

**13) DRAFT PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - SIX UNSEWERED VILLAGES & SURROUNDS**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 5. The Natural Environment

**File No:** LP.TE.1

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**Recommendation:**

That Council;

1. Endorse the Draft Planning Proposal “PP3: Six Unsewered Villages and Surrounds” to the Blayney Local Environmental Plan 2012 prepared by IPLAN PROJECTS attached to this report,
2. Forward the Draft Planning Proposal to the Minister for Planning and Public Spaces seeking a Gateway Determination for an amendment to the Blayney Local Environmental Plan 2012.

**Reason for Report:**

The purpose of this report is to seek Council resolution endorsing the Draft Planning Proposal (PP) so it can be submitted to the Department of Planning Industry & Environment (DPIE) to obtain a Gateway Determination.

A Gateway Determination is required prior to undertaking public exhibition of the proposed change to the Blayney Local Environmental Plan 2012 (BLEP2012).

The amendment specifically relates to the six unsewered villages of; Barry, Carcoar, Lyndhurst, Mandurama, Neville, Newbridge and their immediate surrounds (note: Barry is not a village but a locality).

**Report:**

At the Ordinary Meeting of 15 February 2021, Council endorsed the Blayney Shire Settlement Strategy 2020, **Resolution Number 2102/025**.

Recommendation 5 was that Council ‘*Proceed to immediately commence 3 Planning Proposals to update the Blayney Local Environmental Plan 2012 for Actions A2-1, A3-1 and A4-1 in the Blayney Shire Settlement Strategy 2020.*’

The subject Planning Proposal, PP3: Six Unsewered Villages & Surrounds proposes the following changes:

1. **PP3A: Minimum Lot Size (MLS) for Subdivision and Residential Accommodation (primarily dwellings) requiring on-site effluent management** in Zone RU5 Village and Zone R5 Large Lot Residential areas for those villages. Currently, there is an MLS for subdivision but not

an MLS for dwellings on existing lots requiring on-site effluent management.

**2. PP3B: Dwelling Permissibility – within 500m of Certain Urban Zone(s), as follows:**

- a) Carcoar, Mandurama, Neville & Newbridge – 500m of Zone RU5 Village;
- b) Lyndhurst – 500m of Zone RU5 Village AND Zone R5 Large Lot Residential;
- c) Barry – 500m of Zone R5 Large Lot Residential.

This amendment applies to lots within a Rural Zone (RU1 Primary Production or RU2 Rural Landscape) and within 500m of each RU5 village zone and R5 Large lot Residential zone in some circumstances.

The proposal is to allow a dwelling house on a lot or holding that complies with specific identified criteria contained within 2.3.3.1 (page 22) of the PP.

2.3.3.1 states;

*“The Objective of this component of the Proposal is to permit a development application for a dwelling house (or dual occupancy) on a lot or holding that meets the following criteria:*

**Core Criteria**

**The lot or holding:**

- a) *Is in Zone RU1 Primary Production or Zone RU2 Rural Landscape (rural land);*
- b) *Has no existing dwelling house or dual occupancy;*
- c) *Includes all or a significant part of the lot within 500m of Zone RU5 Village and/or Zone R5 Large Lot Residential area as set out in Table 3B1 below;*

**Figure 1: Table of relevant zones from which 500m is measured for each of the six (6) settlements.**

<b>–Settlement/Village</b>	<b>Zone(s) from which 500m is Measured</b>
Carcoar	Zone RU5 Village
Lyndhurst	Zone RU5 Village + Zone R5 Large Lot Residential
Mandurama	Zone RU5 Village
Newbridge	Zone RU5 Village
Neville	Zone RU5 Village
Barry	Zone R5 Large Lot Residential

- d) *Has a minimum area of 1.5 hectares;*

- e) *Not significantly affected by any environmental or other significant constraints (see 'Additional Constraint Criteria' below); and*
  - f) *Has legal access to a public road; and,*
- as such, has been mapped as having 'dwelling opportunity' on the new 'Dwelling Opportunity Map(s)' to be incorporated into BLEP2012.*

#### Additional Constraint Criteria

*The more detailed environmental or other constraints that may prevent a lot/holding from being suitable for consideration for a dwelling and include, but are not limited to (focussed on key issues for the six (6) villages & surrounds) – the lot/holding:*

