

**PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL
ENVIRONMENTAL PLAN 2012 - RU1 PRIMARY
PRODUCTION TO RU5 VILLAGE, 61 FOREST REEFS ROAD
MILLTHORPE**

1704/016

RESOLVED

1. That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the Blayney Local Environmental Plan 2012 by rezoning 61 Forest Reefs Road Millthorpe from RU1 Primary Production to RU5 Village.
2. Council as a separate, independent process proceed to review and update the Blayney Settlement Strategy 2012 during the 2017/18 financial year

(Braddon/Kingham)

CARRIED

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

FOR	AGAINST
Councillor Ewin	
Councillor Braddon	
Councillor Oates	
Councillor Kingham	
Councillor Somerville	
Councillor Radburn	
Total (6)	Total (0)

16) PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - RU1 PRIMARY PRODUCTION TO RU5 VILLAGE, 61 FOREST REEFS ROAD MILLTHORPE

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 3.4 Sustainable land use practices across the Shire.

File No: LP.PL.2

Recommendation:

1. That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the Blayney Local Environmental Plan 2012 by rezoning 61 Forest Reefs Road Millthorpe from RU1 Primary Production to RU5 Village.
2. Council as a separate, independent process proceed to review and update the Blayney Settlement Strategy 2012 during the 2017/18 financial year

Reason for Report:

The purpose of this report is to seek Council resolution to submit a Planning Proposal to the Department of Planning & Environment (DPE) to amend the Blayney Local Environmental Plan 2012 (BLEP2012).

Report:

The Planning Proposal (PP) seeks to amend the BLEP 2012 by rezoning 61 Forest Reefs Road Millthorpe from RU1 Primary Production to RU5 Village creating 19 additional allotments.

The proposed PP prepared by Peter Basha Planning and Development on behalf of the landowners, which details the proposed amendments to the BLEP2012 in this PP is provided as attachment 1.

Figure 2 of this report shows the proposed concept layout by Peter Basha Planning and Development if property is rezoned to RU5 Village.

Figure 1: Current Millthorpe zoning; 61 Forest Reefs Road Millthorpe shown outlined in red.

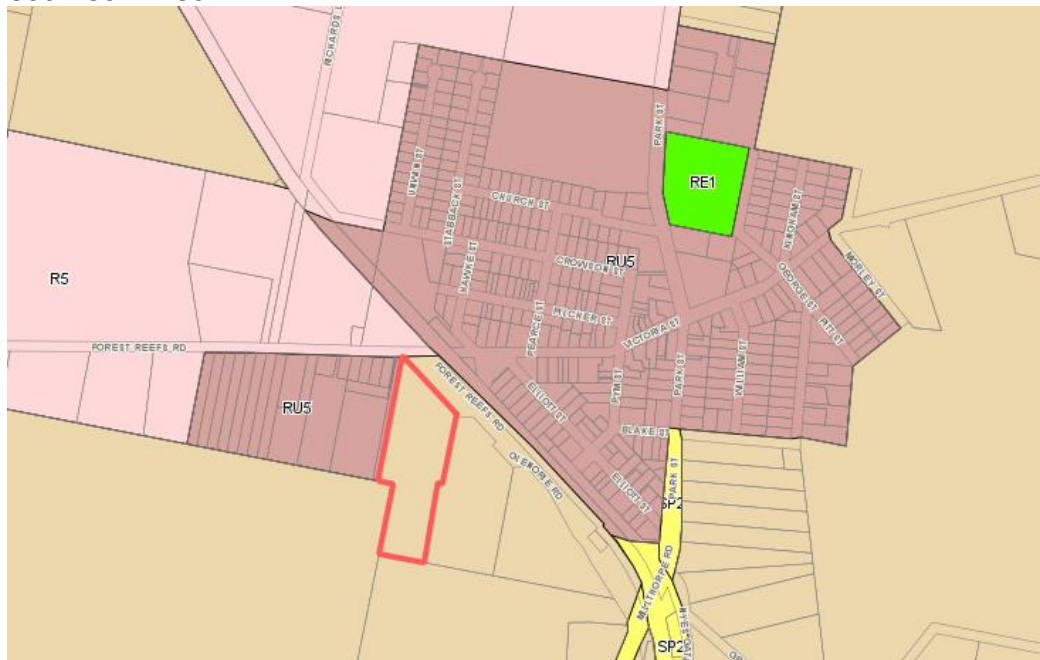
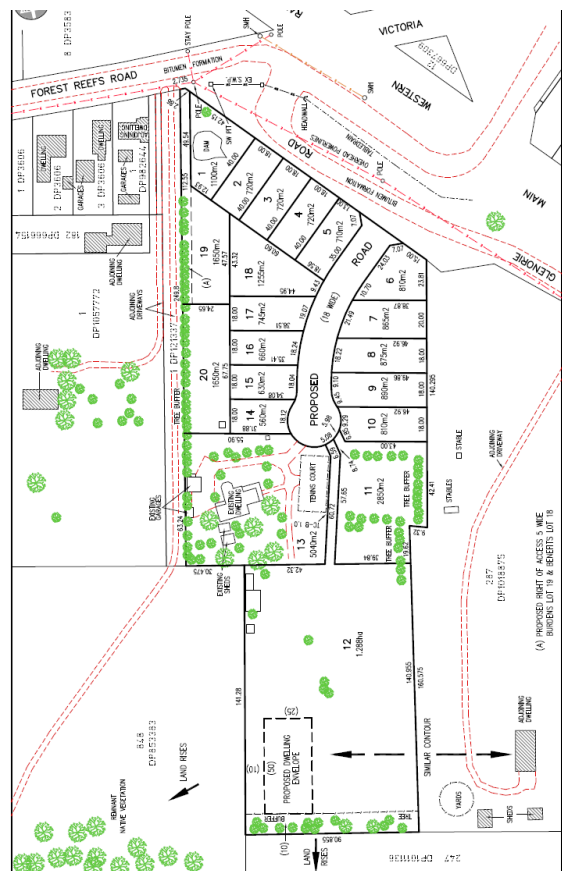


Figure 2: Proposed subdivision concept layout by Peter Basha Planning and Development if property is rezoned to RU5 Village.



Half of this allotment is identified within the Blayney Settlement Strategy 2012 as “future investigation village zone”.

Attachment 2 and also Figure 3 below contains the relevant extract of the Blayney Settlement Strategy 2012 showing the northern part of the allotment outlined in white dots marked “future investigation village zone”.

Figure 3: Extract of Millthorpe from the Blayney Settlement Strategy 2012.



Figure 22: Future growth directions for Millthorpe.

The PP in its current form, proposes to rezone the entire property to RU5 Village. The Blayney Settlement Strategy 2012 does not identify the southern half of the allotment as a future investigation area.

The area of the allotment, which is not identified as a future investigation area within the Blayney Settlement Strategy 2012, is proposed lots 11, 12 and 13 which can be seen in ‘Proposed subdivision concept’ contained within the PP or figure 2 of this report.

Figure 2 indicates proposed lot 13 would contain the existing dwelling of the current allotment. Therefore, only two additional allotments would be located in the area not identified as a future investigation area within the Blayney Settlement Strategy 2012.

Page 3 of the PP contains justification for inclusion of the southern part of the allotment to be rezoned to RU5 Village.

The justification within the PP is considered adequate to include the southern half of the allotment even though not identified within the Blayney Settlement

Strategy 2012 to be rezoned to RU5 Village along with the rest of the allotment.

The timing to receive a favourable Gateway determination is unknown, depending upon whether DPE require further information and/or further analysis for any specific matter.

Any favourable Gateway Determination is likely to require public notification of the proposed PP for a minimum period of 28 days and NSW Government Agency notification for a period of 21 days.

Issues:

This PP is considered appropriate, as part of the allotment is identified as “future investigation village zone” within the Blayney Settlement Strategy 2012.

This PP may trigger landowners in or adjoining Millthorpe, approaching Council seeking to rezone their properties. Council during the 2017/18 financial year intends to review and update the Blayney Settlement Strategy 2012.

Any additional requests by land owners seeking to rezone their land in or adjoining Millthorpe should only be considered during the review of the Blayney Settlement Strategy 2012, unless part of the allotment is identified within the Blayney Settlement Strategy 2012.

Budget Implications:

The applicant has engaged their own consultant Town Planner to prepare the PP and paid the applicable fee for lodgement in accordance with Council's current Operational Plan.

The review and update of the Blayney Settlement Strategy 2012 would be undertaken by external strategic planning consultants at an estimated cost of \$50,000.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|----------------------------------|----------|
| 1 | Planning Proposal | 54 Pages |
| 2 | Settlement Strategy 2012 Extract | 2 Pages |



PLANNING PROPOSAL

Rezoning of Land from
RU1 Primary Production to RU5 Village
"Cheneyvale" 61 Forest Reefs Road, Millthorpe

Prepared for
Glenn and Lynne Mortimer
December 2016

Ref: PP PJ816046

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1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*. A Gateway determination under Section 56 of the Act is requested.

The Planning Proposal seeks to rezone the subject land from RU1 Primary Production to RU5 Village. The subject land is described as Lot 286 DP 1018875. The address is 61 Forest Reefs Road, Millthorpe.

1.2 BASIS FOR THE PLANNING PROPOSAL

The Planning Proposal is predicated on the basis that the northern half of the subject land has been identified in the *Blayney Settlement Strategy* (the Strategy) as a future investigation area for the expansion of the Millthorpe village zone.

The Strategy, at Section 4.21.6 *Future Growth Directions* states:

There is potential for a future investigation area for an extension of the Village Zone in Millthorpe at the corner of Forest Reefs Road and Glenorie Road that has the following benefits including, but not limited to:

- It is adjacent to, and a natural extension of the existing Village Zone in close proximity to the town centre.*
- It is adjacent to existing town utilities/services (water, sewerage, gas, electricity) that will reduce development cost and allow more efficient utilisation of existing infrastructure.*
- The land sits at a relatively low contour resulting in lower visibility from the heritage town centre and this improves its chance of addressing heritage/visual impact issues.*
- Future development of this land may allow for development of a road corridor along the western edge of the investigation zone that would increase access to the rear of the Forest Reefs Road Village lots and the future investigation area for large lot residential development – producing a more efficient/cost effective access solution.*

Investigation of the area will only be required once the short and medium term infill development opportunities reach 60-70% take-up of existing vacant land/lots.

