

**Transferring deferred matters from Blayney LEP 1998 to Blayney LEP 2012, Extend the existing holdings clause timeframe, insert the model boundary adjustment clause, amend clause 4.2A (3)(c) and repeal Blayney LEP 1998**

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| Proposal Title :   | Transferring deferred matters from Blayney LEP 1998 to Blayney LEP 2012, Extend the existing holdings clause timeframe, insert the model boundary adjustment clause, amend clause 4.2A (3)(c) and repeal Blayney LEP 1998                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |               |                   |
| Proposal Summary : | <ul style="list-style-type: none"> <li>Transferring land zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998 in the vicinity of Forest Reefs Road, Millthorpe to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 2 Hectares.</li> <li>Transferring land zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998 in the vicinity of Browns Creek Road Blayney to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 20 Hectares.</li> <li>Extending the period of time specified in Clause 4.2A (4) (Existing Holding Time ) of the Blayney Local Environmental Plan 2012 from 3 to 5 years, until 23/11/2017.</li> <li>Insert model boundary adjustment clause to permit simple boundary adjustments in rural areas on lots below the minimum lot size and/or greater than 10% variations in lot size.</li> <li>Amending Clause 4.2A (3)(c) to add the words 'under an environmental planning instrument' before the words 'before this Plan'.</li> <li>If points 1 and 2 are adopted, the Blayney Local Environmental Plan 1998 will be repealed.</li> </ul> |               |                   |
| PP Number :        | PP_2016_BLAYN_001_00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Dop File No : | PP_2016_BLAYN_001 |

**Proposal Details**

|                                   |               |                      |                        |
|-----------------------------------|---------------|----------------------|------------------------|
| Date Planning Proposal Received : | 26-Apr-2016   | 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 :      | Forest Reefs Road                              |        |         |
| Suburb :      | Millthorpe                                     | City : | Blayney |
| Land Parcel : | Various lots within the deferred matter areas. |        |         |
| Postcode :    | 2799                                           |        |         |
| Street :      | Browns Creek Road                              |        |         |
| Suburb :      | Blayney                                        | City : | Blayney |
| Land Parcel : | Various lots within the deferred matter areas. |        |         |
| Postcode :    | 2799                                           |        |         |
| Street :      | Blayney                                        |        |         |
| Suburb :      | Blayney                                        | City : | Blayney |
| Land Parcel : | All land zoned Rural                           |        |         |
| Postcode :    | 2799                                           |        |         |

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**DoP Planning Officer Contact Details**

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**Land Release Data**

|                                    |            |                                                      |            |
|------------------------------------|------------|------------------------------------------------------|------------|
| Growth Centre :                    |            | Release Area Name :                                  |            |
| Regional / Sub Regional Strategy : | <b>N/A</b> | Consistent with Strategy :                           | <b>Yes</b> |
| MDP Number :                       |            | Date of Release :                                    |            |
| Area of Release (Ha) :             |            | Type of Release (eg Residential / Employment land) : |            |
| No. of Lots :                      | <b>0</b>   | No. of Dwellings (where relevant) :                  | <b>0</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 :

Have there been meetings or communications with registered lobbyists? : **No**  
If Yes, comment :

**Supporting notes**

Internal Supporting Notes : **Deferred matters**

**Forest Reefs Road & Browns Creek Road have been justified to be transferred to the Blayney LEP 2012 (BLEP2012) with a minimum lot size of 2ha and 20ha respectively.**

**- Clause 4.2A (4) - Existing Holding Time Extension**

**Blayney Council resolved to sunset this clause after 3 years, until 23/11/2015. The planning proposal will extend this timeframe to 5 years, until 23/11/2017. An extension will**

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allow for the potential issue of fairness/equity in advertising this sunset date to be addressed.

**- Model boundary adjustment clause**

The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.

The intent of this amendment is to include a provision which permits low impact boundary adjustments where:

- a) the boundary adjustment is located on land zone RU1 Primary Production and zone RU2 Rural Landscape,
- b) the boundary adjustment will not result in an increase in the total number of allotments,
- c) the boundary adjustment will not result in an increase in the total number of dwellings permitted on the land,
- d) the boundary adjustment will not create a lot that can itself be subdivided under clause 4.1, and
- e) The boundary adjustment will not result in the potential for land use conflict affecting the 'right to farm' and
- f) the boundary adjustment is consistent with the objectives of the zone.

**- Amending Clause 4.2A (3)(c)**

This amendment is to clarify that the intent of this clause was to allow dwellings that had previously been permissible/approved under previous environmental planning instruments only. The additional wording clarifies that the sub-clause applies to land created under environmental planning instruments only.