- a) **Access:** *Has the ability to create a safe and legal point of access to a public road (not a Crown Road and preferably not a Classified Road) and this does not require significant new road extensions (Settlement Strategy requires access/frontage to an 'existing formed road');*
- b) **Growth:** *Is not identified in the Settlement Strategy 2020 for future rezoning for additional urban or large lot residential growth;*
- c) **Heritage:** *Is not a heritage item and would not impact significantly on any heritage conservation area (Newbridge is only relevant village with a HCA);*
- d) **Environment:** *Has a suitable dwelling envelope and access that is unlikely to be affected by natural hazards such as flooding or bushfire and is setback from any key watercourses and sensitive biodiversity. Where there is no existing flood study then the precautionary principle is applied to avoid land that foreseeably is below the flood planning level of 1% Annual Exceedance Probability (AEP) + 500mm freeboard;*
- e) **Visual Impact:** *Is likely to have a suitable dwelling envelope/location that would not compromise the overall vista and/or create a detrimental visual amenity impact (e.g., steeper slopes around Carcoar in the visual catchment of the village and key heritage items);*
- f) **Land Use Conflict:** *Is likely to have a suitable dwelling envelope/location that provides a suitable setback/buffer to avoid or minimise any significant land use conflict on an adjoining or nearby property, particularly for protection of agricultural land and operations and/or known mineral potential lands/existing extractive resource buffers.*
- g) **Agricultural Potential:** *Is on significantly fragmented land (lot size generally < 10ha) and is not part of a large agricultural holding where an additional dwelling would conflict with the agricultural potential of the land and extend dwellings significantly beyond the historic urban subdivision pattern of each village;*

Other Limitations

- a) **Merit Assessment:** It is important to note that the identification of a lot as having '**dwelling opportunity**' does not 'entitle' that land owner to a dwelling approval. Any application will still need to address the requirements of the relevant planning controls and is subject to a merit assessment. Therefore, it does not avoid the need to address any site-specific constraints or requirements in accordance with the relevant planning controls and the merit assessment may still prohibit a dwelling on that land.
- b) **Time Limitation:** This 'dwelling opportunity' will only be valid for **five (5) years** from the Date of Commencement of this Amendment to BLEP2012. This will give a reasonable time for land owners to seek consent plus another five (5) years to physically commence any consent. The time limitation ('sunset clause') seeks to avoid additional impacts on agriculture after that time period has elapsed.
- c) **Consistency:** This 'dwelling opportunity' is an extension of the same or similar opportunity given to Millthorpe that may be approved under an earlier Planning Proposal named PP2B. This creates consistency for all of the smaller settlements (other than the Town of Blayney)."

Figure 18 on page 27 of the PP shows 43 new opportunities will be created by this PP. Figure 18 has been extracted from the PP and is below to show the dispersal of the opportunities for the six settlements.

*Figure 2: Table of 'Dwelling Opportunities' identified for each of the six (6) settlements.*

TABLE.3B2 - Settlement	Number of 'Dwelling Opportunities'
Carcoar	1
Lyndhurst	22
Mandurama	0
Newbridge	2
Neville	7
Barry	11
<b>TOTAL</b>	<b>43</b>

The PP is consistent with the Blayney Settlement Strategy 2020, adopted at the Ordinary Meeting of 15 February 2021, **Resolution Number 2102/025**.

A favourable Gateway Determination is requested from the DPIE to allow the Draft Planning Proposal to be placed on Public Exhibition, any submissions will be considered by Council in the final report, prior to finalising the BLEP amendment.

Timing;

Endorsement of the draft PP is sought to enable a favourable Gateway Determination to be received prior to Christmas so resourcing can be allocated to prepare for the public exhibition.

The public exhibition is tentatively scheduled to commence on 20 January 2022 (going for a period of 28 days) until 17 February 2022. With the intent of presenting the final report (including any submissions received) and the final PP to Council at the 21 March 2022 or 18 April 2022 meeting.

The amendment to the BLEP does not come into force until the NSW Parliamentary Counsel Office provides opinion and the amendment and is subsequently published in the NSW Government Gazette.

**Risk/Policy/Legislation Considerations:**

The Planning Proposal is consistent with the Blayney Settlement Strategy 2020, adopted at the Ordinary Meeting of 15 February 2021.

**Budget Implications:**

Allocation within the 2020/21 operational plan has already been made for IPLAN PROJECTS to prepare the PP. Council staff will be required to resource and facilitate the public exhibition of the PP.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

1 Villages Planning Proposal PP3

41 Pages

**14) FUTURE BLAYNEY RESIDENTIAL LAND CONCEPT INVESTIGATION**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 5. The Natural Environment

**File No:** LP.TE.1

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**Recommendation:**

That Council;

1. Proceed to undertake a preliminary concept investigation of land identified for future residential growth in South Blayney.
2. Approve a supplementary vote of \$32,000 in the 2021/22 Operational Plan from the Property Account to fund the preliminary concept investigation

**Reason for Report:**

To obtain Council endorsement to proceed to undertake a preliminary concept investigation of land identified for future residential growth in South Blayney.

**Report:**

At the Ordinary Meeting of 15 February 2021, Council endorsed the Blayney Shire Settlement Strategy 2020 (BSSS), **Resolution Number 2102/025**.