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This Planning Proposal will demonstrate consistency or satisfactory performance in terms of the above matters. In particular:

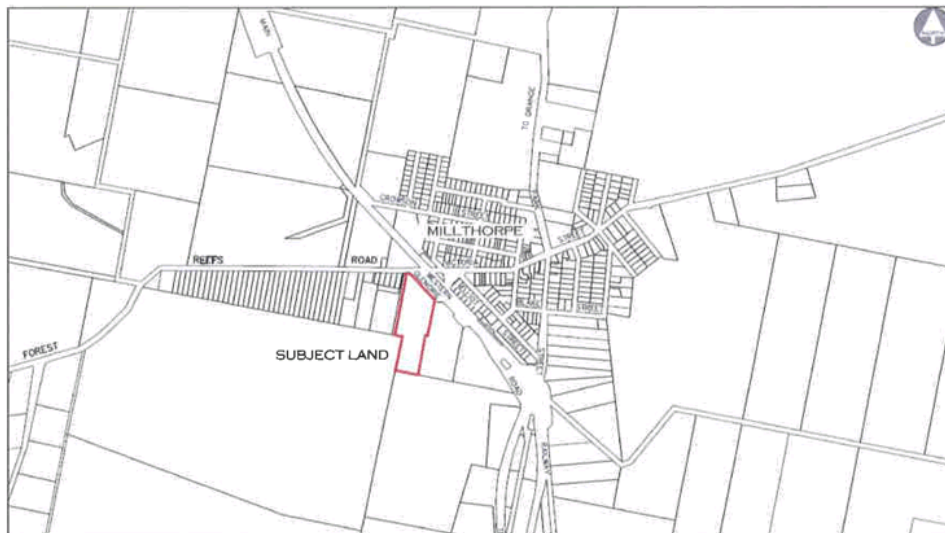
- As recognised by the Strategy, the subject does indeed represent a natural extension of the existing Village zone. However, the southern half of the subject land has been excluded from the investigation area. This Planning Proposal will demonstrate that this tract of land ought to be included in the Village extension for the following reasons:
 - Development of this section of the land will not impact on local scenic or landscape values. The southern section of the land does not rise markedly above the northern half and therefore does not appear prominent in broader views or views looking from the village towards the south west.
 - In any event, a modest lot yield is proposed over this part of the land and development opportunities would be limited so as to maintain scenic values. The attached Figure 4 provides a development concept and shows that proposed Lots 11, 12 and 13 would occupy this part of the land. Proposed Lot 13 would excise the dwelling and its ancillary buildings. In effect only 2 new dwellings would eventuate and these would remain at a similar or lower contour compared to existing dwellings on neighbouring properties.
 - Inclusion of the southern half would facilitate a sensible transition between existing and planned land uses. The neighbouring land immediately to the southwest of the subject land is identified as an investigation area for rural residential (or large lot residential) development under the *Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy* (BCO Strategy). Subject to future investigations and the rezoning process, there is potential for that to be developed with large residential lots, similar to that which already exists further to the west (i.e. dwellings on lots with a minimum lot size of 2 hectares). Proposed Lots 11, 12 and 13 due to their lot size would form a gradual transition between the potential smaller village lots to the north and the potential large residential lots to the south west.
 - The extension of utility services will become a more economic proposition by allowing the southern section to be developed. Preliminary engineering investigations indicate that any services that are extended to serve the future lots within the northern section of the subject land would also be able to serve proposed Lots 11, 12 and 13 to make proper and efficient use of public infrastructure.
 - Notwithstanding its exclusion from the nominated investigation area, it can be demonstrated that inclusion of the southern half of the subject land would satisfy the other relevant considerations under the Strategy.

Peter Bacha
Planning & Development

- The Strategy states that this investigation area will only come under consideration *once the short and medium term infill development opportunities reach 60-70% take-up of existing vacant land/lots*. This Planning Proposal will demonstrate that the strong take-up of vacant residential lots to date would justify the proposed Village extension. In this regard:
 - The attached Figure 7 shows that there were 48 vacant residential lots in the existing Village area in 2009. As at December 2016, the number of vacant residential lots has reduced to 12. A new dwelling has been constructed on each of the 36 lots that have been consumed in this period.
 - The Strategy expected 32 of these 48 lots to be developed over the next 30 years (i.e. the period 2006 to 2036). Such is the strength of demand, that in fact 36 lots have been developed in 7 years (i.e. the period 2009 to 2016).
 - The Strategy identifies "Heap's Land" within the existing Village Zone as a potential development site and predicts a yield of some 35 lots. Given that it has sat as a latent site for a considerable period now, it should not preclude this Planning Proposal from proceeding. In any event, if "Heaps Land" was to be developed, it is considered that the land consumption rates in the period 2009 to 2016 are strong enough to justify development of the subject land and "Heaps Land" at the same time, without fear of an oversupply.

1.3 LOCATION OF SUBJECT LAND

The subject land is at 61 Forest Reefs Road and lies on the south western fringe of the Millthorpe village (refer below and to Figure 1).

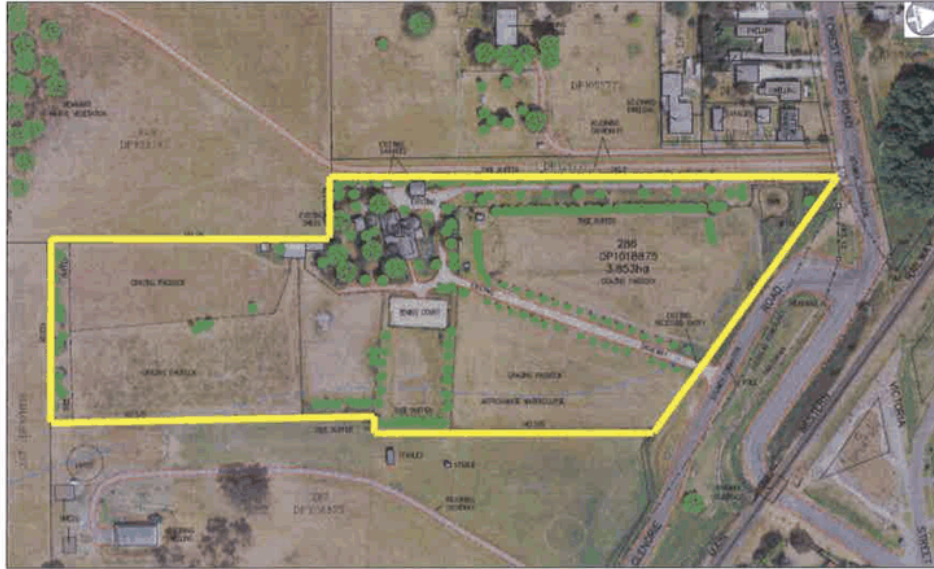


The Real Property description of the subject land is Lot 286 DP 1018875, Town of Millthorpe, Parish of Graham and County of Bathurst.

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1.4 SITE DESCRIPTION**a) Configuration**

The subject land has a total area of 3.853 hectares (refer Figure 2).



The street address of the land is Forest Reefs Road but the front boundary is essentially formed by Glenorie Road. From this frontage the land extends to the south for a distance of 300 metres along the eastern boundary and 391 metres along the western boundary. The east to west dimension ranges between some 127 metres in the northern wider section down to approximately 91 metres in the southern section.

b) Topography

The subject land occupies a midslope and has a northerly aspect. The land within the site falls gradually from an RL of approximately 960m AHD along its northern boundary down to an RL of approximately 950m AHD in the vicinity of Glenorie Road. The landform to the south of the subject land continues to rise to a series of local highpoints up to 990m AHD.

c) Vegetation

The subject land has undergone a high degree of disturbance in terms of natural vegetation due to a long history of clearing and grazing, typical of the broader district.

The subject land is virtually cleared of native timber. The predominant vegetative cover is pasture. Domestic trees and landscaping have mostly been established by the land owner.

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d) Surface Water and Drainage

An intermittent drainage line extends along the eastern edge of the subject land. It is not within a formed bed. It commences just to the south of the subject land and serves only a modest catchment.

Concentrations of water are likely to occur within the drainage line only during major rainfall events.

Moderate to slow drainage occurs on the gently sloping and footslope areas. The land appears well drained with no low-lying areas that pose an obvious constraint to development.

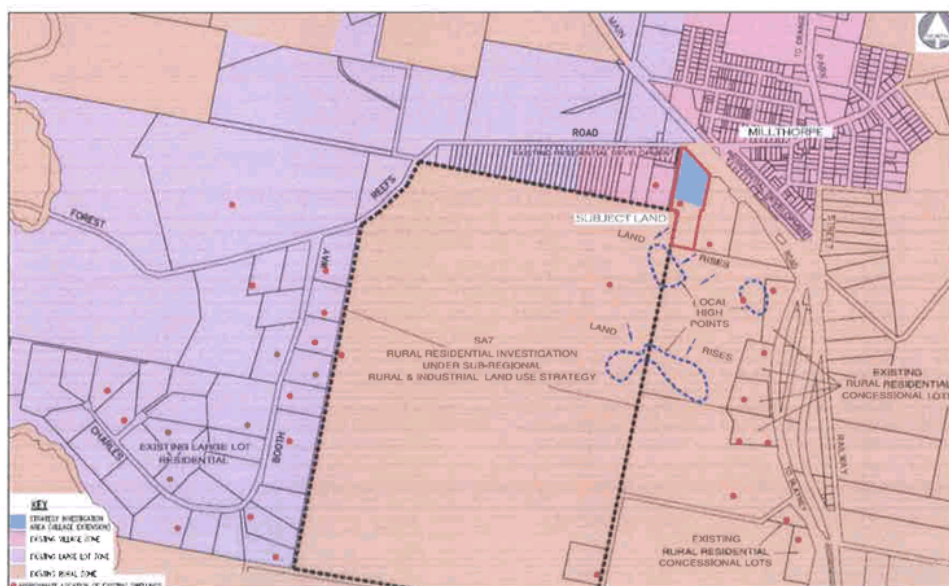
The Strategy suggest that the northern tip of the subject land may be subject to flooding due to poor drainage arrangements associated with the railway underpass on Forest Reefs Road. The Strategy suggests that this issue will be addressed by Council.

e) Land Use***Subject Land***

The land is developed as a residential lifestyle allotment with small scale grazing. A dwelling, ancillary buildings and tennis court are located in a cluster at a midpoint along the western boundary of the property. Landscaping of the building curtilages is well established and contributes positively to the setting.

Surrounding Land

The surrounding development pattern is depicted below and in Figure 3.



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Development in the vicinity of the subject land includes:

- The Millthorpe village urban area immediately to the north and north east.
- A residential lifestyle lot to the east and then a small rural parcel that was previously used as a vineyard.
- Rural land comprising a dwelling to the south with 4 rural residential properties (concessional lots) in a cluster just to the south east.
- Rural land to the south west which has been identified in the *Blayney Orange Cabonne Sub-Regional Rural and Industrial Land Use Strategy* as an investigation area for future rural residential (or large lot residential) development. An expansive rural residential estate commences just to the west of this land.
- Residential development in the village zone on the adjoining land to the west.
- Large lot residential development to the northwest on the opposite side of Forest Reefs Road.

f) Roads and Access

The subject land is serviced by Forest Reefs Road and Glenorie Road, both being bitumen sealed roadways with marked centre-lines; gravel shoulders; and grassed table drains.

Access is provided to the land at two locations. The main driveway entrance from Glenorie Road is towards the north eastern corner; whilst a secondary entrance is available at the north western corner.

g) Services

Due to the existing development pattern, urban utilities including sewer, electricity, and telephone are located in the road reserves at the site frontage and are available for extension to the proposed subdivision.

There is no formal stormwater drainage system that services the site. Stormwater from the site is either captured on site for water supply purposes, or returned to the catchment via natural channels, roadside drainage lines and culverts.

1.5 DEVELOPMENT CONCEPT

A conceptual development plan has been prepared and is attached to this report (refer Figure 4). It should be noted that the conceptual plan is indicative only at this stage and is subject to final assessment and design.

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With reference to the attached Figure 4 the development concept involves a residential subdivision which would see the creation of 19 lots ranging in area from 560m² to 1.288 hectares.

The proposed internal road will be constructed in accordance with Council's normal requirements for village residential development. All lots will be connected to the existing village services of town water, reticulated sewerage; electricity; and telecommunications, all of which are readily available from street mains in Glenorie Road.

The concept has been influenced by the following matters:

- The land immediately to the west of the subject land is zoned RU5 Village and is subject to a MLS of 450m². To encourage a simple and clear development pattern, the site of Lots 1 to 11 and 13 to 19 represents a reasonable and logical extension of this existing zone and MLS.
- The site of proposed Lot 12 is effectively an isolated parcel that would be created as a result of this proposal. It is acknowledged that the extension of this RU5 Zone and MLS of 450m² onto this land would be undesirable because it would enable the village to sprawl further to the south. To address this, it is proposed that:
 - Lot 12 be zoned RU5; and
 - A defined dwelling envelope be set in a location that has a similar contour to the dwelling on the neighbouring property to the east; and
 - A MLS of 1.25 hectares be applied so that Lot 12 cannot be subdivided further.
- The proposed larger lots (being Lots 11, 12 and 13) along the southern fringe of the site will reduce dwelling density and form a gradual transition between the village fringe and the rural land to the south (which itself may eventually be developed for Large Lot Residential pursuant to the BCO Strategy).

