

21) **PROPOSALS TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 AND BLAYNEY LOCAL ENVIRONMENTAL PLAN 1998**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council proceed to prepare Planning Proposal(s) to address the amendments recommended in this report (subject to the analysis and further studies to justify those amendments).

REPORT

This report seeks approval for Council staff, with the assistance of consultants to prepare a number of Planning Proposals to amend the *Blayney Local Environmental Plan 2012* ('BLEP2012'). These can be briefly summarised as follows (with further description below):

1. **Zone E3 to Zone RU1:** Removal of Zone E3 Environmental Management from BLEP2012 and corresponding Land Zoning Maps (only utilised for drinking water catchment areas) and replacement with Zone RU1 Primary Production;
2. **Former Zone 1(c) to Zone R5:** Incorporation of all of the land in Zone 1(c) Rural Small Holdings along Browns Creek Road and Forest Reefs Road under *Blayney Local Environmental Plan 1998* ('BLEP1998') into Zone R5 Large Lot Residential with a 2 hectare minimum lot size and the replacement of BLEP1998 with BLEP2012;
3. **Heritage Amendments:** Amendments to Schedule 5 of BLEP2012 and the corresponding Heritage Maps for a limited range of lots/items/heritage conservation areas.

It is intended to keep each of these Planning Proposals separate in case any one proposal is held up by further consultation or further studies to justify the amendment. However, ideally all of the proposals would proceed through the Gateway Process at the same time to conserve Council resources.

Further justification and consideration of impacts will occur in the preparation of each Planning Proposal to support each amendment and Council will be given a further opportunity to review (and possibly amend) those Draft Planning Proposals prior to lodgement with the Department of Planning & Environment in accordance with the 'Gateway Process'.

The 'Gateway Process' is the defined process for the preparation of Planning Proposals in accordance with the Environmental Planning and Assessment Act 1979.

As these Planning Proposals are being initiated by Council there will be no cost recovery from the private land owners that may benefit from these amendments in accordance with Council's Fees and Charges. Council will also need to engage specialist strategic planning consultants to undertake most of the work. However, these amendments are deemed necessary to encourage an efficient and effective planning system for the Blayney Shire.

Planning Proposal 1: Zone E3 to Zone RU1

Zone E3 Environmental Management was used in the preparation of BLEP2012 to replace the original zone in BLEP1998 for the drinking water catchments around Lake Rowlands and for Suma Park Dam (in Orange LGA). Zone E3 was utilised to provide some additional protection in terms of prohibited land uses in those important catchments. Council staff has suggested that the protections may not be necessary as there is sufficient protection in Clause 6.5 and the Drinking Water Catchment Maps / Overlay to allow a merit based assessment with flexibility for compatible land uses. As this zone is only utilised for the drinking water catchments it may be suitable to remove Zone E3 in its entirety from BLEP2012.

The use of the E3 zone has inadvertently placed restrictions on normal agricultural which would have minimal impact on the water catchment.

As a result it is proposed to rezone these areas to Zone RU1 Primary Production. As with all of the other Zone RU1 areas and Zone E3, a minimum lot size of 100 hectares will be retained. This would retain the drinking water catchment overlay and Clause 6.5 to achieve a similar outcome without the prescriptive prohibitions in Zone E3. This aims to provide increased flexibility of permissible land uses with appropriate environmental controls to achieve the desired outcomes and simplify the planning process.

Please note that this proposal is inconsistent with the recommendations of the Subregional Strategy, however, preliminary discussions with the Department of Planning & Environment suggest they may be able to deem the drinking water catchment overlay and Clause 6.5 as sufficient to meet the intent of those recommendations.

Planning Proposal 2: Former Zone 1(c) to Zone R5

The GHD (2008) *Councils of Blayney, Cabonne and Orange City – Sub-Regional Rural and Industrial Land Use Strategy* ('Subregional Strategy') was adopted by Council and approved by the former Department of Planning & Infrastructure. The Subregional Strategy made recommendations to amend the zoning and minimum lot sizes of former Zone 1(c) Rural Small Holdings land along Browns Creek Road and Forest Reefs Road.

In preparing BLEP2012 these recommendations were included and publicly exhibited but due to disagreement over the impact of these amendments on existing land owners, the amendments were removed near the end of the LEP process and the original controls and zoning in BLEP1998 were retained. These areas were treated as 'Deferred Matters' in BLEP2012 (see Land Zoning Maps in BLEP2012).

The Department of Planning & Environment supported these 'Deferred Matters' on the basis that issues were resolved within a reasonable time after BLEP2012 commenced. It has now been more than 20 months since BLEP2012 first commenced and there is some pressure to have this matter resolved and replace BLEP1998 so that Council no longer has two (2) local environmental plans in operation.

This amendment would seek to transfer the area in the former Zone 1(c) in BLEP1998 into Zone R5 Large Lot Residential (the most relevant translation in zone) in BLEP2012. The amendment would retain a minimum lot size of 2 hectares for the entire area.