**- Repeal Blayney Local Environmental Plan 1998.**

The repeal of the BLEP1998 will also allow the LEP maps to be updated to comply with the Standard Instrument mapping standards.

Other mapping layers that were deferred from BLEP2012 include:

- i) Heritage Maps;
- ii) Drinking Water Catchment Maps;
- iii) Natural Resource – Biodiversity Map;
- iv) Natural Resource – Groundwater Vulnerability Map; and
- v) Riparian Land and Waterways Map.

There are 3 local heritage items that will apply within the Deferred Matter area including:

- Item No.186 – 'Garryowen' homestead, outbuildings and garden – 571 Forest Reefs Rd;
- Item No.267 – Basalt market posts – 368 Forest Reefs Road (corner Spring Hill Road)
- Item No.268 – 'Westbrook' stables, basalt pillars, avenue plantings and outbuildings – 425 Forest Reefs road

There is no LEP instrument change required as these heritage items were all listed in Schedule 5 of BLEP2012. Schedule 5 of BLEP2012 was not amended when the Deferred Matter areas were introduced. The amended mapping as a result of this planning proposal will clearly identify where these items are located as required under the Standard Instrument LEP.

The Land Application Map will also require amendments in order to identify the currently Deferred Matter as being "included" land under BLEP2012.

External Supporting  
Notes :

## **Adequacy Assessment**

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

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

Comment :                      **The statement of objectives clearly states the intent of the planning proposal is to:**

- 1. Include the land currently deferred from BLEP2012 know as Forest Reefs Road, which is proposed to be zone R5 Large Lot Residential with minimum lot size of 2ha and also the Browns Creek Road land to be zone R5 Large Lot Residential with minimum lot size of 20ha.**
- 2. Reactivate the Existing Holding provisions until 23/11/2017,**
- 3. Include a model provision which permits low impact boundary adjustments.**
- 4. Amending Clause 4.2A (3)(c) to clarify that the subclause is limited to environmental planning instruments, not legislation or other acts**
- 5. Repeal the Blayney LEP 1998 by including the deferred matters into the BLEP2012.**
- 6. Update LEP maps as required.**

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

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

Comment :                      **The explanation of provisions clearly states that the objective of the planning proposal will be achieved by:**

- 1. Include the land currently deferred from BLEP2012 by amending map land zoning map sheets (004, 004A, 004B), minimum lot size map sheets (004, 004A, 004B), Heritage Map sheets (004 and 004A), Drinking Water Catchment Maps (004, 004A, 004B) Natural Resource – Biodiversity Map (004, 004A, 004B), Natural Resource – Groundwater Vulnerability Map (004, 004A, 004B), and Riparian Land and Waterways Map (004, 004A, 004B) for land at Forest Reefs Road and Browns Creek Road.**
- 2. Reactivate the Existing Holding provisions, Clause 4.2A (4), by extending it to 5 years expiring on 23 November 2017.**
- 3. Include a model provision which permits low impact boundary adjustments where:**
  - a) the boundary adjustment is located on land zone RU1 Primary Production and zone RU2 Rural Landscape,**
  - b) the boundary adjustment will not result in an increase in the total number of allotments,**
  - c) the boundary adjustment will not result in an increase in the total number of dwellings permitted on the land,**
  - d) the boundary adjustment will not create a lot that can itself be subdivided under clause 4.1, and**
  - e) The boundary adjustment will not result in the potential for land use conflict affecting the 'right to farm' and**
  - f) the boundary adjustment is consistent with the objectives of the zone.**
- 4. Amending Clause 4.2A heading to remove the word 'protection' as the correct heading is 'rural zones' ('protection' is likely to be associated with 'environmental protection') – as the Environmental 'E' zones are not included in this clause.**
- 5. Amending Clause 4.2A (3)(c) to clarify that the subclause is limited to environmental**

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planning instruments, not legislation or other acts. This involves inserting the words 'under an environmental planning instrument' before the words 'before this Plan' in this subclause.

6. Repeal BLEP1998 by including this land in the BLEP2012 which will include inserting mapping data as per dot point 1 above. The Land Application Map will be amended to remove the Deferred Matters and map the land as zone R5 Large Lot Residential.