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

- To rezone the subject land from RU1 Primary Production to RU5 Village.
- To amend the current MLS to reflect the proposed subdivision pattern depicted in the development concept in Figure 4.

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3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by:

- Amending the *Blayney Local Environmental Plan 2012 Land Zoning Map (Sheet LZN_004A)* to rezone Lot 286 DP 1018875 to R5 Large Lot Residential. The existing and proposed zones are depicted in the attached Figure 5.
- Amending the *Blayney Local Environmental Plan 2012 Lot Size Map (Sheet LSZ_004A)* to permit a MLS of 450m² for that part of the site relating to proposed Lots 1 to 11 and Lots 13 to 19; and to permit a MLS of 1.25 hectares for that part of the site relating to proposed Lot 12. The existing and proposed MLS is depicted in the attached Figure 6.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Blayney LEP 2012 Land Zoning Map and Minimum Lot Size Map as they apply to the subject land is the best means of achieving the objectives or intended outcomes.

c) Is there a net community benefit?

On balance, it is expected that a net community benefit would be gained from the Planning Proposal. In this regard:

- The proposal will result in an increase in the number of residential lots and therefore enhance the supply and diversity of such land at Millthorpe.
- The provision of residential land in suitable locations is considered to be for the public benefit. In this regard, the proposal would increase the number of lots and choice in an area that offers desirable residential amenity.
- Proper utilisation of public infrastructure is considered to be for the public benefit. In this regard, the ability to create the full number of lots depicted in the development concept will result in a more efficient use of future roads and utility services that are required to serve the development.

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- The provision of services and infrastructure to serve the development will be borne by the developer and without additional costs or burden upon the community.
- The proposal has the potential to bring indirect economic benefit by providing for additional permanent population in close proximity to a growing rural town.
- The proposal is unlikely to impact upon travel distances given that it will continue residential development on the fringe of a growing rural town. The site integrates with the existing transport routes that serve the area.
- There are no known significant government infrastructure investments in the immediate area that would be affected by this proposal.
- The subject land has not been identified as having any significant environmental or biodiversity values.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The proposal is not inconsistent with the *Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy* (BCO Strategy).

The BCO Strategy is only relevant to the extent that it identifies the land immediately adjacent to the south west of the subject land as an investigation area for future rural (or large lot) residential development (reference SA7).

The development concept outlined in this Planning Proposal would be compatible with this strategic intent, particularly as the proposed larger lots (Lots 11, 12 and 13) would create a gradual transition between the smaller lots attributed to typical village development and the larger lots attributed to typical rural residential development.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The Blayney Settlement Strategy – Town of Millthorpe (the Strategy) is applicable.

The Strategy matters that are particularly relevant to this Planning Proposal are considered below.

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Strategy Matter 4.2 Regional Location – Proximity to Major Centres

A positive outcome for residents of Millthorpe is accessibility to higher level centres that offer more choice in retail. Services, facilities and employment. This suggests that Millthorpe has strong potential as a commuter settlement.

The Planning Proposal is consistent with this matter as additional lots for residential development will strengthen Millthorpe's role as a commuter settlement.

Strategy Matter 4.2 Regional Location – Proximity to Major Centres

A negative impact is that the proximity to these dominant centres may result in 'escape expenditure' where people spend the majority of their money outside of Millthorpe resulting in limited potential growth of local services and facilities. A lack of local services can make Millthorpe less suitable for those without access to private transport.

The Planning Proposal may assist to address this negative impact. As indicated throughout this report, Millthorpe has experienced a relatively strong take-up of vacant residential land for new dwellings. By providing a range of residential lot sizes in this location, the proposal will enhance the range of housing choices at Millthorpe and strengthen the role and function of the Village.

Strategy Matter 4.3 Existing Zoning – Land Use Zoning Areas

This Strategy seeks to define appropriate areas for each land use to ensure sufficient supply of land for the next 10 years with forward planning for the next 30 years (until 2036).

The Planning Proposal is not adverse to this matter. The Strategy has identified the northern half of the subject land as a future investigation area for village extension, subject to growth rates. As indicated later in this report, there is sufficient strength in the growth rates to justify the proposed rezoning.

Strategy Matter 4.4 Settlement History – Aboriginal Significance

The growth of Millthorpe should seek to avoid or protect known and newly identified sites of Aboriginal Significance. The only known site near Millthorpe has been clearly identified and protected through an Aboriginal Heritage Study and will be isolated from residential development.

Given the majority of the subject land has been identified in the Strategy as a future village extension area, it is reasonable to assume that the subject land and its surrounds are not sensitive in terms of aboriginal significance.

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Strategy Matter 4.5 Settlement Pattern – Subdivision Pattern

Any new road and subdivision patterns should utilise and integrate with the existing grid pattern (where topography allows) to promote connections, sight-lines and safety and, where possible, avoid cul-de-sacs and curvilinear road designs.

There are various aspects of the subject land that constrain the ability to achieve the above desired outcomes. In this regard:

- The configuration and size of the subject land is relatively modest and essentially dictates that the layout can only adopt a central road to service the new lots.
- The modest configuration of the land also dictates that the central road would need to terminate in a cul-de-sac because there is insufficient area within the site to turn the road back out to Glenorie Road. In any event, the proposed cul-de-sac is considered acceptable in the circumstances because it is relatively short and would serve only a small number of lots.
- The surrounding road network (formed by Forest Reefs Road and Glenorie Road) is not really reflective of a grid pattern. In this context, there is less compulsion for the new road to reinforce a grid pattern.

It is noted that the Strategy encourages development of the subject land to provide a link to the existing Village Zone that adjoins to the west. It is requested that Council not insist on this connection due to the following:

- The subject land will only achieve a relatively modest lot yield and the imposition of a link road to serve adjoining land to the west may compromise this yield.
- The development potential of the existing Village zone to the west appears somewhat constrained due to the following:
 - The cadastral pattern is very fragmented and the location of existing dwellings and improvements will be difficult to integrate into a future subdivision pattern.
 - The co-ordination of an efficient subdivision pattern over this tract of land appears difficult as multiple owners would need to co-operate in terms of lot layout; provision of services and access.

In this context it would be difficult to require the development concept for this Planning Proposal to make provision for a road link to serve other land that does not demonstrate clear development potential due to the above factors.

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seeks to provide a sensible number of additional residential allotments to cater for some of the project population growth. Based on the projected population growth figures and adopting the average household size, this proposal for some 18 vacant residential lots, could not be described as creating an oversupply.

Strategy Matter 4.9 Demographics

- **Professionals** – Professionals make up the largest number of employed people in Millthorpe (19.8%). This may be reflective of Millthorpe as a dormitory suburb for Orange, Bathurst and Blayney professional employment. This is expected to be maintained or increase in the future.
- **Mining** – There has been a growth in number of people involved in the mining industry and this would be expected to be maintained or increase with the development of Cadia East. There may be potential to attract additional workers in this area subject to affordability of housing.
- **Housing Needs** – There are also a large number of people employed in trades, labour and clerical work. This may suggest a continued need for affordable housing alternatives and rental properties, particularly for transient workers.

The Planning Proposal responds to these matters as follows:

- As mentioned previously, the Planning Proposal will increase residential opportunities at Millthorpe and therefore reinforce its role as a commuter (or dormitory) suburb as identified by the Strategy.
- Mining sector employment has probably stabilised rather than increased. However, it is a key element of the local economy and is expected to continue to influence the need for a sufficient housing supply. The lots created via this proposal will supplement that supply.
- Generally, an increase in choice and diversity in the residential land supply has the potential to encourage affordable housing options, either via market forces or by making land available for a range of housing forms.

Strategy Matter 4.9 Demographics

- **Dwelling Vacancy** – 49 out of 300 dwellings (16.3%) may have been vacant at the 2006 Census which may represent over-supply of housing, low take up of existing housing stock, or a high proportion of holiday homes (weekenders). Vacant houses may provide the opportunity for take up as the population grows.
- **Housing Choice** – Millthorpe's housing stock is dominated by separate dwellings and there is only a limited range of housing choices in higher density alternatives. These may need to increase to meet the demands of an ageing population and a lower household occupancy rate and provide increased housing choice. A high percentage of single detached dwellings also consume a higher area of land than medium density alternatives.

The Planning Proposal responds to these matters as outlined below:

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- Whilst vacant dwellings may exist throughout Millthorpe due to various reasons, there is clear evidence that demand for new housing remains relatively strong. As indicated in the attached Figure 7, there were 48 vacant residential lots in 2009. As at December 2016, the number of vacant residential lots has reduced to 12. A new dwelling has been constructed on each of the 36 lots that have been consumed in this period. It is interesting to note that the Strategy expected 32 of these 48 lots to be developed over the next 30 years (i.e. the period 2006 to 2036). Such is the strength of demand, that in fact 36 lots have been developed in 7 years (i.e. the period 2009 to 2016). In this context, the Village extension described in this Planning Proposal is well justified.
- The Strategy recognises the dominance of separate (detached) dwellings as the primary housing supply for Millthorpe. This Planning Proposal is likely to continue this pattern, although the proposed range of lot sizes creates the potential for some lots to accommodate medium density development particularly in the form of dual occupancies or as multi-dwelling housing.

Strategy Matter 4.9 Demographics

Household Size – the average household size in Millthorpe was 2.6 people per household which is the same as Blayney Shire and Australia. However, it is estimated that there will be an increase in lone person households and a reduction in average household size in the future (unless housing costs rise substantially) and this will create an additional demand for dwellings.

The Planning Proposal responds to this matter in the sense that it will make additional residential land available to accommodate the expected increase in demand for dwellings caused by the projected reduction in the number of persons per household.

Strategy Matter 4.9 Demographics

Family Characteristics – The increase in families with children in Millthorpe is likely to result in a demand for additional services and infrastructure for families and children including health, education, open space and recreation, and entertainment. The attractions to Millthorpe may partly be as a result of its strong public school. The reduced level of families without children suggests that Millthorpe is favoured as a location to start a family. However, Millthorpe will need to continue to attract new couples to the area.

The Planning Proposal responds to this matter in the sense that it will provide additional residential land to cater for demand from young families seeking to become established in Millthorpe. The Strategy suggests that Millthorpe will need to continue to attract new couples to the area. It is suggested that the availability and choice of suitable residential land will assist in this regard.

Peter Basha
Planning & Development

Strategy Matter 4.9 Demographics

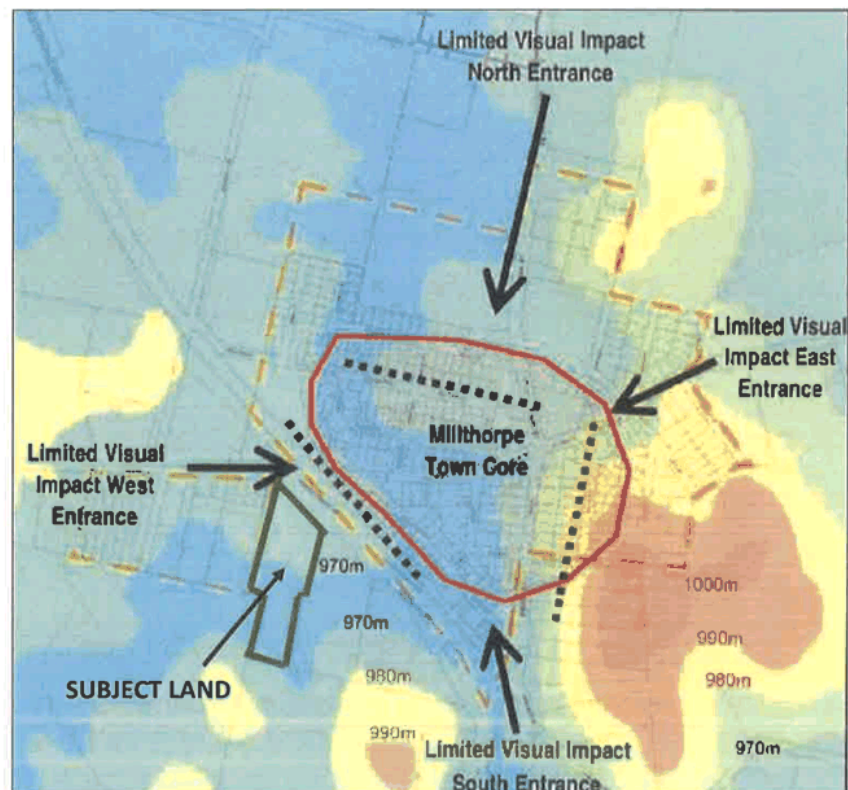
Dwelling Ownership – The higher levels of housing ownership/purchase in Millthorpe compared to the Australian average and lower rental levels may show a stronger economic commitment to Millthorpe but it may also need to be reviewed to ensure there is sufficient rental accommodation to cater for less permanent needs and lower socio-economic groups.

