industrial Land Use Strategy and the need to regularly update the heritage list and appropriately protect and enhance the existing heritage and culture of the Shire.**

Environmental social
economic impacts : **There are no known natural environmental impacts from the proposed changes. The removal of local heritage listing from some items may facilitate future redevelopment. However any impacts on the natural environment as a result of any future development can be addressed as part of a merit based assessment process. Council have provided adequate justifications for the removal, addition and change of heritage items listed in Schedule 5.**

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Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

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. :

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
Attachment 4 - Evaluation for the Delegation of Plan Making Functions.pdf	Proposal	Yes
Council Resolution - 11.05.15.pdf	Proposal	Yes
Council Resolution - 16.09.14.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes
Request for Gateway Determination.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
2.3 Heritage Conservation
3.1 Residential Zones
6.3 Site Specific Provisions**

Additional Information : **1. The removal of the addresses for Items I359 Cadia Engine House and I358 Cadia Cemetery is not supported. Prior to community consultation the planning proposal is to be amended accordingly and submitted to the Department of Planning and Environment for approval.**

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2. Prior to community consultation clear locality maps for the subject heritage items are to be prepared and submitted to the Department of Planning and Environment for approval.

3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (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 (Planning & Infrastructure 2013).

4. Consultation is required with the NSW Office of Environment and Heritage (Culture and Heritage) under section 56(2)(d) of the EP&A Act. NSW Office of Environment and Heritage 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 proposal.

5. 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).

6. Prior to submission of the planning proposal under section 59 of the EP&A Act the LEP Heritage Maps are to be compliant with the Department's standard technical requirements for maps.

7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

8. Authorise Blayney Shire Council to exercise delegations to finalise the Planning Proposal.

Supporting Reasons :

The proposal seeks to address the recommendation of the endorsed Blayney Orange and Cabonne Subregional Rural and Industrial Land Use Strategy and the need to regularly update the heritage list and appropriately protect and enhance the existing heritage and culture of Blayney Shire Council. Intended outcomes of the proposal have been adequately justified and can proceed.

Signature:

W Garnsey

Printed Name:

W Garnsey

Date:

2/6/15