**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**

\* May need the Director General's agreement

**1.5 Rural Lands**

**2.3 Heritage Conservation**

**3.4 Integrating Land Use and Transport**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

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 30—Intensive Agriculture**

**SEPP No 44—Koala Habitat Protection**

**SEPP No 55—Remediation of Land**

**SEPP (Infrastructure) 2007**

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

**SEPP (Rural Lands) 2008**

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

**The proposal contains adequate information to demonstrate consistency with all SEPPs and S117s Ministerial Directions with the following comments:**

**SEPP No.55 – Remediation of Land**

This policy applies to the whole State including the subject land. Under Clause 6, contamination and remediation is to be considered in zoning or rezoning proposals. The transferal of existing large lot residential areas to BLEP2012 will have no known additional impacts and, instead, the increase in minimum lot size for Browns Creek Road is likely to have a potential positive affect by reducing dwelling house potential. Dwellings on existing holdings are expected to have a negligible additional affect. This can be addressed as part of any development application for these additional dwellings as they require consent. If any contamination is found then it will be considered in accordance with SEPP55 and the relevant guidelines / policies.

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

This SEPP applies to land identified as having mineral potential. The most relevant map is the Mineral Resource Audit map provided by the former Department of Mineral Resources in 2010. Therefore, whilst the ongoing subdivision potential in these areas is inconsistent – the reality is that most of the affected areas are zoned for rural small holdings have already achieved the maximum subdivision potential under BLEP1998 so additional impacts are limited. The proposal is generally consistent with the endorsed Sub-Regional Rural and Industrial Land Use Strategy.

**SEPP (Infrastructure) 2007**

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State. The transfer of existing large lot residential areas to BLEP2012 would not be inconsistent with future infrastructure provision. Neither area is located on a State or Regional Road or a railway line. The change in zoning is unlikely to

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significantly increase development potential (particularly dwelling potential) so traffic generation is unlikely to require RMS consideration. Therefore, the proposal is consistent with this SEPP and the endorsed Sub-Regional Rural and Industrial Land Use Strategy.

**SEPP (Rural Lands) 2008**

This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles, reduce land use conflicts, and identify State significant agricultural land.

The proposal whilst extending the existing holdings timeframe does so in accordance with the endorsed Sub-Regional Rural and Industrial Land Use Strategy.

**1.2 Rural Zones (1 July 2009)**

This direction seeks to protect rural zoned land from being rezoned for another use or increase the permissible density of that land. There is no proposal to change the zoning of rural land. The decrease in future additional yield along Browns Creek Road more than offsets any minor increase in rural dwellings from existing holding extension for one year. The Director Regions, Western can be satisfied that this inconsistency is minor as the proposal is consistent with the endorsed Sub-Regional Rural and Industrial Land Use Strategy.

**1.5 Rural Lands**

The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. The decrease in current potential yield along Browns Creek Road more than offsets any minor increase in rural dwellings from existing holding extension for one year. While existing holdings are non strategic it will allow Council to assess any development applications on merit. The Director Regions, Western can be satisfied that this inconsistency is minor as the proposal is consistent with the endorsed Sub-Regional Rural and Industrial Land Use Strategy.

**2.3 Heritage Conservation**

The proposal seeks to map the heritage items in the 'Deferred Areas' (though these items remained listed in Schedule 5 of BLEP2012). Therefore, the net benefit is clarification of the existing heritage items and no loss of heritage protection. Other impacts in rural areas can be addressed through the assessment process. The proposal is consistent with this Direction as the heritage items will be clearly mapped in accordance with the Standard Instrument LEP.

**3.4 Integrating Land Use and Transport (1 July 2009)**

It is recognised that large lot residential development is not the most efficient way to prevent reliance on private vehicles. But as these are existing areas and to allow continued subdivision in existing zoned areas where the market supports it, albeit with reduced future potential due to an increase in minimum lot size along Browns Creek Road. The proposal is consistent with the endorsed Sub-Regional Rural and Industrial Land Use Strategy.

**4.3 Flood Prone Land**

This direction applies to all land that may be flood prone land in accordance with the

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Floodplain Development Manual 2005 and has been addressed also in the Site Analysis Section of this planning proposal. Whilst there is always a chance of flooding along the key watercourses in each catchment, historically this has been minor and is unlikely to significantly affect development potential for rural land uses. Any known flood impacts can be addressed during the development assessment process. The proposal does not change flood prone land controls and is consistent with this direction.

#### **4.4 Planning for Bushfire Protection**

As stated in the Site Analysis Section of the planning proposal, there are no areas of bushfire prone land. Each development application can address site specific issues in accordance with Planning for Bushfire Protection 2006. The 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? **Yes**

Comment : **Mapping has been provided which satisfactorily identifies the areas of land in this planning proposal.**

A condition has been included on the Gateway determination which requires maps to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.