Given that Millthorpe displays a higher level of housing ownership/purchase than the Australian average, it is important that sufficient land is available to respond to this demand. The Planning Proposal is consistent with this matter in the sense that it will increase residential land supply for those seeking to commit to Millthorpe as their permanent place of residence.

Strategy Matter 4.10 Natural Environment – Topography and Views

Scenic/Heritage Protection – Whilst the existing Village Zone development (and limited large lot residential) has minimal impact from the entrances to Millthorpe, the potential growth area to the north of Millthorpe may increase in visibility and impact on the character of Millthorpe and needs to be carefully managed.

This matter specifically refers to the potential northern growth area. The subject land is not within this area, it is to the south west of the village. However, the relevant principle in this matter is the need to maintain scenic values around the Millthorpe hinterland.



Peter Gasho
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It is submitted that this proposal will maintain Millthorpe's character and scenic values due to the following:

- The subject land does not rise significantly above the village. In fact the above extract map from the Strategy indicates that the subject land sits at a similar contour (blue shading) or lower contour (green shading) to much of the village core.
- The land to the south of the subject land continues to rise to local highpoints. Any future development within the site (including Lots 11, 12 and 13) will sit below these highpoints and therefore not appear prominent in broader views to or from the village.

Strategy Matter 4.10 Natural Environment – Water Management – Watercourses and Flooding

- **Flooding** – There is localised flooding at the railway underpass. The capacity of the railway underpass can be increased to convey the 5-year ARI flow and reduce the frequency of flooding within the railway underpass.
- **Drainage Corridors** – Any significant watercourse or drainage corridors should, where possible, be incorporated into open space or reserves to maximise both environmental or water quality outcomes.

The Planning Proposal responds to these matters as follows:

- The land at the very northern tip of the subject land is identified as possible flood prone land due to localised flooding at the railway underpass on Forest Reefs Road. It is suggested that this will not unreasonably constrain the proposal due to the following:
 - The Strategy indicates that Council is considering rectification works to improve flow and reduce the potential for water to back up.
 - It appears that proposed Lot 1 would be the most affected by localised flooding. It is suggested that the rectification works by Council in relation to the railway underpass in conjunction with the setting of an appropriate minimum floor level would address potential flood impacts for this lot. The dam in this lot would be removed, filled and compacted in accordance with the relevant Australian Standard.
- The intermittent watercourse that affects the eastern side of the subject land is identified by the Strategy as a minor watercourse. The watercourse is essentially a minor drainage line and does not have a formed creek bed. It commences just to the south of the subject land and at this location has a relatively small catchment. Subject to engineering design and Controlled Activity Approval from NSW Office of Water, it is proposed to divert this drainage line and incorporate it as part of the inter-allotment drainage system for the subdivision.

Peter Basler
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- It is suggested that roof water from new buildings should be collected in rain water tanks for water supply, which will provide an on-site water supply to satisfy BASIX requirements as well as reduce the peak run-off from the site.

Strategy Matter 4.10 Natural Environment – Land Management – Soils and Contamination

- **Prime Agricultural Land** - There is no current proposal to expand the Village Zone or 1(c) Zone so there is no conflict with rural land. However, if any extension is required then a review of the agricultural land classification and protection of prime agricultural lands should be required.
- **Sewerage Treatment** – Any subdivision of land that does not have access to a centralised sewage system should require a geotechnical report to confirm that the geology of the soils will support any on-site sewage treatment systems.
- **Contaminated Lands** – Any development of land with known or potential soil contamination is required to address the requirements of SEPP 55 (Remediation of Land) prior to use for another purpose.

The Planning Proposal responds to these matters as follows:

- The proposed village expansion does not involve prime agricultural land. The agricultural value of the subject land is limited due to the following:
 - It is of a modest size with little potential for sustainable agricultural production.
 - Its primary use is for rural residential purposes.
 - It is adjacent to the village and large lot residential development.

It should also be noted that the subject land to the south west is identified in the BCO Strategy as an investigation area for future rural residential (large lot residential) development. This strategic status indicates that Council no longer regards the immediate area as an agricultural resource.

- The subject land is able to be serviced by existing sewage reticulation in Glenorie Road. As such, on-site sewage treatment will not be required.
- In terms of potential contamination, the subject land does not appear to have been used for any of the purposes listed in Table 1 of *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*. In any event, should this Planning Proposal succeed at the Gateway, it is recommended that a preliminary site investigation be undertaken in accordance with the contaminated land management planning guidelines *State Environmental Planning Policy No. 55 (SEPP 55)* to determine the potential for soil contamination of the subject land.

Peter Basia
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Strategy Matter 4.10 Natural Environment – Biodiversity and Vegetation – Native Vegetation

There is a lack of any significant remnant or native vegetation in or around Millthorpe (particularly since the area was once known for thicker vegetation). Attempts should be made, where possible, to plant native vegetation and enhance ecological corridors, particularly along the key watercourses. There should be no net loss of native vegetation from development.

The Planning Proposal is consistent with this matter because the subject land does not comprise significant native vegetation.

Further, the subject land is not within an ecological corridor and therefore does not require revegetation to reinstate ecological values.

Strategy Matter 4.11 Access, Transport and Parking – Road Hierarchy

A clear road hierarchy should be maintained in Millthorpe. The road hierarchy (and the differences between streets) should be reinforced by the design of the street, the adjacent built form, and the landscape treatment along the street. The clear road hierarchy should be maintained by any future subdivision and road patterns.

The Planning Proposal is consistent with this matter because it does not erode the primacy of Forest Reefs Road as a key east-west road that serves large lot residential to the west and also connects Millthorpe to Orange.

The new road to serve the proposed lots will be constructed in accordance with Council's normal requirements for village residential development.

Edge treatment and landscaping can be provided in a manner that is characteristic of this village fringe setting.

Strategy Matter 4.12 Utilities and Infrastructure – Potable Water Supply

Secure Yield of Water – There are no known constraints to the growth of Millthorpe from the provision of potable water by CTW (Central Tablelands Water). The current projections for growth that can be serviced by CTW roughly match the projected growth rates in this Strategy.

The Strategy confirms that Millthorpe benefits from a town water supply that can accommodate projected rates of growth.

The town water main is located at the front of the site and can be extended to serve each of the proposed lots. As such, this proposal is not constrained in terms of achieving a satisfactory potable water supply.

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Strategy Matter 4.12 Utilities and Infrastructure – Stormwater and Drainage

Stormwater issues exist around the railway underpass to the west of Millthorpe. There are also drainage issues along Park Street with overtopping of the road in heavy rainfall events. These issues are currently being addressed by Council. Stormwater and drainage may limit the development of some areas, particularly to the north of Millthorpe. Any future growth on the periphery of Millthorpe should ensure that stormwater does not affect water catchment areas to the east of Millthorpe.

The only aspect of the above matter that is relevant to this Planning Proposal is the drainage issues associated with the railway underpass.

The Strategy indicates that Council is addressing this issue. As such, this proposal is not unreasonably constrained in this regard.

Strategy Matter 4.12 Utilities and Infrastructure – Sewerage

Sewerage Supply/Demand – There is a reasonable likelihood that the Blayney – Millthorpe sewerage system will reach capacity prior to 2036 and will need to be augmented, particularly if both Blayney and Millthorpe grow at the rates that are projected in this Strategy. This should be reviewed at each Census Date and considered as part of Council's Strategic Sewer Plan.

In consideration of the above matter, the existing sewer reticulation exists at the front of the site and can be extended to serve each of the proposed lots.

It is submitted that this proposal will not create undue pressure on the existing system, given that it involves only a modest number of lots, and the development is planned to occur at an early stage in the Strategy period and certainly well before 2036.

Strategy Matter 4.12 Utilities and Infrastructure – Electricity

Electricity Supply/Demand – Council needs to consult with Country Energy (now Essential Energy) to understand any particular supply and demand challenges facing the network in Millthorpe and proposals to maintain and extend the existing network.

In consideration of the above matter, Essential Energy should be consulted.

However, given its location on the village fringe and the presence of electricity mains serving the area, it is likely that an adequate electricity supply will be available to service the development.

Peter Baxda
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Strategy Matter 4.12 Utilities and Infrastructure – Telecommunications

Telecommunication Access – As Millthorpe has been identified as a 'town' and has potential for significant population growth, it is important to ensure that telecommunications access is able to cater for this growth and meet local needs.

In consideration of the above matter, it is noted that the Strategy states that there are no known constraints to growth of the wired network in Millthorpe and that Millthorpe also has the capacity to receive broadband internet services on the existing land line network. As such, this proposal is not constrained in terms of achieving satisfactory telecommunication services.

Strategy Matter 4.12 Utilities and Infrastructure – Gas

Gas Supply/Demand – With the addition of 100 to 200 new dwellings and potential new businesses and industries there may be need to be expansion to the existing system. AGL should ensure that the cost of provision of extended gas supply networks is entirely met by the developer of new allotments.

In consideration of the above matter, it is noted that the Strategy states that there are no known supply issues for the increased demand for natural gas in Millthorpe. As such the proposal is not constrained in this regard. It is acknowledged that the provision of gas (and indeed other utilities) is a developer cost and not one that should burden the community.

Strategy Matter 4.12 Utilities and Infrastructure – Waste Management

There are no known constraints to development from waste services. Millthorpe may have the potential as a pilot program for improved waste management (including green waste services) as it is a town with a strong character/identity and environmental awareness and is growing at a higher rate than most of the Shire.

This Strategy position is noted. The proposal will integrate with the waste management scheme that serves the broader village.

Strategy Matter 4.20 Urban Residential Land Uses (Village Zone) – Dwelling Types

The majority of dwellings in Millthorpe are detached larger dwellings in a low density subdivision. The attraction of living in a rural village is rarely to live in higher density dwellings. However, with a larger older population there may be a future demand for small or more compact housing that is lower in maintenance on smaller lots and there is currently low choice housing types in Millthorpe to meet this future need.

As mentioned earlier, the Strategy recognises the dominance of separate (detached) dwellings as the primary housing supply for Millthorpe.

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The proposed lots in this Planning Proposal are likely to continue this pattern, although the range of lot sizes creates the potential for some lots to accommodate medium density development particularly in the form of dual occupancies or as multi-dwelling housing.

Strategy Matter 4.20 Urban Residential Land Uses (Village Zone) – Development Controls

There is a need to review the existing development controls for Millthorpe to ensure appropriate development outcomes in the heritage conservation area and improved design outcomes.

The Planning Proposal does not conflict this matter. Given that the subject land is within the Millthorpe heritage conservation area it is important that future development within each of the proposed lots is sensitive in terms of maintaining heritage character and values and reflective of appropriate urban design.