The Blayney Town Structure Plan from the BSSS is provided within this report.

Land known as the South Blayney precinct has been zoned R1 General Residential under the Blayney Local Environmental Plan 2012, for some time. A significant amount is yet to be developed.

Stage 2 of the development known as Highlands Estate, creating 26 lots, has recently been developed. Council staff currently finalising the subdivision certificate.

Council in April 2021 received a pre DA enquiry regarding potential small 14 lot subdivision, on a 41 ha parcel of land that would immediately adjoin Highlands Stages 1 and 2.

Staff acknowledged the small subdivision, however sought a preliminary concept for the entire 41 ha lot, which was subsequently provided for consideration. The preliminary concept is not binding, but for Council to consider wider public infrastructure delivery.

Upon receipt of the preliminary concept for the 41ha lot, Council staff reviewed the indicative layout and concluded it would also be preferable to understand the overall lot yield of the land identified for potential residential growth further to the south.

Primarily, Council is seeking to understand what the precinct will look like and what the potential overall lot yield might be to ensure sustainable delivery of services such as the local road network, sewer and stormwater.

The concept would be initial piece of information that may facilitate a detailed Masterplan for the residential development of the area known as South Blayney.

A Masterplan sets the overarching layout for future subdivision in relation to; lot layout and yield, road hierarchy, infrastructure requirements, pedestrian movement and public open space.

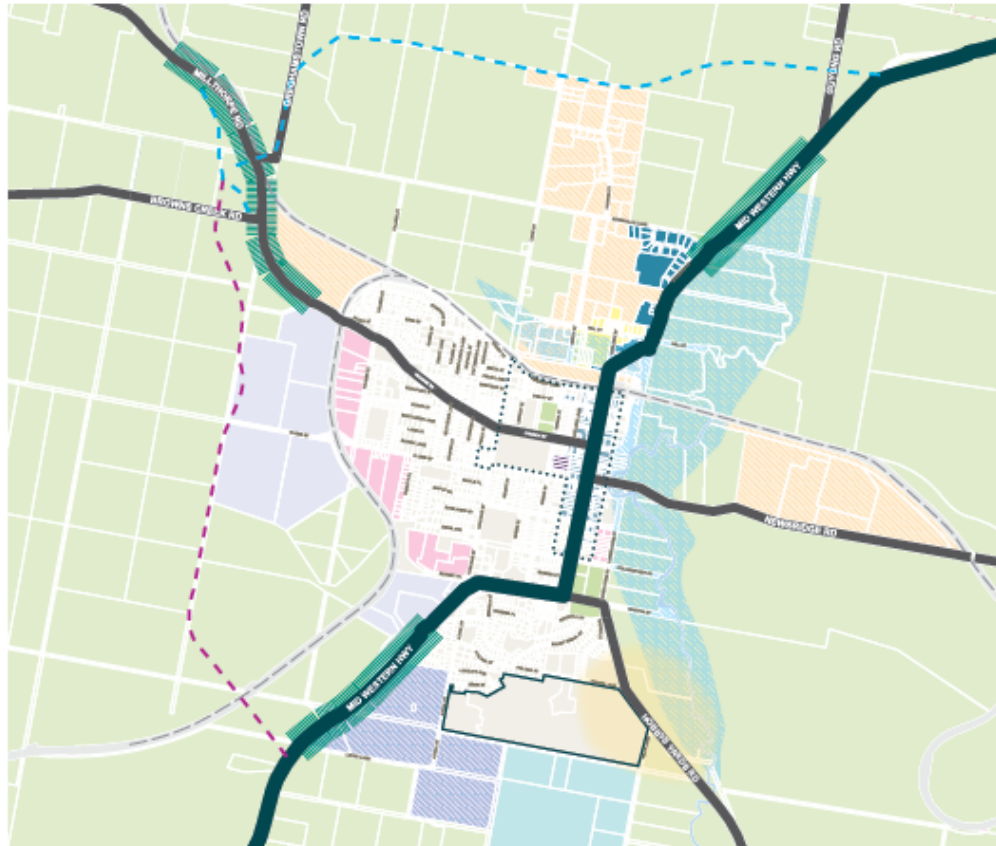
The preliminary concept investigation undertaken by a surveyor would;

1. Gather data together – Plans, Council DCPs, Titles etc.
2. Liaise with NRAR to see which creeks are a designated water way.
3. Analyse data
4. Produce preliminary plan showing a suggested road hierarchy
5. Final Plan.