The LEP amendments proposed will require the amendment of the following maps:

- Heritage Maps (three new Items – items however are already in schedule 5 of BLEP2012);
- Drinking Water Catchment Maps;
- Natural Resource – Biodiversity Map;
- Natural Resource – Groundwater Vulnerability Map;
- Riparian Land and Waterways Map.
- Land Application Map
- Land Zoning Map
- Lot Size Map

The planning proposal also will repeal the BLEP1998 and in doing so will mean all maps under this LEP, which apply to deferred lands, will also be repealed.

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

Has community consultation been proposed? **Yes**

Comment : **Community consultation has been proposed. The following stakeholders are proposed to be contacted during the 28 day exhibition period.**

- a) The affected land owners in large lot residential and rural zones across the Shire;
- b) Office of Environment & Heritage - relating to heritage, environmental and water issues.
- c) NSW Department of Primary Industries (NSW Agriculture) – regarding any potential land use conflicts with surrounding agricultural land;
- d) NSW Department of Primary Industries (Office of Water) – regarding potential future bore water supply;
- e) Orange City Council and Cabonne Council - key stakeholders in the Subregional Strategy.

The planning proposal states that it will undertake the following as part of the exhibition

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- of the planning proposal:
- a) Resolutions of Council that progress this Planning Proposal;
  - b) Notification in the Blayney Chronicle newspaper prior to the public exhibition period;
  - c) Notification through multiple media outlets;
  - d) Provision of a copy of the Gateway Determination, Planning Proposal and supporting information at the Council Offices in Blayney;
  - e) Any other requirements of the Gateway Determination made by the Department.

The proposed community consultation 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 : **The planning proposal is adequate in the information provided.**

**Proposal Assessment**

**Principal LEP:**

Due Date :

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

**Assessment Criteria**

Need for planning proposal : **A Planning Proposal is required to bring into effect each of the components of the proposed amendment.**

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Consistency with strategic planning framework :

Council adopted and the Department of Planning and Environment have endorsed The Sub-Regional Rural and Industrial Land Use Strategy July 2008.

This strategy is the relevant land use strategy applying to all land outside of the main towns/villages in Blayney LGA including the rural small holdings / large lot residential areas, and therefore applies to this planning proposal.

The planning proposal is generally consistent with the recommendations set out in the Sub-Regional strategy. The following outline the areas where there is some minor inconsistencies and also the justifications provided.

**Forest Reef Road**

It is proposed to transition the planning controls that currently apply to the subject land under the Blayney Local Environmental Plan 1998 (BLEP 1998) into Blayney Local Environmental Plan 2012. The existing planning controls are land zone 1(c) Rural Small Holdings Zone and a 2ha minimum lot size dwelling subdivision requirement. The proposed equivalent land zone is zone R5 Large Lot Residential and a minimum lot size of 2ha under Local Environmental Plan 2012 (BLEP2012).

The assumptions in the Sub-Regional Strategy for some of these areas with regards to the development pressures to reduce large lot residential have proven to be incorrect and the subsequent take-up and development of these areas supports the retention of some large lot residential zone. Forest Reefs Road area has had an above average take up.

The transition of existing controls from BLEP1998 into BLEP 2012 does not result in any additional dwelling potential or social/economic/environmental impacts over and above the current potential yield.

Lot 14 DP1078285 is currently split zoned across the two LEPs being zone RU1 Primary Production under BLEP2012 and land zone 1(c) Rural Small Holdings Zone under BLEP1998. Additionally it currently has a split minimum lot size of 2ha under BLEP1998 and a 100ha under BLEP2012. it is proposed to Leave this lot with a split zone and lot size is justified given that any additional zone change outside the existing deferred land will impact on the existing/potential Mineral Resources buffer.

**Browns Creek Road**

The Sub-Regional Strategy recommended replacing this area with a rural zoning (primary production or rural landscape) and increasing the minimum lot size to a level (likely 100ha) that would prevent any further subdivision and development for the purposes of large lot residential dwellings.

It is proposed to zone the land as land zone R5 Large Lot Residential and a minimum lot size of 20ha under Local Environmental Plan 2012 (BLEP2012). Currently the land is zoned 1(c) Rural Small Holdings Zone (equivalent to zone R5 Large lot Residential) and a 2ha minimum lot size dwelling subdivision requirement.

The proposed increase in minimum lot size along Browns Creek Road seeks to reduce dwelling yield in line with the recommendations for 'down-zoning' of this area as specified in the Sub-Regional Strategy and therefore the proposed planning controls produce a similar outcome to the adopted Sub-Regional Strategy recommendations.