Strategy Matter 4.20 Urban Residential Land Uses (Village Zone) – Avoiding Urban Sprawl

As residential land uses are the greatest consumer of land, where possible, infill development of existing vacant land or lots within the existing Village zone should occur prior to release of new land. However, there is only a limited supply of existing small lots in the Village Zone so some expansion is likely to be required.

The Planning Proposal is entirely consistent with this matter due to the following:

- The take up of existing village lots as infill residential development has been strong. As indicated in the attached Figure 7, there were 48 vacant residential lots in 2009. As at December 2016, the number of vacant residential lots has reduced to 12. A new dwelling has been constructed on each of the 36 lots that have been consumed in this period.
- It is interesting to note that the Strategy expected that 32 of these 48 lots would be developed over the next 30 years (i.e. the period 2006 to 2036). Such is the strength of demand, that in fact 36 lots have been developed in 7 years (i.e. the period 2009 to 2016). In this context, expansion of the Village Zone to enable the lots proposed by this PP is well justified.
- The Strategy identifies "Heap's Land" as a potential development site and predicts a yield of some 35 lots. Given that it has sat as a latent site for a considerable period now, it should not preclude this Planning Proposal from proceeding. In any event, if "Heaps Land" was to be developed, it is considered that the land consumption rates in the period 2009 to 2016 are strong enough to justify development of the subject land and "Heaps Land" at the same time.

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- As explained earlier in this report, the development concept has been designed so as to reduce any sense of urban sprawl. In this regard, the smaller lots in the concept coincide with the adjoining RU5 Zone and MLS to the west. Where the land projects further south of this pattern, a larger lot size has been adopted and only 2 additional dwellings are possible.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency or otherwise of the planning proposal with the applicable State Environmental Planning Policies is provided in Annexure B.

State Environmental Planning Policy (Rural Lands) 2008 is particularly relevant and sets Rural Planning Principles to guide the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.

The Rural Planning Principles are outlined in Part 2, Clause 7 of the Rural Lands SEPP and are considered below.

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

The proposal is not adverse these Principles because the subject land no longer represent an agricultural resource due to the following:

- It is of a modest size with little potential for sustainable agricultural production.
- Its primary use is for rural residential purposes.
- It is adjacent to the village and large lot residential development.
- The northern half of the subject land is included in the Strategy as an investigation area for the extension of the village.

- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

The proposal is not adverse this Principle. As a Strategy investigation area for Village extension, the land is recognised as a resource that would benefit the growth and development of the Millthorpe community.

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(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

There are no aspects of the Planning Proposal that conflict with this Principle. The subject land is not constrained in terms of biodiversity; native vegetation; water resources; or other physical or natural constraints.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The proposal is consistent with this Principle. As a Strategy investigation area for Village extension, the land is recognised as a resource that would benefit the growth and development of the Millthorpe community by increasing village residential opportunities.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

This Principle is not entirely relevant as the proposal does not seek to provide rural housing. In any event, the required services and infrastructure are able to be provided without undue burden upon the community.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In accordance with this Principle, this Planning Proposal demonstrates consistency with:

- The *Blayney Settlement Strategy – Town of Millthorpe* (applicable Local Strategy); and
- The *Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy*.

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

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A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated.

The consistency or otherwise of the planning proposal with the Ministerial Directions is provided in Annexure C.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The natural state of the site and surrounding area has been highly modified due to previous clearing and by the village fringe land use pattern.

The subject land is virtually devoid of native timber. While an ecological assessment has not been undertaken, the potential for the site to attract less common native species is considered minimal. Habitat potential is low and the site does not have realistic potential to re-establish easily into providing habitats of value.

- Accordingly the Planning Proposal is unlikely to have a significant effect upon threatened species, populations, ecological communities or their habitats.

- b) **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The potential impacts of the Planning Proposal are considered below.

(i) Traffic Impacts

The proposal is considered to be satisfactory in terms of traffic impacts due to the following:

- The proposed new road will be constructed in accordance with Council's normal requirements to ensure that the capacity of the road network can accommodate traffic associated with long term residential development of the site.
- The new intersection is reasonably separated from the Glenorie Road and Forest Reefs Road intersection so as to not cause traffic conflict.
- The additional traffic generated by the proposed subdivision is expected to integrate with the existing road network without unreasonable impact.

The site is within reasonable proximity of the Millthorpe town centre to also be accessible via walking and cycling.

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(ii) Noise Impact

By its very nature (residential land use) there are no aspects pertaining to the proposal that would generate unreasonable noise impacts.

(iii) Soil Stability

There are no aspects pertaining to the site to suggest that it would not be suitable for residential development for reasons pertaining to soil stability.

(iv) Water Quality

Potential impacts on water quality relate to the following:

- Erosion and sedimentation as a result of earthworks during the construction phases of the development.
- An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site.

The proposal is unlikely to generate unreasonable impacts on water quality due to the following:

Soil Erosion

An erosion and sediment control plan should be prepared and should provide for:

- Retention of existing vegetation around disturbed areas where practical to reduce mass movement of sediment.
- Staging of excavation and earthworks where practical to minimise the extent of ground disturbance.
- The retention of as much topsoil as possible for reuse as landscaping material.
- The use and installation of sediment traps, bunds, banks and drains in suitable locations during all stages of the development.
- The prompt revegetation or stabilisation of all disturbed areas.
- Re-sow exposed areas with appropriate grass species as soon as practical after construction works have been completed.
- The erosion and sediment control devices installed at the construction phase should remain in place until revegetation of the exposed areas has occurred.

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Provided that the above measures are implemented it is not expected that there will be a significant reduction in water quality on the site or downstream from the site.

Stormwater Management

Stormwater drainage from future buildings and the roadways should be provided in a manner that returns flows to the catchment at non erosive velocities. In this regard the following measures may mitigate potential impacts:

- Implement appropriate erosion and sediment control devices.
- Collect roof water in rain water tanks for water supply, which will provide an on-site water supply to satisfy BASIX requirements as well as reduce the peak run-off from the site.
- Provide appropriate drains from roads, driveway and paved areas with adequate scour protection measures as required.

(v) Flooding

The Strategy suggests that the northern tip of the subject land may be subject to flooding due to poor drainage arrangements associated with the railway underpass on Forest Reefs Road. The Strategy suggests that this issue will be addressed by Council.

(vi) Bushfire hazard

The subject land is not identified as bushfire prone land.

(vii) Land/Site Contamination

Should this Planning Proposal succeed at the Gateway, it is recommended that a preliminary site investigation be undertaken in accordance with the contaminated land management planning guidelines *State Environmental Planning Policy No. 55* (SEPP 55) to determine the potential for soil contamination of the subject land.

(viii) Resource Lands

The proposal would not adversely impact upon resource lands. In this regard:

- The proposal is not within a defined drinking water catchment.
- Due to the current zoning and land use pattern the subject land does not represent an agricultural resource and nor is the proposal likely to conflict with rural land.

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(ix) Heritage

The subject land is within a heritage conservation area. It does not comprise a listed heritage item.

Schedule 5 of Blayney Local Environmental Plan 2012 lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP. The LEP mapping indicates that the nearest heritage item in the vicinity of the subject land is essentially one property removed to the west. It is referred to as Item 263, "The Pines" (cottage and avenue of radiata pines) 73 Forest Reefs Road. It is listed as having Local significance.

The identified item does not unreasonably constrain the proposal. The interface and visual relationship between the subject land and the heritage items is diminished by the physical separation (some 100 metres) and intervening development. It is unlikely that the proposal would diminish views to or from heritage item.

In any event, prior to any development involving the item or land in the vicinity of the item, it will be necessary to prepare a Statement of Heritage Impact in accordance with the NSW Heritage Office publication *Statement of Heritage Impact Guidelines* (particularly Table 7 – Relevant HIS Questions).

(x) Archaeology

The archaeological value of the site is considered minimal. It has been highly modified for several years from its original state.

In the event that previously unrecorded Aboriginal relics are uncovered during development, work should immediately stop and both the NSW National Parks and Wildlife Service and the Local Aboriginal Land Council be notified.

Given that the subject land has not been identified as a heritage item it is submitted that European archaeology is unlikely to constrain the proposal.

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive due to the following:

- Encourages additional permanent population via the provision of new appropriately located residential land within the fringe of the Millthorpe urban area.

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- Additional population at Millthorpe has the potential to:
 - Generate direct and indirect benefits for the retail, service and employment sectors of Millthorpe.
 - Encourage greater use of existing retail and community services established within the town and also provide for a possible increase in the demand for such services.
- Increases the availability of zoned residential land in close commuting distance to the town centre. It is suitably located to encourage walking and cycling.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. Town water, reticulated sewer, electricity and telecommunications are available in the area and will be extended to the proposed development in accordance with the requirements of the relevant service authority.

The conceptual subdivision pattern and new road relates effectively to the existing road network. Road infrastructure to serve the development will be provided by the developer.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:

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Rezoning of Land from RU1 Primary Production to RU5 Village
"Cheneyvale" 61 Forest Reefs Road, Millthorpe

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- Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The planning proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge. At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

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6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- The information presented in Section 4.2(b) demonstrates the consistency of the proposal with the *Blayney Settlement Strategy – Town of Millthorpe* (the Strategy).
- Since 2009, there has been a take up of 36 of the 48 available residential lots within the existing Village Zone. This represents a take-up of 75% of the available vacant land supply. The Strategy suggested that an extension of the Village Zone may be contemplated when 60-70% take-up was experienced. The land consumption rate has surpassed this indicator.
- The inclusion of the southern section of the subject land in the rezoning is justified on the following grounds:
 - Development of this section of the land will not impact on local scenic or landscape values, particularly as it involves only a modest lot yield and any new dwelling would remain at a similar or lower contour compared to existing dwellings on neighbouring properties.
 - The proposed larger lots (being Lots 11, 12 and 13) along the southern fringe of the site will reduce dwelling density and form a gradual transition between the village fringe and the rural land to the south (which itself may eventually be developed for Large Lot Residential pursuant to the BCO Strategy).
 - Notwithstanding its exclusion from the nominated investigation area, it can be demonstrated that inclusion of the southern half of the subject land would satisfy the other relevant considerations under the Strategy.
- The potential environmental impacts of the development can be adequately addressed.