By removing Zone 1(c) from BLEP1998 the former LEP would have no purpose and would be replaced by BLEP2012 so only one (1) local environmental plan applied to the Shire and the planning process is simplified. Please note that this proposal is inconsistent with the recommendations of the Subregional Strategy but the Department of Planning & Environment may be able to consider it as a 'translation' of the existing controls. A brief analysis of the resulting supply/demand and potential impacts will be included in the Planning Proposal. This requires further discussion with the Department but preliminary discussions appear supportive.

Planning Proposal 3: Heritage Amendments

This Planning Proposal seeks to amend Schedule 5 of BLEP2012 and the corresponding Heritage Maps for a limited range of lots/items/areas. The amendments range from removal of some heritage items, removal of a heritage conservation area in Newbridge, addition of one (1) new item (with land owner consent), and correction of any misdescription of items in the schedule. The aim is to ensure BLEP2012 accurately reflects the heritage significance of items or heritage conservation areas and to remove heritage assessment which are unlikely to improve the development assessment outcomes.

These amendments may need to be supported by individual heritage assessments prepared in accordance with heritage guidelines and further consultation with the Heritage Council and other relevant stakeholders. The list and preliminary reasoning for amendment may include:

No	Item	Address, description	Proposal
1	I 59 Blayney Abattoirs and former saleyards	31 Gerty Street, Blayney Lot 1 DP 134341, Lots 4, 6 DP871015, Lot 2 DP 881855	Property description wrong. Remove from LEP. Saleyards gone. Onerous for abattoir buildings
2	I 78 Cottage	274 Millthorpe Road, Blayney Lot 1 DP 168843	Demolition by Nestle under DA 59/2014. Remove from LEP
3	Lime Siding Cottage	252 Millthorpe Road, Blayney Lot 1 DP 168844, Lot 1	Significance established. Bring into LEP. Owner

		DP 931585	amenable.
4	I 358 Cadia Cemetery	Lot 100 DP 576778	Remove street address from LEP
5	I 357 Cadia Engine House	Lot 100 DP 576778, part curtilage only	Remove street address, alter LEP description
6	I 365 Forest Reefs Cemetery	Off Convent Lane, Forest Reefs Lot 1 DP 668340, Lot 1 DP 668339, Lot 1 DP 668341, Lot 7300 DP 1146833	Remove reference to Calvert Lane
7	I 327 Cottage	9 Macquarie Street, Neville Lot 2 Section 1 DP 37459	Remove from LEP – request of owner
8	I 331 State Pine Forest	Mount Macquarie Road, Neville Various lots	Remove from LEP – not appropriate
9	Newbridge Heritage Conservation Area	Newbridge village	Remove from LEP – not appropriate

Please note that during the preparation of the Planning Proposal there may be additional items added or some removed subject to detailed heritage advice.

BUDGET IMPLICATIONS

It is estimate that the cost to prepare the abovementioned 3 Planning Proposals will be a total of approximately \$11,000.00

POLICY IMPLICATIONS

The proposed Planning Proposals would remove the need for Blayney Local Environmental Plan 1998, alter the content of Blayney Local Environmental Plan 2012 and may alter the GHD (2008) *Councils of Blayney, Cabonne and Orange City – Sub-Regional Rural and Industrial Land Use Strategy* ('Subregional Strategy'). All these matters will be discussed and addressed in greater detail in the subsequent Planning Proposals.

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

Nil

- d. Provides at full cost to the Developer delineation in the form of a painted 'fog line' between vehicles and pedestrians on the one way segment of the street.
- e. Then monitors the implementation of the proposal and considers further traffic calming devices, if deemed necessary. (Radburn/Somervaille)

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

PROPOSALS TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 AND BLAYNEY LOCAL ENVIRONMENTAL PLAN 1998

1409/020

RESOLVED:

1. That Council proceed to prepare Planning Proposal(s) to address the amendments recommended in this report (subject to the analysis and further studies to justify those amendments). (Kingham/Oates)

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

FOR

Councillor Ewin
Councillor Oates
Councillor Kingham
Councillor Somervaille
Councillor Ferguson
Councillor Radburn
Councillor Braddon

Total (7)

AGAINST

Total (0)

PROPOSAL FOR THE REZONING OF LAND FROM RU2 RURAL LANDSCAPE TO R5 LARGE LOT RESIDENTIAL - 36 AVONLEE LANE BLAYNEY (LOT 430 DP 1132460)

1409/021

RESOLVED:

1. That Council decline the request to support the rezoning of Lot 430, DP 1132460 to R5 Large Lot Residential on the basis that it is inconsistent with Council's adopted land use strategy. (Kingham/Ewin)

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

FOR

Councillor Ewin
Councillor Oates
Councillor Kingham
Councillor Somervaille
Councillor Ferguson
Councillor Radburn

Total (6)

AGAINST

Councillor Braddon

Total (1)