This area is physically constrained with steep slopes which would preclude any efficient lifestyle subdivision patterns. Additionally, the Browns Creek Road subject land has had lower large lot residential subdivision demand, a higher minimum lot size of 20ha is more suitable as it will still allow for the majority of land owners to still have potential for at least one (1) dwelling on each existing holding (with some larger parcels having more potential).

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The 20ha minimum lot size, whilst it will result in reduced lot yield it will still result in approximately 10-20 additional dwelling entitlements.

A key change from the current zone 1(c) Rural Small Holdings Zone to zone R5 Large Lot Residential is the prohibition of extensive agriculture. The minimum lot size of 2ha on the Forest Reefs Road subject land is not conducive to productive extensive agriculture. The 20ha minimum lot size proposed for Browns Creek Road will not likely allow for productive commercial extensive agriculture and the main purpose of the land is currently for rural living.

**Clause 4.2A (4) - Existing Holding Time Extension**

The Sub-Regional Strategy recognised the need for a sunset period of 3-5 years prior to the removal of any dwelling entitlement to phase out existing holding provisions. The Council resolved to sunset this clause after 3 years, until 23/11/2015. The proposed extension to 5 years, until 23/11/2017, is broadly consistent with the Sub-Regional Strategy recommendations. An extension will allow for the potential issue of fairness/equity in advertising this sunset date to be addressed.

Given the Sub-Regional Strategy identified the sunset period of 3-5 years, the proposed increase to 5 years is not inconsistent with the Sub-Regional Strategy. This in affect will provide approximately just over 1 year in additional time given the time required to progress the planning proposal, public consultation, and notification of the LEP. It will also allow Council to effectively notify land owners about the proposed expiry of the existing holding provisions.

Environmental social  
economic impacts :

**Large Lot Residential**

As there are existing large lot residential developments in these areas, there is not expected to be any additional social and economic effects. The increase in minimum lot size for Browns Creek Road may reduce the yield though the development and market potential of these land is believed to be heavily constrained. By ensuring each holding can have at least one (1) dwelling the economic impact is somewhat mitigated.

There are no known critical habitats or threatened species, populations or ecological communities, or their habitats, within the Deferred Areas. Any remnant vegetation will be best addressed through merit assessment of each development application in accordance with the Biodiversity Maps and Riparian Lands and Waterways Maps in BLEP2012 when these become operative as part of this proposed LEP amendment.

**Boundary adjustment clause**

By inserting a model boundary adjustment clause it will provide greater flexibility for farm boundary adjustments to support sustainable primary industry production on rural land and to allow properties to better reflect the applicable zone objectives.

The proposed provision does not permit fragmentation of rural land or create demand for services and infrastructure given that no additional dwelling entitlements, or lots are permitted.

There are no significant environmental, social or economic outcomes identified as a result of this planning proposal.

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**Assessment Process**

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

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

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Agriculture  
Office of Environment and Heritage - NSW National Parks and Wildlife Service  
Adjoining LGAs**

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  |
|------------------------------|---------------------------------|------------|
| <b>Planning Proposal.pdf</b> | <b>Proposal</b>                 | <b>Yes</b> |
| <b>Cover letter.pdf</b>      | <b>Proposal Covering Letter</b> | <b>Yes</b> |
| <b>Council Report.pdf</b>    | <b>Proposal</b>                 | <b>Yes</b> |

**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  
3.4 Integrating Land Use and Transport  
4.3 Flood Prone Land  
4.4 Planning for Bushfire Protection**

Additional Information : **The planning proposal to proceed subject to the following conditions:**

**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:**

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(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.

(a) Office of Environment and Heritage,

(b) NSW Department of Primary Industries Agriculture, and

(c) NSW Department of Primary Industries Water.

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 proposal.

3. Consultation is required with Cabonne Council and Orange City Council. These local governments are to be provided with a copy of the planning proposal and any relevant supporting material. The results of the consultation with Cabonne Council and Orange City Council are to be submitted to the Department of Planning and Environment as part of the section 59 submission.

4. 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).

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

6. The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is generally consistent with the Councils of Blayney, Cabonne and Orange City Sub-Regional Rural and Industrial Land Use Strategy – Final Strategy July 2008.

The minor inconsistencies with the Sub-Regional Strategy have been satisfactorily justified in the planning proposal.

The planning proposal is consistent with all relevant s117 Directions.

Due to the nature of the proposal, Council is to be authorised to exercise delegation.

Signature:



Printed Name:

Tim Collins

Date:

3/5/2016

Endorsed  
Wynne 3/5/16  
TL WR