Yours faithfully

Peter Basha Planning & Development

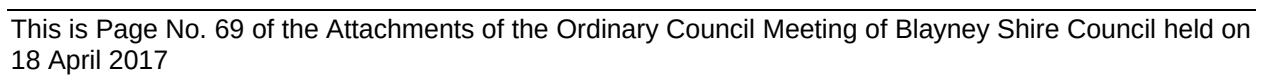


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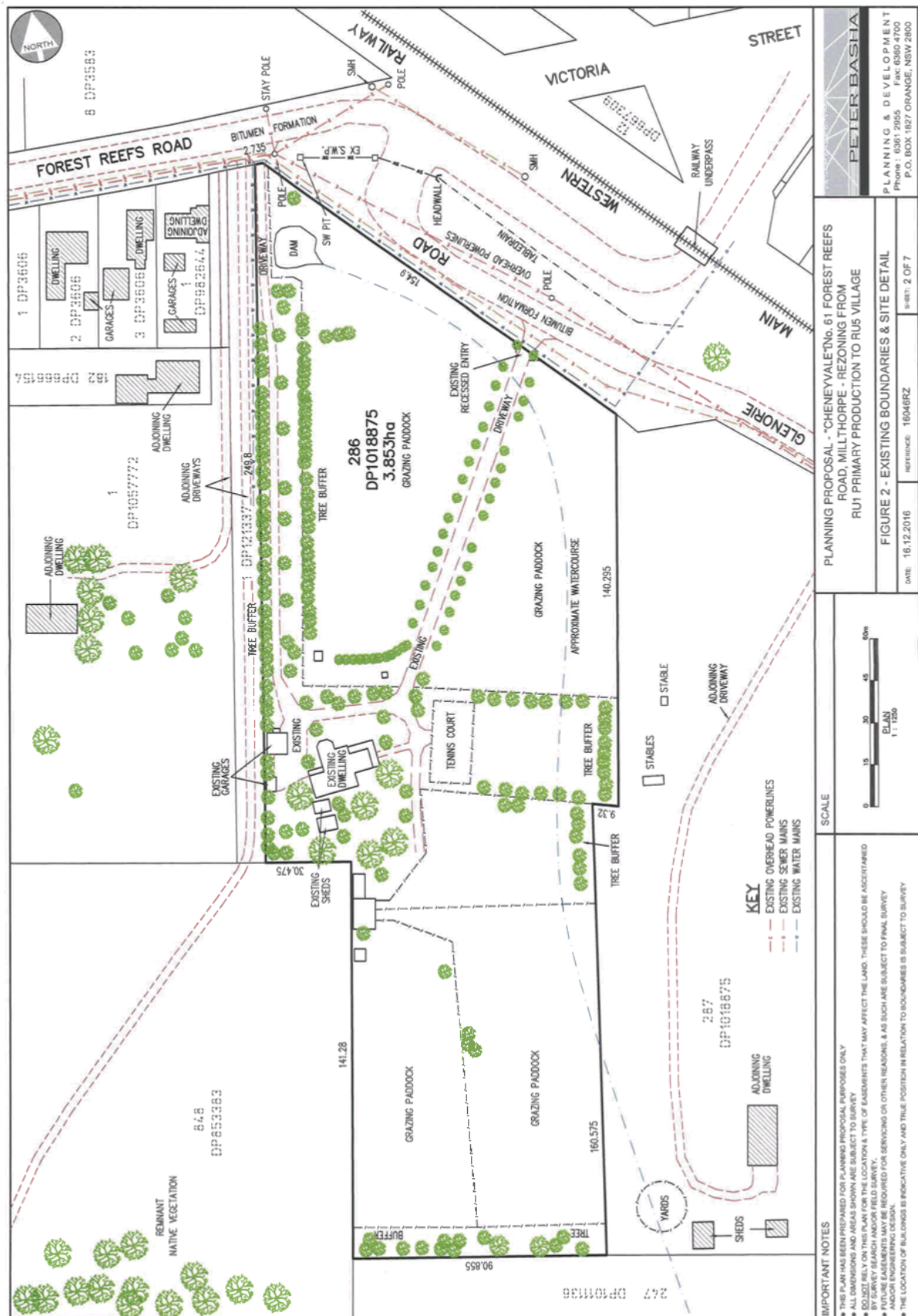
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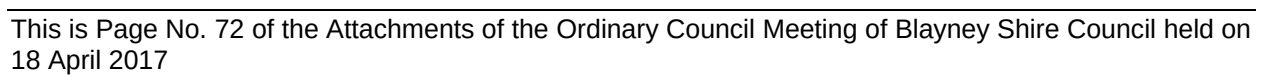
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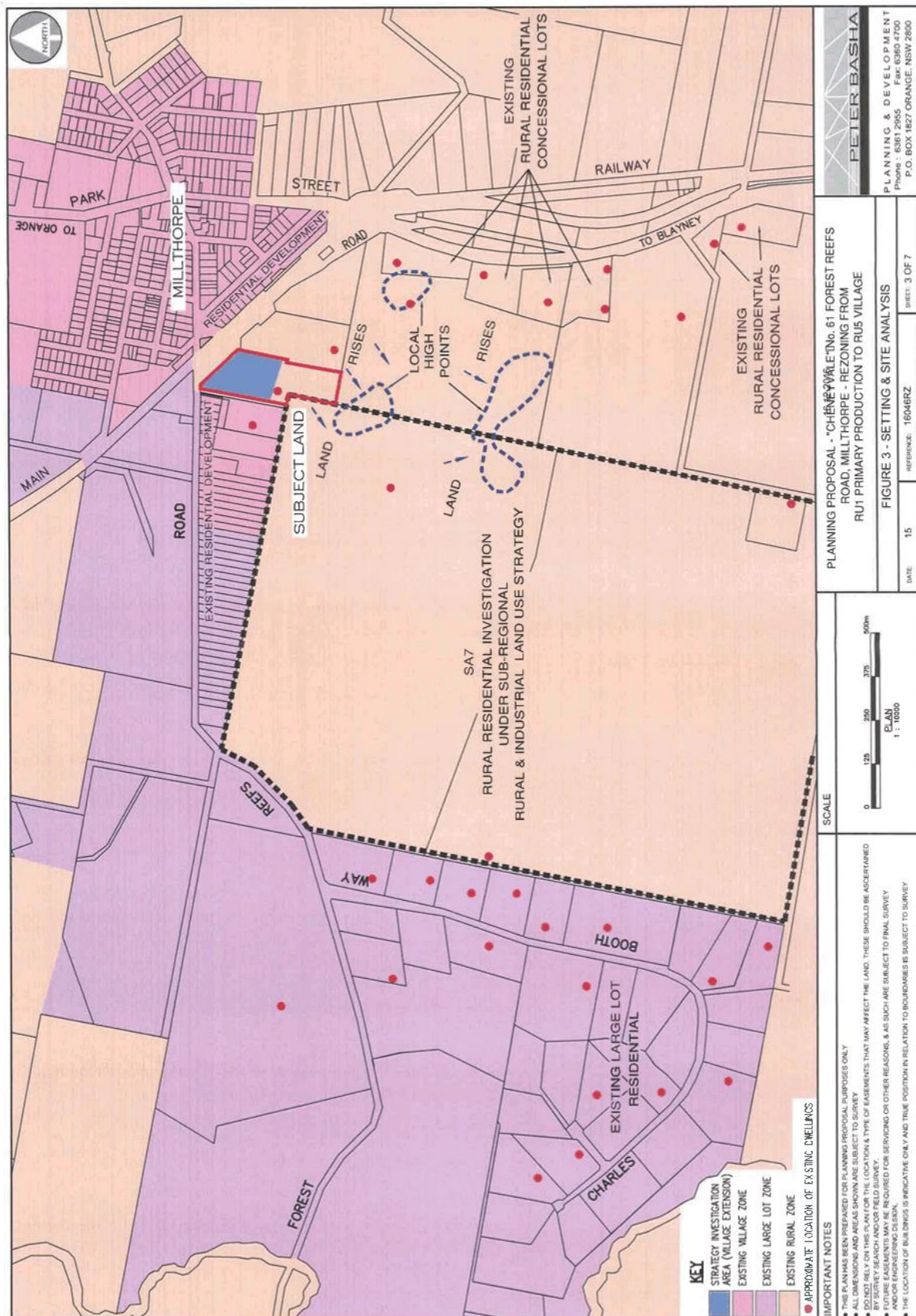
Annexure A
Plan Set

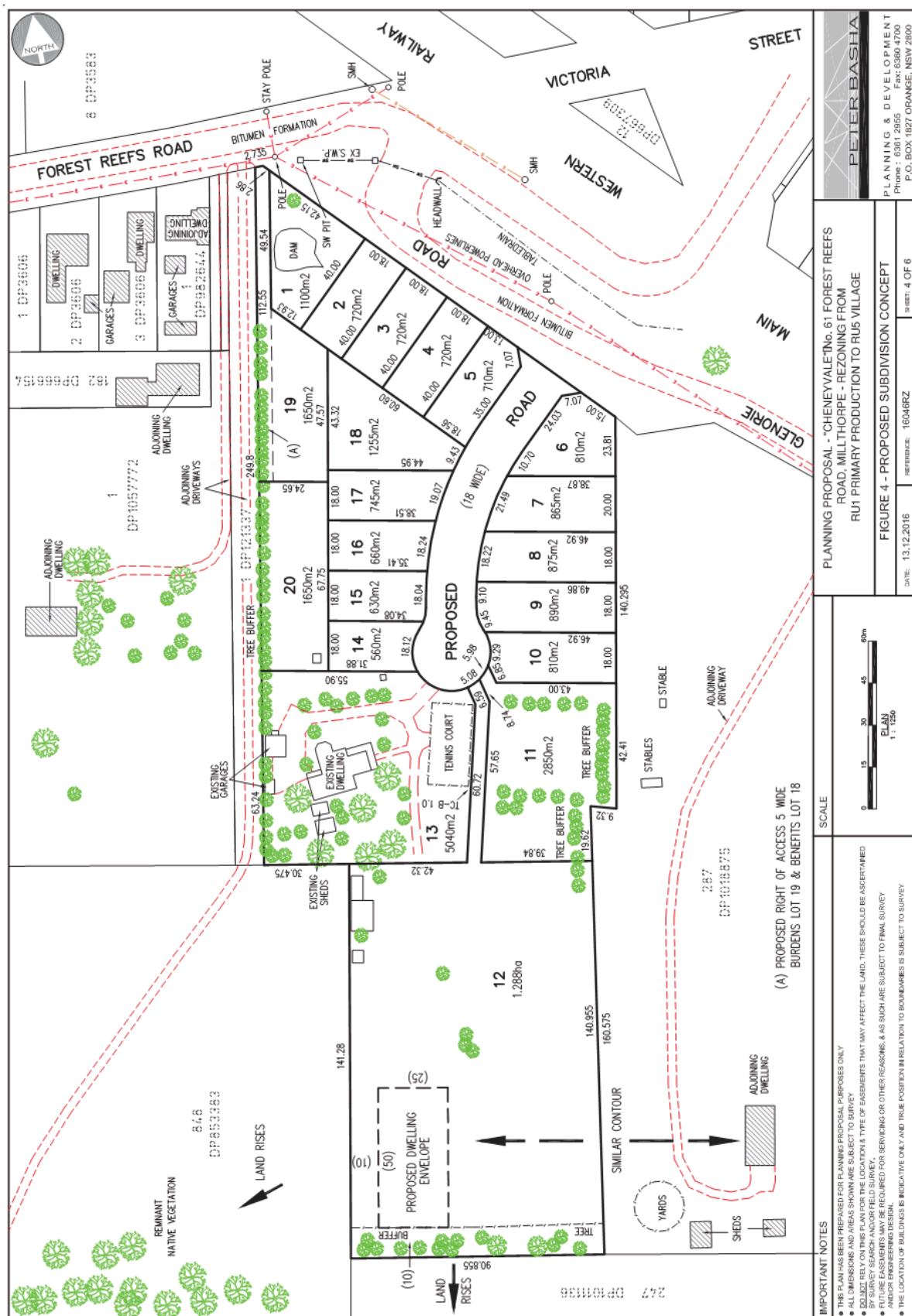


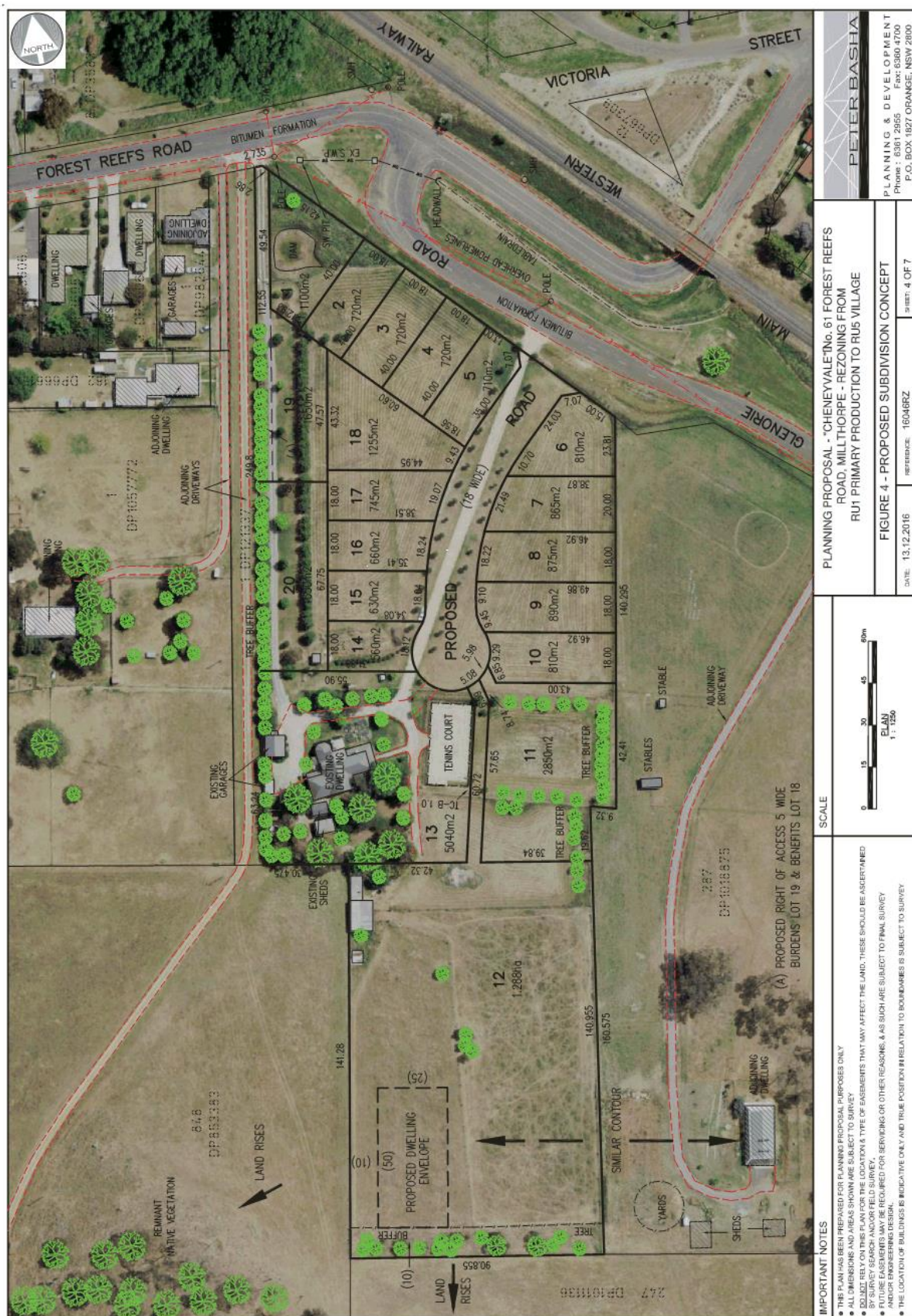


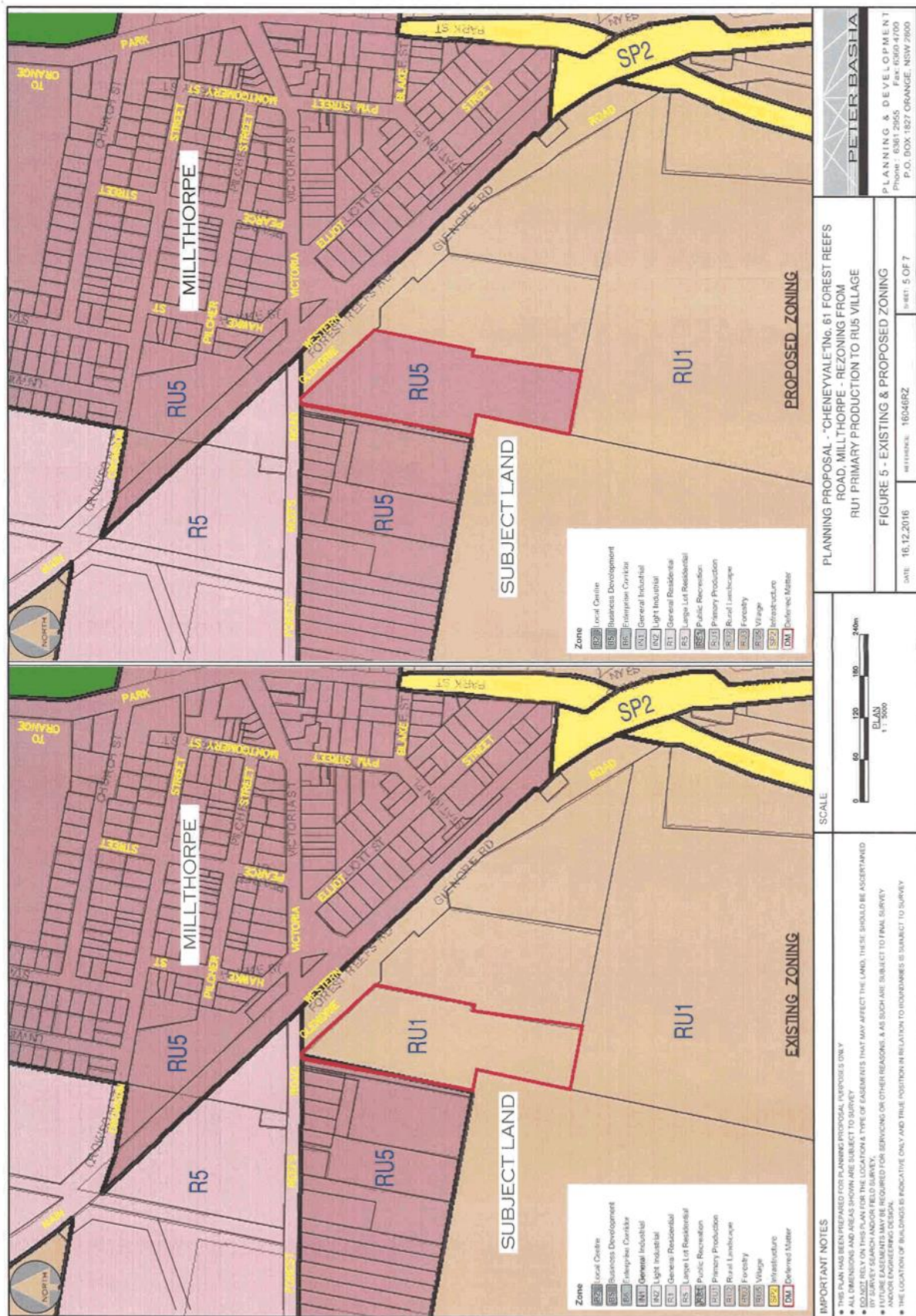


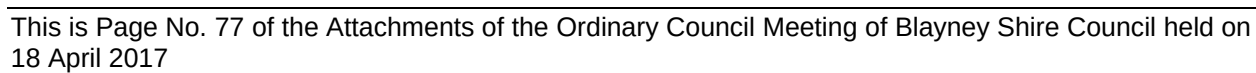














Annexure B

State Environmental Planning Policies Schedule of Consideration

Annexure B Proposed Rezoning 61 Forest Reefs Rd, Millthorpe from RU1 Primary Production to RU5 Village State Environmental Planning Policies - Schedule of Consistency	
SEPP	Relevance/Comment
SEPP No. 1 - Development Standards	Not applicable
SEPP No. 2 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 20
SEPP No. 3 – Castlereagh Liquid Waste Disposal Depot	Repealed by Infrastructure SEPP
SEPP No.4 - Development without Consent and Miscellaneous Complying Development	Not applicable
SEPP No. 5 - Housing for Older People or People with Disability	Repealed by SEPP (Housing for Seniors or People with a Disability) 2004
SEPP No. 6 - Number of Storeys in a Building	Not applicable
SEPP No. 7 - Port Kembla Coal Loader	Repealed by Infrastructure SEPP
SEPP No. 8 - Surplus Public Land	Repealed by Infrastructure SEPP
SEPP No. 9 - Group Homes	Repealed by Infrastructure SEPP
SEPP No. 10 - Retention of Low-Cost Rental Accommodation	Not applicable
SEPP No. 11 - Traffic Generating Developments	Repealed by Infrastructure SEPP
SEPP No. 12 - Public Housing (Dwelling Houses)	Repealed by SEPP No. 53
SEPP No. 13 - Sydney Heliport	Repealed by Sydney REP No. 26 - City West
SEPP No. 14 - Coastal Wetlands	Not applicable
SEPP No. 15 - Rural Land Sharing Communities	Not applicable
SEPP No. 16 - Tertiary Institutions	Repealed by Infrastructure SEPP
SEPP No. 17 - Design of Building in Certain Business Centres	Did not proceed
SEPP No. 18 - Public Housing	Did not proceed
SEPP No. 19 - Bushland in Urban Areas	Not applicable
SEPP No. 20 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 53
SEPP No. 21 – Caravan Parks	Not applicable
SEPP No. 22 - Shops and Commercial Premises	Not applicable
SEPP No. 23	Not allocated
SEPP No. 24 - State Roads	Did not proceed
SEPP No. 25 - Residential Allotment Sizes	Repealed by SEPP No. 53
SEPP No. 26 - Littoral Rainforests	Not applicable
SEPP No. 27 - Prison Sites	Repealed by Infrastructure SEPP
SEPP No. 28 - Town Houses and Villa Houses	Repealed by SEPP No. 25
SEPP No. 29 - Western Sydney Recreation Area	Not applicable
SEPP No. 30 - Intensive Agriculture	Not applicable
SEPP No. 31 - Sydney (Kingsford Smith) Airport	Repealed by Infrastructure SEPP
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Not applicable
SEPP No. 33 - Hazardous and Offensive Development	Not applicable
SEPP No. 34 - Major Employment Generating Industrial Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 35 - Maintenance Dredging of Tidal Waterways	Repealed by Infrastructure SEPP
SEPP No. 36 - Manufactured Home Estates	Not applicable
SEPP No. 37 - Continued Mines and Extractive Industries	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP No. 38 - Olympic Games and Related Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 39 - Spit Island Bird Habitat	Not applicable
SEPP No. 40 - Sewerage Works	Did not proceed
SEPP No. 41 - Casino/Entertainment Complex	Not applicable

Annexure B Proposed Rezoning 61 Forest Reefs Rd, Millthorpe from RU1 Primary Production to RU5 Village State Environmental Planning Policies - Schedule of Consistency	
SEPP	Relevance/Comment
SEPP No. 42 - Multiple Occupancy and Rural Land (Repeal)	Repealed
SEPP No. 43 - New Southern Railway	Repealed by Infrastructure SEPP
SEPP No. 44 - Koala Habitat Protection	Not applicable
SEPP No. 45 - Permissibility of Mining	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP No. 46 - Protection and Management of Native Vegetation	Repealed by Native Conservation Act, 1997
SEPP No. 47 - Moore Park Showground	Not applicable
SEPP No. 48 - Major Putrescible Land fill Sites	Repealed by Infrastructure SEPP
SEPP No. 49 - Tourism Accommodation in Private Homes (Draft Only)	Not applicable
SEPP No. 50 - Canal Estates	Not applicable
SEPP No. 51 - Eastern Distributor	Repealed by Infrastructure SEPP
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No. 53 - Metropolitan Residential Development	Not applicable
SEPP No. 54 - Northside Storage Tunnel	Repealed by Infrastructure SEPP
SEPP No. 55 - Remediation of Land	Applicable. Addressed in Planning Proposal at Section 4.3(b)(viii) and Annexure H
SEPP No. 56 - Sydney Harbour Foreshores and Tributaries	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 57	Not allocated
SEPP No. 58 – Protecting Sydney’s Water Supply	Repealed by Clause 7(3) of the Drinking Water Catchments REP No. 1
SEPP No. 59 - Central Western Sydney Economic and Employment Area	Not applicable
SEPP No. 60 - Exempt and Complying Development	Not applicable
SEPP No. 61 - Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed by Infrastructure SEPP
SEPP No. 62 - Sustainable Aquaculture	Not applicable
SEPP No. 63 - Major Transport Projects	Repealed by Infrastructure SEPP
SEPP No. 64 - Advertising and Signage	Not applicable
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	Repealed by Infrastructure SEPP
SEPP No. 69 - Major Electricity Supply Projects	Repealed by Infrastructure SEPP
SEPP 70 - Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 - Coastal Protection	Not applicable
SEPP No. 72 - Linear Telecommunications Development – Broadband	Repealed by Infrastructure SEPP
SEPP No 73 – Kosciuszko Ski Resorts	Repealed by SEPP (Kosciuszko National Park – Alpine Resorts) 2007
SEPP No. 74 - Newcastle Port and Employment Lands	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (ARTC Rail Infrastructure) 2004	Repealed by Infrastructure SEPP

Annexure B Proposed Rezoning 61 Forest Reefs Rd, Millthorpe from RU1 Primary Production to RU5 Village State Environmental Planning Policies - Schedule of Consistency	
SEPP	Relevance/Comment
SEPP (Sydney Metropolitan Water Supply) 2004	Repealed by Infrastructure SEPP
SEPP (Development on Kurnell Peninsula) 2005	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable
SEPP (Temporary Structures) 2007	Not applicable
SEPP (Infrastructure) 2007	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Rural Lands) 2008	Consistent with Rural Development Principles as explained in Planning Proposal
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable

Annexure C

Section 117 Directions Statement of Consistency

ANNEXURE C
STATEMENT OF CONSISTENCY, SECTION 117 DIRECTIONS
REZONING OF "CHENEYVALE" 61 FOREST REEFS ROAD, MILLTHORPE
FROM RU1 PRIMARY PRODUCTION TO RU5 VILLAGE

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

This Direction does not apply because the Planning Proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

1.2 Rural Zones

According to this Direction, a Planning Proposal must not rezone land from a rural zone to a village zone.

However, pursuant to Clause 5, a planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- d) is of minor significance.

In consideration of the above matters, the inconsistency with this Direction is justified as follows:

- The objective of this direction is to protect the agricultural production value of rural land. It is submitted that this Planning Proposal is not adverse to this objective because the subject land no longer represent an agricultural resource due to the following:
 - It is of a modest size with little potential for sustainable agricultural production.

- Its primary use is for rural residential purposes.
- It is adjacent to the village and large lot residential development.
- The northern half of the subject land is included in the Strategy as an investigation area for the extension of the village.
- This Planning Proposal demonstrates consistency with:
 - The *Blayney Settlement Strategy – Town of Millthorpe* (applicable Local Strategy); and
 - The *Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy*.
- The Planning Proposal is of relatively minor significance given that it involves land immediately adjacent to the existing RU5 Village Zone and typical urban utility service mains. The overall lot yield (some 18 vacant lots) is considered modest.

1.3 Mining, Petroleum and Extractive Industries

The planning proposal is not affected by this Direction.

1.4 Oyster Aquaculture

The planning proposal is not affected by this Direction.

1.5 Rural Lands

This Direction is applicable to the Planning Proposal.

The objectives of this Direction are:

- a) protect the agricultural production value of rural land,
- b) facilitate the orderly and economic development of rural lands for rural and related purposes.

According to this Direction a planning proposal must

- a) be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.
- b) be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

The Planning Proposal has been assessed as consistent with the Rural Planning Principles of SEPP (Rural Lands) 2008 (refer page 23 of the Planning Proposal).

2. ENVIRONMENT AND HERITAGE

2.1 Environment Protection Zones

This Direction does not apply because the Planning Proposal does not affect land within an environment protection zone.

2.2 Coastal Protection

The Planning Proposal is not affected by this Direction.

2.3 Heritage Conservation

This Direction is applicable to the Planning Proposal because the subject land is within a heritage conservation area.

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

According to this Direction, a planning proposal must contain provisions that facilitate the conservation of:

- a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The Planning Proposal is inconsistent with this Direction to the extent that it does not include provisions to the above effect. However, the inconsistency is justified on the grounds that the potential impacts are not significant and that a more detailed assessment can be undertaken at the DA stage. In this regard:

- The current provisions of Blayney LEP 2012 require an assessment of potential heritage impacts.
- Prior to any development, it will be necessary to prepare a Statement of Heritage Impact in accordance with the NSW Heritage Office publication *Statement of Heritage Impact Guidelines* (particularly Table 7 – Relevant HIS Questions). It is appropriate for this assessment to be undertaken at the DA stage.

- In regard to Aboriginal areas, objects, places or sites:
 - The *Blayney Settlement Strategy – Town of Millthorpe* states that *the growth of Millthorpe should seek to avoid or protect known and newly identified sites of Aboriginal Significance. The only known site near Millthorpe has been clearly identified and protected through an Aboriginal Heritage Study and will be isolated from residential development.*
 - Given the majority of the subject land has been identified in the Strategy as a future village extension area, it is reasonable to assume that the subject land and its surrounds are not sensitive in terms of Aboriginal significance.

2.4 Recreation Vehicle Areas

The Planning Proposal is not affected by this Direction.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

3.1 Residential Zones

This Direction is applicable to the Planning Proposal. The objectives of this Direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) to minimise the impact of residential development on the environment and resource lands.

According to this Direction a planning proposal must include provisions that encourage the provision of housing that will:

- a) broaden the choice of building types and locations available in the housing market, and
- b) make more efficient use of existing infrastructure and services, and
- c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d) be of good design.

A planning proposal must, in relation to land to which this Direction applies:

- a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- b) not contain provisions which will reduce the permissible residential density of land.

The Planning Proposal is considered to be consistent with this Direction due to the following:

- It broadens the choice of building types and locations available in the housing market, compared to what is currently permissible on the site, due to a mixture of different proposed lot sizes.
- The proposal will increase lot yield and thus will contribute to a more efficient use of existing infrastructure and services.
- The proposal applies to land that is identified in a local strategy as a potential village extension area. The proposal may assist to reduce the pressure for the consumption of land for housing and associated urban development in other urban fringe areas that have not been identified in an adopted strategy.
- The planning proposal is not adverse to the provision of housing with good design.
- Town water, sewer reticulation, electricity and telecommunications are available in the area and will be extended to the proposed development in accordance with the requirements of the relevant service authority. In accordance with Council's normal requirements the provision of services will occur at the subdivision stage and prior to any residential development being undertaken on any allotment.
- The planning proposal does not contain provisions that reduce the permissible residential density of the subject land.

3.2 Caravan Parks and Manufactured Home Estates

The Planning Proposal is not affected by this Direction.

3.3 Home Occupations

The Planning Proposal is not affected by this Direction.

3.4 Integrating Land Use and Transport

This Direction applies to the Planning Proposal.

There are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- School bus routes operate in the vicinity of the subject land.
- The site is within easy walking and cycling distance of the Millthorpe town centre.

3.5 Development near Licensed Aerodromes

The Planning Proposal is not affected by this Direction.

■

3.6 Shooting Ranges

The Planning Proposal is not affected by this Direction.

4. HAZARD AND RISK**4.1 Acid Sulphate Soils**

The Planning Proposal is not affected by this Direction.

4.2 Mine Subsidence and Unstable Land

The Planning Proposal is not affected by this Direction.

4.3 Flood Prone Land

The Planning Proposal is not affected by this Direction as the subject land is not identified on Council's LEP mapping as a flood planning area.

The *Blayney Settlement Strategy – Town of Millthorpe* suggests that the northern tip of the subject land may be subject to localised flooding due to poor drainage arrangements associated with the railway underpass on Forest Reefs Road. The Strategy suggests that this issue will be addressed by Council.

4.4 Planning for Bushfire Protection

The Planning Proposal is not affected by this Direction.

5. REGIONAL PLANNING**5.1 Implementation of Regional Strategies**

The Planning Proposal is not affected by this Direction.

5.2 Sydney Drinking Water Catchments

The Planning Proposal is not affected by this Direction.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The Planning Proposal is not affected by this Direction.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

The Planning Proposal is not affected by this Direction.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

6

5.6 Sydney to Canberra Corridor

Revoked

5.7 Central Coast in vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.8 Second Sydney Airport: Badgery's Creek

The Planning Proposal is not affected by this Direction.

6. LOCAL PLAN MAKING**6.1 Approval and Referral Requirements**

The Planning Proposal does not alter provisions relating to approval and referral requirements.

6.2 Reserving Land for Public Purposes

The Planning Proposal is not affected by this Direction.

6.3 Site Specific Provisions

The Planning Proposal is not affected by this Direction.

7. METROPOLITAN PLANNING**7.1 Implementation of the Metropolitan Strategy**

The planning proposal is not affected by this Direction.



4. Town of Millthorpe

Blayney Settlement Strategy (Final)



they are adjacent to an existing industrial site so land use conflicts are minimised. Unfortunately, other than the minor rezoning extension noted above, there is no ability for this industrial site to grow beyond the current boundaries in the future.

4.21.6. Future Growth Directions

If the growth rates of Millthorpe increased significantly above estimates in this Strategy there may be potential to amend the zoning to allow the town to accommodate additional residential growth (Figure 22). If the existing supply of Village Zone land were to be reduced to 30% of current supplies (approximately 20 lots remaining) then there is potential to extend the Village Zone to supply more land.

As this chapter highlights there are a number of constraints to extension of the Village Zone including the water catchment to the east, large lot residential development to the north and west, topography to the south-east, the railway line to the west, and drainage channels/ watercourses to the north and west.



Figure 22: Future growth directions for Millthorpe.

Please note that whilst the existing Zone 7(c) (Environment Protection – Water Catchment) is not immediately adjacent to the Village Zone on the east side of Millthorpe, the actual water catchment is likely to extend right up to the Village Zone boundary. This would limit development opportunities to the north of Kingham Street but may allow some limited development extension to the south of Pitt Street (when it is formed).

There is also the key issue of protecting the visual / heritage catchment of the town centre and minimising large-scale development within the heritage conservation area that would be visible from the town centre. This may prevent development of areas such as the steep lands to the south-east of town and the existing vineyard area to the south-west of town (other side of rail corridor). Whilst development could potentially extend to the west of the rail corridor along Forest Reefs Road, the aim is also to promote a compact settlement to maximise access to the





4. Town of Millthorpe

Blayney Settlement Strategy (Final)



town's services and facilities, avoid urban sprawl, and minimise impacts on surrounding agricultural land uses.

There is potential for a future investigation area for an extension of the Village Zone in Millthorpe at the corner of Forest Reefs Road and Glenorie Road that has the following benefits including, but not limited to:

- It is adjacent to, and a natural extension of, the existing Village Zone in close proximity to the town centre;
- It is adjacent to existing town utilities/services (water, sewerage, gas, electricity) that will reduce development cost and allow more efficient utilisation of existing infrastructure;
- The land sits at a relatively low contour resulting in lower visibility from the heritage town centre and this improves its chance of addressing visual/heritage impact issues;
- Future development of this land may allow for development of a road corridor along the western edge of the investigation zone that would increase access to the rear of the Forest Reefs Road Village lots and the future investigation area for large lot residential – producing a more efficient/cost effective access solution.

Investigation of this area will only be required once the short and medium term infill development opportunities reach 60-70% take-up of existing vacant land/lots. This will address the concerns of one of the submissions to the Strategy.

However, any other lands at a higher contour along Glenorie Road are unlikely to be suitable primarily because they form an important scenic backdrop to the town centre and would have a high heritage impact. Managing impacts on the heritage character is a high priority for this town as evidenced by the other Village Committee submissions made to Council.

In addition, Council does not support the submission seeking to extend future investigation areas for the Village area to the north of Millthorpe along Park Street (currently shown as 'long term large lot residential') as this area has a high heritage sensitivity and has a number of drainage and ecological issues that warrant keeping this for larger lot residential purposes.