## BLAYNEY SHIRE SETTLEMENT SUMMARY

## BLAYNEY TOWN STRUCTURE PLAN

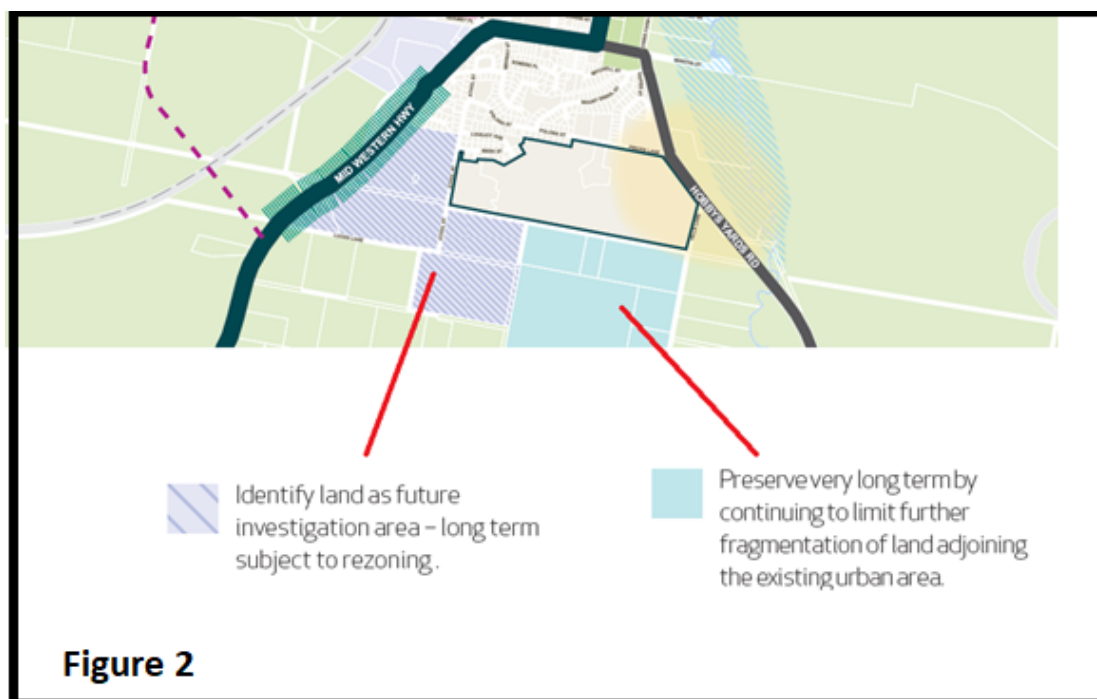
Provide opportunities for in-fill development by enabling subdivision of dual occupancy.  
Zone land to encourage further subdivision and improve efficiency of existing infrastructure.



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|---|---|--|
| Preserve very long term by continuing to limit further fragmentation of land adjoining the existing urban area.               | Apply a Mixed Use zone in Hill Street to accommodate residential uses. Provide guidelines in DCP.                   | Town Centre.                               |
| Identify land as future investigation area short/medium term. Protect from fragmentation into smaller rural residential lots. | Consider suitability of residential uses on certain sites in the town centre in particular the former bowling club. | Urban area.                                |
| Identify land as future investigation area – long term subject to rezoning.   | Continue to work with landowners to release existing zoned land for residential development.                        | Development potential (infill).            |
| Protect visual amenity of key entrances to town.  | Proposed heavy vehicle route stage 1.   | Existing enterprise corridor / industrial. |
| Extend the Business Development zone to land along the Highway fronting Hill Street.  | Proposed heavy vehicle route stage 2.   | Heritage Conservation area.                |
|   |   | Flood plain.                               |
|   |   | Sewerage treatment plant and buffer.       |



Figure 2, is a highlights in greater detail the South Blayney area where it is proposed for a surveyor to undertake a preliminary concept investigation.

**Risk/Policy/Legislation Considerations:**

The preliminary investigation will be high level, however will provide Council with a concept. Following this, Council can decide if it wishes to proceed to undertake a detailed Masterplan of the precinct.

The benefit, whilst potentially being an expensive initial outlay of a Masterplan is it would provide greater comfort to the community, in particular adjoining residents as to the form and density the residential expansion area will take.

Most importantly a Masterplan enables key infrastructure planning (road hierarchy, sewer, stormwater, open space planning) to be undertaken so that both Council and future developers know exactly what infrastructure is required and importantly not duplicated (costs to provide can also be calculated with certainty).

**Budget Implications:**

The cost to undertake the preliminary concept investigation is \$32,000 + GST and like any project may be subject to minor variations.

It is proposed to fund the preliminary concept investigation initially from the Property Account which has a current balance of \$1.52m.

The 2013 Blayney Shire Infrastructure Contributions Plan is planned to be reviewed in 2022 (noting the NSW Government is currently finalising a review of developer contributions).

Ability to repay the Property Account from Developer Contributions will be investigated when the 2013 Blayney Shire Infrastructure Contributions Plan review is undertaken.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil