



IRF21/2334

## Gateway determination report – PP-2021-3588

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Amendment to Blayney Local Environmental Plan 2012 by amending zone and minimum lot size at Millthorpe village and surrounding area, and permitting additional dwellings at Lots 46 & 47 DP 263360, Lot 40 DP 263360 and Part Lot 247 DP 1011136.

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# Contents

<b>1</b>	<b>Planning Proposal .....</b>	<b>1</b>
1.1	Overview and objectives of planning proposal .....	1
1.2	Site Description and Explanation of provisions.....	2
1.2.1	Millthorpe Urban Area (PP2A).....	2
1.2.2	Dwelling Permissibility (PP2B) .....	2
1.2.3	North Millthorpe Large Lot Residential Area (PP2C) .....	4
1.2.4	78 Clover Ridge Road, Millthorpe (PP2D).....	5
1.2.5	Summary of Amendments .....	7
1.3	Mapping.....	7
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>7</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>8</b>
3.1	Regional Plan .....	8
3.2	Local.....	8
3.3	Section 9.1 Ministerial Directions .....	12
3.4	State environmental planning policies (SEPPs) .....	14
<b>4</b>	<b>Site-specific assessment .....</b>	<b>14</b>
4.1	Environmental.....	14
4.2	Social and economic.....	15
4.3	Infrastructure .....	16
<b>5</b>	<b>Consultation.....</b>	<b>16</b>
5.1	Community .....	16
5.2	Agencies.....	16
<b>6</b>	<b>Timeframe .....</b>	<b>16</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>16</b>
<b>8</b>	<b>Assessment Summary.....</b>	<b>17</b>
<b>9</b>	<b>Recommendation.....</b>	<b>17</b>

**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal -PP2: Millthorpe & Surrounds prepared by iPLAN Projects dated 10 May 2021
Council Agenda – Original Council meeting dated 17 May 2021 (report) and Resolution
Blayney Shire Settlement Strategy – 08 February 2021 (BSSS)
Further information from Blayney Shire Council dated 12 August 2021

# 1 Planning Proposal

## 1.1 Overview and objectives of planning proposal

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Blayney Shire Council</b>
<b>PPA</b>	<b>Blayney Shire Council</b>
<b>NAME</b>	<b>Amendment to Blayney Local Environmental Plan 2012 by amending zone and minimum lot size at Millthorpe village and surrounding area, and permitting additional dwellings at Lots 46 &amp; 47 DP 263360, Lot 40 DP 263360 and Part Lot 247 DP 1011136.</b>
<b>NUMBER</b>	<b>PP-2021-3588</b>
<b>LEP TO BE AMENDED</b>	<b>Blayney Local Environmental Plan 2012 (BLEP 2012)</b>
<b>ADDRESS</b>	<b>Millthorpe and surrounds</b>
<b>DESCRIPTION</b>	<b>Refer to Section 1.2 of the report</b>
<b>RECEIVED</b>	<b>12/08/2021</b>
<b>FILE NO.</b>	<b>IRF21/2334</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The proposal intends to amend BLEP 2012 controls to implement recommendations for Millthorpe and surrounding area in the Council adopted (however not endorsed by DPIE) Blayney Shire Settlement Strategy 2020. Controls proposed to be amended under this proposal are zoning and minimum lot size along with including additional dwelling permissibility for properties in Millthorpe.

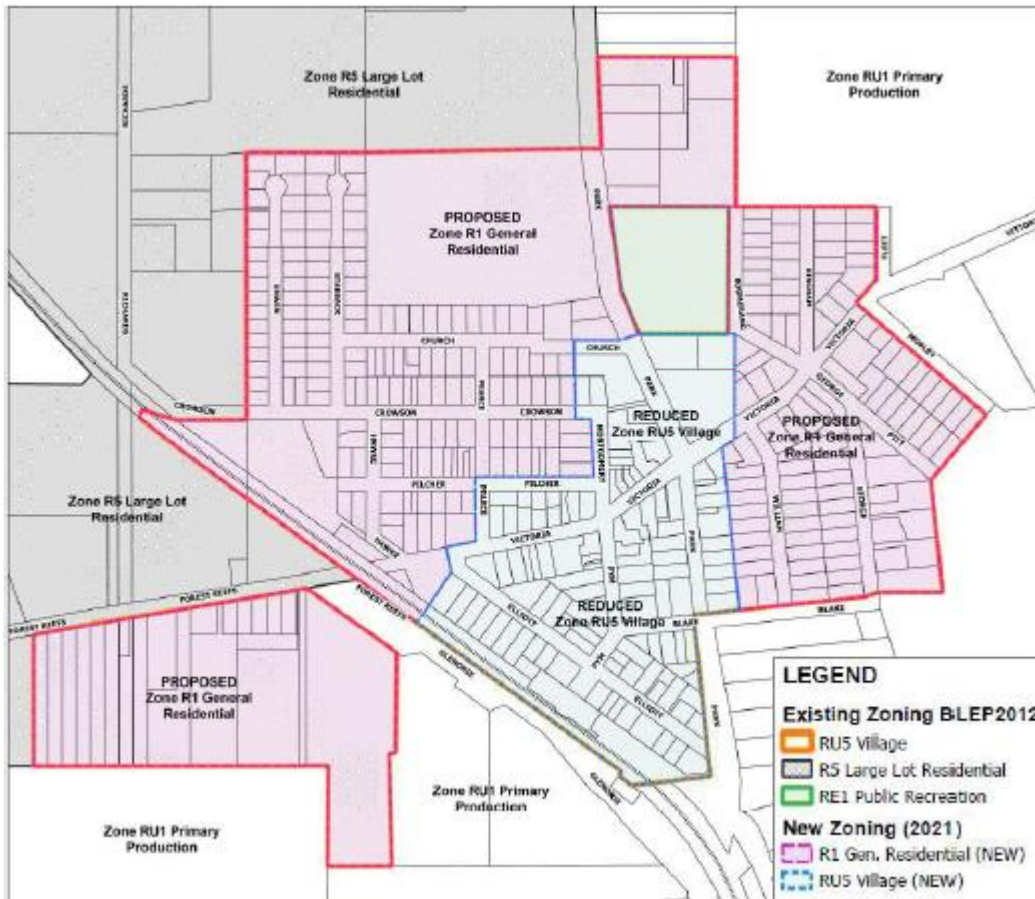
In particular, the planning proposal:

- PP2A - Amends zone from RU5 Village to R1 General Residential for the urban land outside of the Millthorpe village centre;
- PP2B - Permit dwelling houses for three specific lot/holdings;
- PP2C - Increase minimum lot size (MLS) to 2ha from 4000m<sup>2</sup> for R5 Large Lot Residential land located at North Millthorpe (amended by Council on 12 August 2021 to allow 4000m<sup>2</sup> subject to provision of reticulated water and sewer); and
- PP2D - Extend the large lot residential zone boundary to include 78 Clover Ridge Road, Millthorpe.

## 1.2 Site Description and Explanation of provisions

### 1.2.1 Millthorpe Urban Area (PP2A)

Proposed amendments will impact RU5 Village land around Millthorpe village and comprises of 3 separate areas located outside of the village core. The urban area is surrounded by RU1 Primary Production land to the east and south and R5 Large Lot Residential land to the west and north. The urban area is split over Main Western railway line.



**Figure 1: Map showing 3 areas around the Millthorpe village core (Source: Council planning proposal report, 2021).**

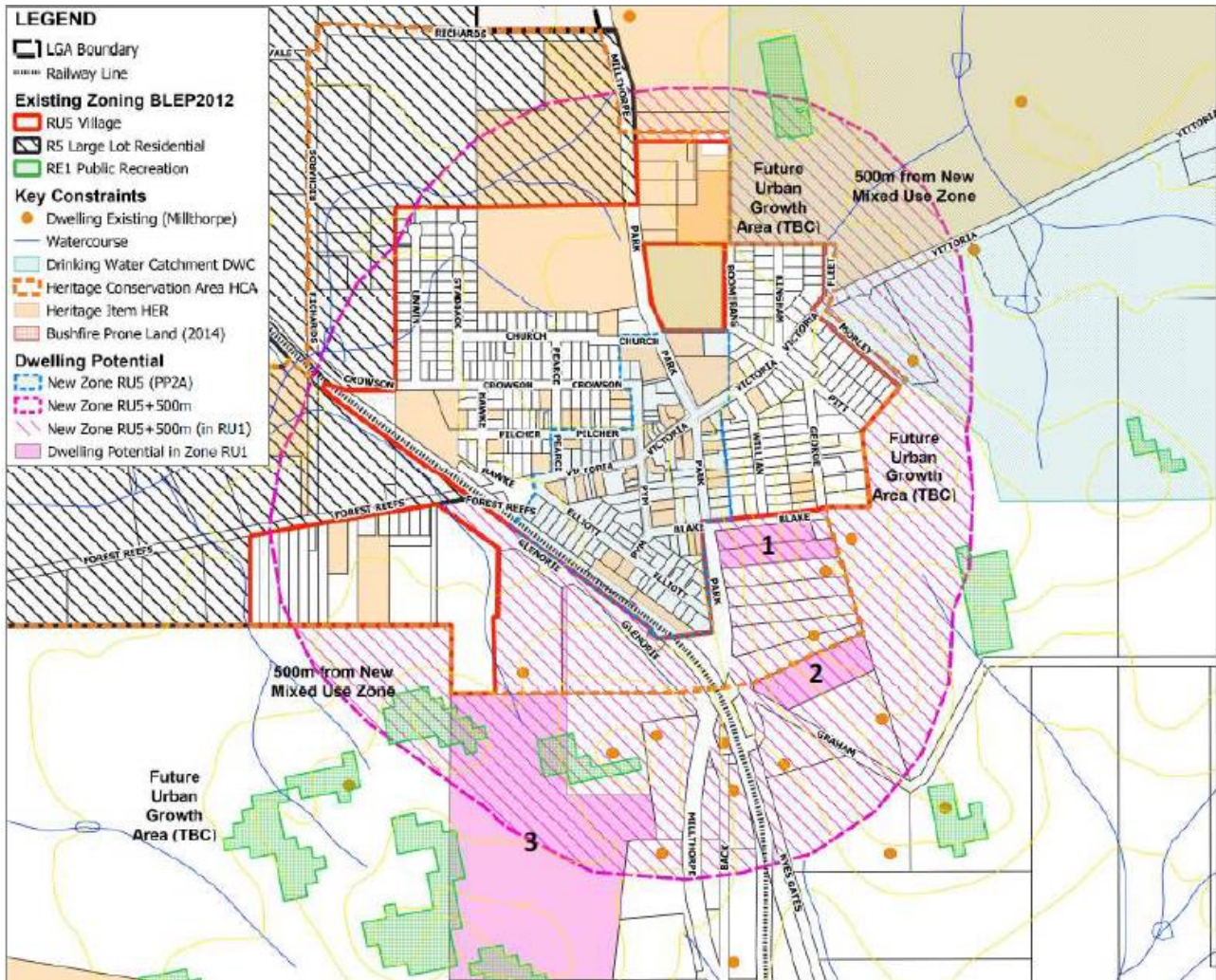
Page 8 of the planning proposal contains an adequate explanation of how this objective of the proposal will be achieved. It is proposed to amend zone from RU5 Village to R1 General Residential to limit commercial and industrial activities outside the village core centre and reduce land use conflict. The MLS of 450m<sup>2</sup> will be retained for the newly proposed zone R1 land and will provide distinction between the large lot residential to the north and west. Zoning for the village centre will be retained to support and develop a non-residential use focused local centre for Millthorpe.

### 1.2.2 Dwelling Permissibility (PP2B)

Blayney Shire Settlement Strategy 2020 recommends providing dwelling permissibility for lots located within 500m of village centre with a minimum lot size of 2ha. Council has audited the land around Millthorpe and identified 3 lots without an existing dwelling and not affected significantly by environmental constraints. However, 2 of these lots identified are less than 2ha and will require appropriate consultation to ensure the identified lots are suitable for the purpose of a dwelling house. The lots are:



- Site 1 - 20 Blake St, Millthorpe (Lot 46 and 47 DP 263360). The resulting lot will be less than 2ha.
- Site 2 - 3 Graham Lane, Millthorpe (Lot 40 DP 263360) and is less than 2ha
- Site 3 - Part of 1187 Millthorpe Rd, Millthorpe (Part Lot 247 DP 1011136). Council is currently in receipt of a development application (DA) to adjust boundary between subject lot and lot located north of the subject lot (Lot 101 DP 717311) to create a new lot which will be eligible for dwelling house permissibility.



**Figure 2: Map showing 3 dwelling opportunity in Millthorpe (Source: Council planning proposal report, 2021).**

Page 13 of the planning proposal contains an adequate explanation of how this objective of the proposal will be achieved. Council has proposed to:

- Introduce a site-specific dwelling opportunity map;
- Amend Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural zones. It is proposed to remove current Clause 4.2A(3)(e), amend Clause 4.2A(3)(f), 4.2A(4), 4.2A(6) and introduce a new sub clause 4.2A(3)(f) which refers to the dwelling opportunity map; and
- Amend Clause 4.6(8) Exceptions to development standards by including reference to amended clause under Clause 4.2A as described above;
- The dwelling opportunity will remain valid for 5 years from the date of the commencement of the LEP amendment.





opportunities in an around Millthorpe. This work will be undertaken with extensive consultation with the community.

- At the time of gazettal of BLEP 2012, 4000m<sup>2</sup> MLS was identified as a suitable density with development criteria provided in the DCP requiring the land to be serviced by water and sewer. Council advised that since that time, the servicing of the land has not been economical and the land use pattern and the expectation is now for larger unserviced lots. Council has no plans to extend current services to North Millthorpe. Council further advised that the 4000m<sup>2</sup> lots are unsuitable for on site effluent disposal and such density will impact on the entrance to historic the Millthorpe village.

The proposed amendment to increase MLS to 2ha is supported by Council's adopted BSSS as the future desired density for North Millthorpe. The proposed MLS of 2ha will result in the lot yield being reduced from a potential 90 lots to 35 lots in this area. Having regard to potential housing stress in regional areas at this time Council on 12 August 2021 has proposed to increase the MLS to 2ha with an additional overlay that will maintain 4000m<sup>2</sup> MLS subject to the land being serviced by reticulated water and sewer. This will enable Council to undertake further strategic work to investigate future residential release areas around Millthorpe to ensure there is an adequate supply and variety of residential land.

To achieve this Council has proposed a provision similar to Clause 4.1(4A) of Oberon LEP 2013 follows-

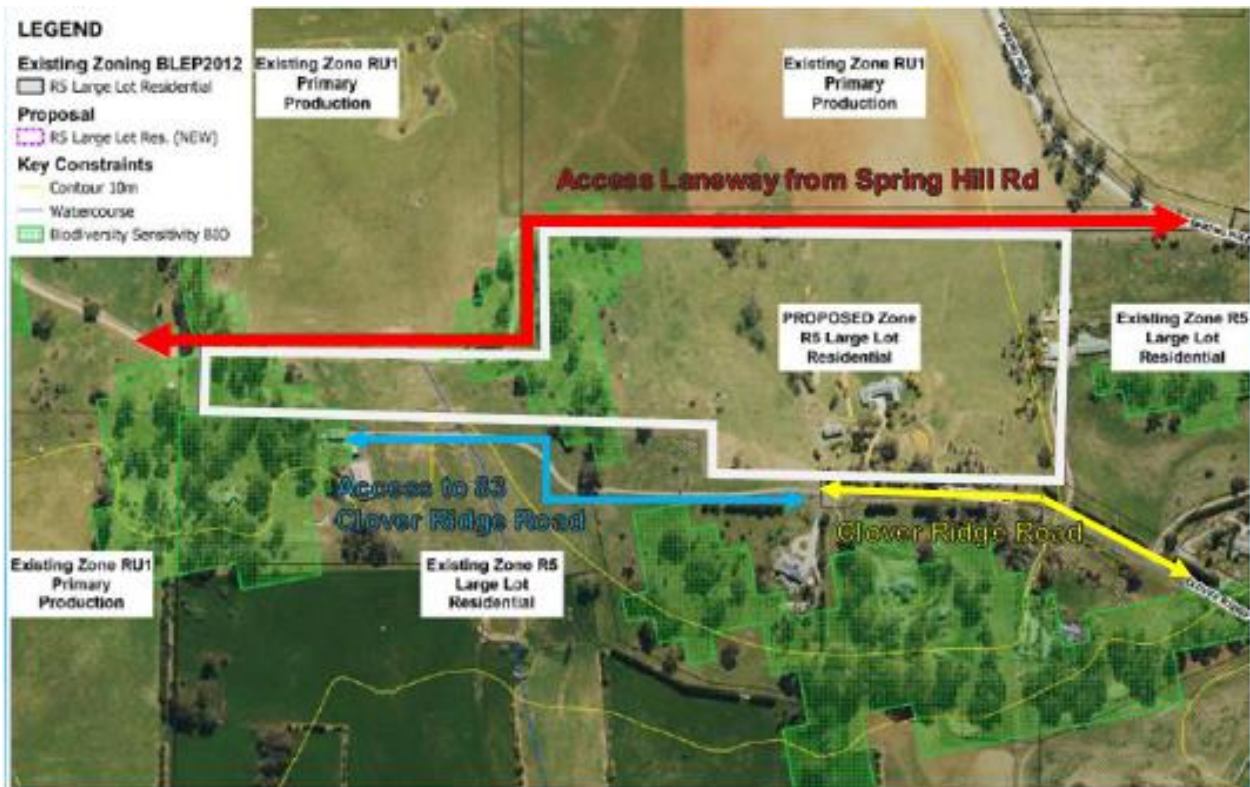
**“4.1 Minimum subdivision lot size**

(4A) Despite subclause (3), land identified as “Area A” on the [Lot Size Map](#) may be subdivided to create lots of not less than 4,000 square metres if the consent authority is satisfied that each lot is, or will be, serviced by a sewage reticulation system and a water reticulation system.”

This will be subject to PCO drafting to achieve the recommended intent. In this regard, Council is required to amend the planning proposal to include discussion about the map overlay and the intent of the proposed provision.

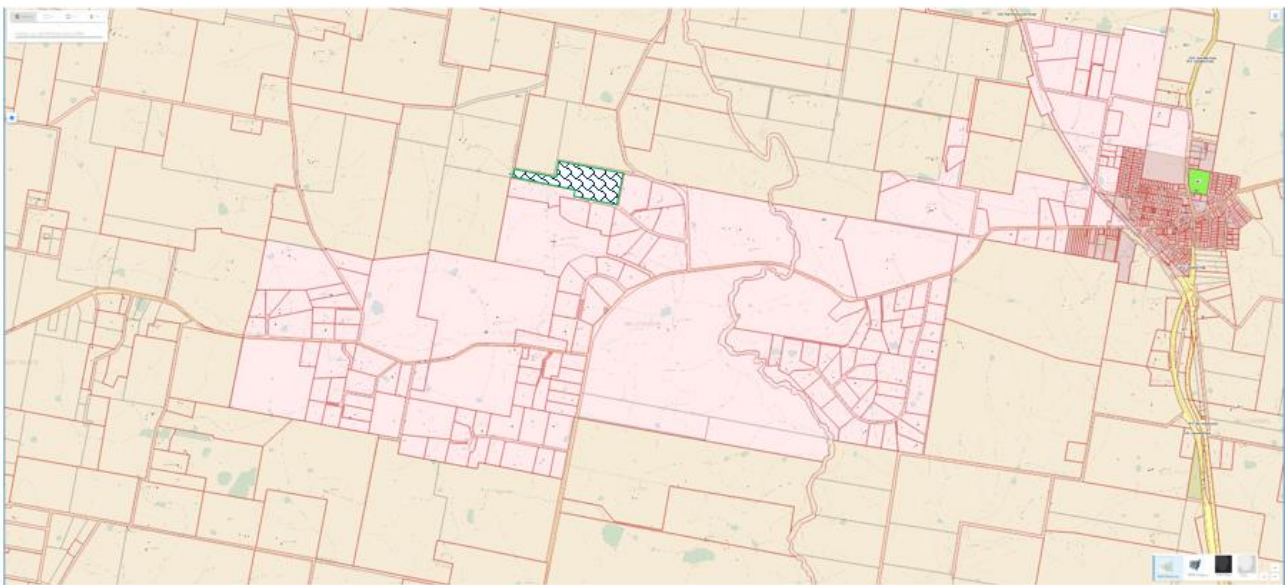
#### 1.2.4 78 Clover Ridge Road, Millthorpe (PP2D)

The subject site is located to the west of the town of Millthorpe and is situated on the edge of current RU1 and R5 land boundary. The subject site has many physical constraints including access laneway from Spring Hill Road to the north which physically separates the site from adjoining RU1 primary production land. The western side of the land contains sensitive biodiversity areas and watercourse in addition to being narrow, giving the lot an odd shape. The land to the south and east is existing large lot residential land with dwellings located to the immediate east and south of the lot. The subject site itself contains a dwelling.



**Figure 4: Subject site located at 78 Clover Ridge Rd, Millthorpe (Source: Council planning proposal report, 2021).**

Looking at the broader area (Figure 5), it is observed that the subject site is the only isolated odd shaped lot. The site itself is too small to sustain agricultural activity. The laneway reserve adjoining to the north provides a good boundary between zone R5 and zone RU1. There is ample amount of land to achieve appropriate buffer from adjoining rural uses, should the subject site be used for large lot residential purposes. Considering the size of the land, current dominant land use and the physical constraints that isolate the site from adjoining rural land; the amendment to the zone and MLS of the land is appropriate as supported in the Council's BSSS.



**Figure 5: 78 Clover Ridge Road, Millthorpe (PP2D) in relation to surrounding R5 and RU1 zone (Source: ePlanning portal, 2021).**

Page 26 of the planning proposal report contains an adequate explanation of how this objective of the proposal will be achieved. The subject site is proposed to have an amended zone from RU1 Primary Production to zone R5 Large Lot Residential and amended MLS from 100ha to 2ha. These amendments will facilitate appropriate land use. The intended outcome will extend the current R5 land by amending the zone boundary and MLS of the subject site. The estimated potential lot yield is 6 lots.

### 1.2.5 Summary of Amendments

To summarise, this proposal seeks to amend-

**Table 3 Current and Proposed controls**

Control	Area	Current	Proposed
Zone	PP2A - Millthorpe Urban Land	RU5 Village	R1 General Residential
	PP2B - Millthorpe Village	RU1 Primary Production	unchanged
	PP2C- North Millthorpe	R5 Large Lot Residential	unchanged
	PP2D - 78 Clover Ridge Rd	RU1 Primary Production	R5 Large Lot Residential
Minimum lot size	PP2A - Millthorpe Urban Land	450m <sup>2</sup>	unchanged
	PP2B- Millthorpe Village	100ha	unchanged
	PP2C- North Millthorpe	4000m <sup>2</sup>	2ha with an overlay to allow 4000m <sup>2</sup> subject to water and sewer services
	PP2D - 78 Clover Ridge Rd	100ha	2ha
Additional Permitted Use	PP2A -Millthorpe Urban Land	none	unchanged
	PP2B - Millthorpe Village	none	additional uses included
	PP2C- North Millthorpe	none	unchanged
	PP2D- 78 Clover Ridge Rd	none	unchanged

## 1.3 Mapping

The planning proposal includes figures showing the proposed changes to the Land Zoning Map (LZN\_004 and LZN\_004A) Lot Size Map (LSZ\_004 and LSZ\_004A) and new dwelling opportunity map, which are suitable for community consultation. Prior to finalisation, all maps will need to be prepared including a new dwelling permissibility map and MLS overlay for Item PP2C.

## 2 Need for the planning proposal

The Planning Proposal is required to achieve intended outcomes for Millthorpe as per recommendations under Blayney Shire Settlement Strategy 2021 (BSSS). The proposed amendments (and MLS overlay for North Millthorpe) will enable cohesive and suitable land uses, which is not possible utilising the current development controls that apply to the lands. Throughout

the planning proposal report, Council explored alternative methods of achieving the intended outcomes for each area by suggesting both the preferred and possible methods and the resulting impact of the method. The Council preferred methods achieve the outcomes with correct development control and mechanisms to streamline development assessment process without impacting other lands throughout Blayney LGA.

## 3 Strategic assessment

### 3.1 Regional Plan

**Table 4 Regional Plan assessment**

Regional Plan	Justification
Central West and Orana Regional Plan (CWORP) 2036	<p>The proposal for Millthorpe will provide appropriate controls for housing within Millthorpe (Urban area and North Millthorpe) and facilitate additional housing opportunities (south of Millthorpe and 78 Clover Ridge Road, Millthorpe) in Millthorpe and Blayney LGA. The amendments will provide cohesive land uses, particularly for Millthorpe urban area by limiting non-residential use throughout Millthorpe urban area and promote the village core as an area for all commercial and industrial use. The amendments seek to reduce land use conflict and reduce the need to fragment rural land for residential purposes by providing some opportunities for additional housing variety. Overall, the proposal complies with the following directions of the CWORP 2036:</p> <ul style="list-style-type: none"> <li>• Direction 1: Protect the region's diverse and productive agricultural land.</li> <li>• Direction 10: Promote business and industrial activities in employment lands.</li> <li>• Direction 12: Plan for greater land use compatibility.</li> <li>• Direction 25: Increase housing diversity &amp; choice.</li> <li>• Direction 28: Manage rural residential development.</li> </ul>

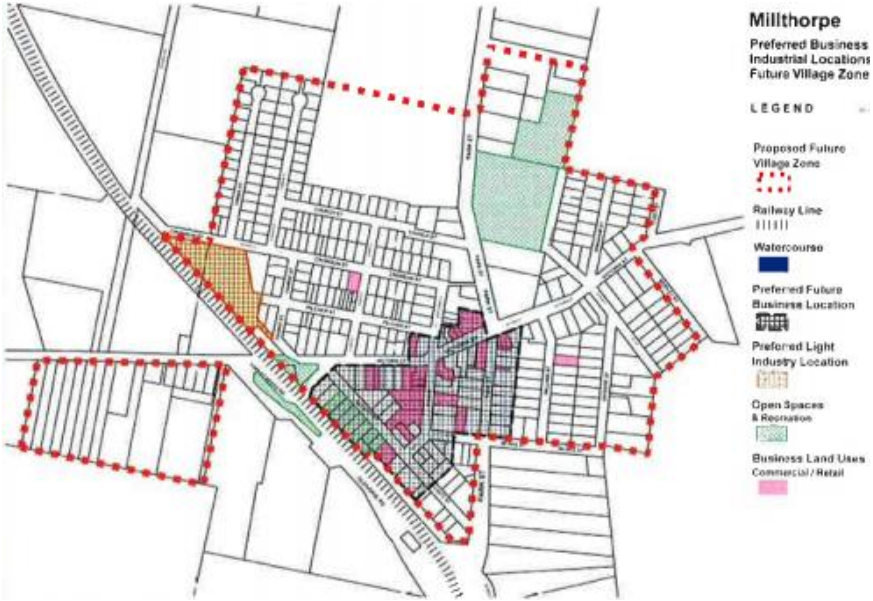
### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:



**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Blayney Shire Local Strategic Planning Statement (LSPS)	<p>The proposal will support the increasing demand for housing by having additional land available for development whilst maintaining Millthorpe's heritage character. The proposed rezoning, MLS amendment and the opportunities to have dwellings will facilitate increased development by providing options for a range of urban and large lot residential housing in proximity to Millthorpe Village whilst minimising conflict with agriculture. To summarise, the proposal will give effect to-</p> <ul style="list-style-type: none"> <li>• Planning Priority 2 - Protect agricultural land use resources whenever possible, by discouraging land uses unrelated to agriculture from locating on agricultural land and minimising the ad hoc fragmentation of rural land</li> <li>• Planning Priority 4 - Recognise the current demand for dwelling lots with a more rural or landscape character and enhance those settlements with the ability to provide for this type of development. Focus large-scale urban residential</li> </ul>



Local Strategies	Justification
	<p>development in the town of Blayney and Millthorpe where there are higher levels of services, infrastructure and facilities to support growth.</p>
<p>Blayney Settlement Strategy 2012 (BSS)</p>	<p>Blayney Settlement Strategy 2012 (BSS) was endorsed by DPIE on 9 November 2012 and addressed the subject sites under this proposal as following-</p> <ul style="list-style-type: none"> <li>• Millthorpe Urban area- PP2A – BSS supported retaining existing village zone for the whole of Millthorpe Urban area and core centre, however recognised the need to locate industrial establishments along the rail line and towards the west of Millthorpe and the commercial be located in the core of Millthorpe Village.</li> </ul>  <p><b>Figure 6: Preferred location for business and Industrial uses in Millthorpe (Source: BSS, 2012)</b></p> <ul style="list-style-type: none"> <li>• Dwelling permissibility- PP2B- No recommendations were made under BSS.</li> <li>• North Millthorpe - PP2C- BSS identified the lots closer to Millthorpe urban area for short to medium term and long term large lot residential living.</li> </ul>



Local Strategies	Justification
	 <p><b>Figure 7: Growth direction for Millthorpe under BSS (Source: BSS, 2012)</b></p> <ul style="list-style-type: none"> <li>78 Clover Ridge Road, Millthorpe – PP2D – BSS does not include subject lot as part of large lot residential land located west of Millthorpe.</li> </ul>  <p><b>Figure 8: Rural small holding west of Millthorpe (Source: BSS, 2012)</b></p>
Blayney Shire Settlement Strategy, 2020 (BSSS)	Blayney Shire Settlement Strategy (BSSS) was endorsed by Council on 15 February 2021 and is currently being reviewed by the Department for endorsement. The land use strategy balances competing needs for additional housing with management of agriculture and environmental constraints.

Local Strategies	Justification
	<div data-bbox="339 293 1007 1128"> </div> <div data-bbox="1023 293 1305 1128"> <p>Protect key entrances to town</p> <p>Existing opportunity Already zoned area with the ability to deliver approximately 35 standard dwellings subject to limiting impact on entrance to town and drainage constraints Proposed to be deferred for further consideration</p> <p>Opportunity Potential for the village to expand along Vittoria Road to the north and off Pitt Street Proposed to be deferred for further consideration</p> <p>Contract the Village zone – exact boundaries to the determined</p> <p>Consider new R2 Low Density Residential zone Proposed to be deferred for further consideration</p> <p>Protect key entrances to town</p> </div>

**Figure 9: Millthorpe Constraints and Opportunities (Source: BSSS, 2020)**

The proposed amendments are direct recommendations of the BSSS (Section 4.3.2). The BSSS particularly identifies Millthorpe needing appropriate land use controls which will provide cohesive development and compatible land uses. BSSS identifies Millthorpe is one of the two identified villages with high housing demand.

The following comments are provided for each proposed amendment as also discussed in section 1.2 above:

- Millthorpe Urban area- Site PP2A - The urban area amendment will ensure that non-compatible uses are limited within the urban area (i.e. commercial and industrial uses) to increase desirability of living in the urban land and reduce land use conflict. The retention of village zoning will also help maintain heritage and character of the village, while providing new opportunities for housing away from the urban centre.
- Dwelling permissibility- Site PP2B- Dwelling permissibility for lots over 2ha located within 500m of the town is a reoccurring recommendation across all investigation areas of Blayney Shire Council.
- The land use planning principles used in the BSSS are to identify additional dwelling opportunities on the urban fringe. The additional dwelling opportunities are identified as not being affected by significant environmental constraints, have access to a sealed public road in an acceptable proximity to the town. Generally, the southern side of the town is avoided for urban release due to high slope of the area. Council identified 3 properties which are located in the south, which are

Local Strategies	Justification
	<p>not significantly constrained by the slope, accessible by Glenorie Road and Park Street and have sufficient area to be developed without being serviced. As some of the lots identified are less than 2ha, consultation with Natural Resources Access regulator (NRAR) is required to assess suitability of development of un-serviced undersized land particularly in relation to sustainable water supply.</p> <ul style="list-style-type: none"> <li>• North Millthorpe-Site PP2C - The BSSS identifies North Millthorpe as having no sewer and water services, whereas the current 4000m<sup>2</sup> MLS for dwelling houses requires water and sewer services. The land ownership is fragmented and Council does not plan to extend services to north. The 4000m<sup>2</sup> density also impacts on the entrance to historic Millthorpe. The BSSS recommends the MLS be amended to a 2ha MLS to provide a future strategic direction for dwelling opportunities without the land being serviced. As discussed in section 1.2 above this will reduce the potential lot yield. Council intends to undertake further strategic work to identify future residential release areas around Millthorpe. Council on 12 August 2021 proposed to amend this item to maintain the 4000m<sup>2</sup> MLS subject to the land being serviced by reticulated water and sewer while increasing the MLS to 2ha.</li> <li>• 78 Clover Ridge Road, Millthorpe – Site PP2D - As discussed in section 1.2 above, the subject site is located on the zone boundary of rural and residential use, contains a dwelling, has adjoining dwellings in proximity, has an odd shape and is isolated by access laneway. Rather, the proposed large lot residential use will allow utilisation of the land whilst achieving appropriate buffer from adjoining rural use. As such the recommendation to rezone land to R5 and amend the MLS for the subject lot is supported.</li> </ul>
Draft Subregional Rural and Industrial Lands Strategy (2019 to 2036) (BCO)	<p>The objectives stated in section 11 of the BCO Land Use Strategy are to provide a range of residential opportunities within the rural areas that will express real demand, compatible with the natural environment, settlement patterns, community aspirations, and economic pursuits of people living and working in the rural areas of the Sub-Region. This proposal is consistent with this objective as all the recommendations will facilitate appropriate dwelling opportunities within the urban area of Millthorpe and provide further large lot residential opportunities having regard to the sub region of Blayney, Orange and Cabonne.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 3 - 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones and 1.5 Rural Lands	Inconsistent - Justified	The proposal for dwelling permissibility (PP2B) and 78 Clover Ridge Road (PP2D) Millthorpe are not consistent with this direction by increasing residential density. The proposed amendments are supported by the Council adopted local strategy (BSSS). Although the



		strategy is not endorsed by the Department, the proposed amendments are consistent with the Central West & Orana Regional Plan 2036 (as discussed in section 3.1) and the proposed amendment will facilitate appropriate use of the land whilst minimising conflict with surrounding land use. As such, the amendment is considered to be of minor significance. The inconsistency is deemed justified in this case. No further work is required.
1.3 Mining, Petroleum Production and Extractive Industries	Inconsistent - Justified	The proposal for dwelling permissibility (PP2B) and 78 Clover Ridge Road (PP2D) Millthorpe are not consistent with this direction by facilitating residential opportunities which will restrict potential for mining activities. The subject sites are located within proximity to the Millthorpe village and not identified to have any mineral resources presence as per the Mineral Resources Audit of Blayney Shire Map dated August 2012. As such, the inconsistency is justified as being of minor significance due to the strategic work in BSSS, the location and use of the land is in close proximity to Millthorpe. No further work is required.
2.1 Environment Protection Zones	Consistent	The proposed amendments clearly identify biodiversity for each proposed area. Detailed consideration of managing the resources can be given during development assessment stage. The proposal does not reduce the environmental protection standards that apply to the land. The proposal is deemed to be consistent with this direction.
2.3 Heritage Conservation	Consistent	The proposal clearly identifies heritage significant properties and conservation areas located in Millthorpe, particularly Millthorpe Urban area and North Millthorpe. The Blayney LEP 2012 contains adequate controls for consideration of development impacting local heritage and can be assessed accordingly during development application stage. The proposal does not change the existing heritage considerations and provisions. The proposal is deemed to be consistent with this direction.
2.6 Remediation of Contaminated Land	Inconsistent - Unresolved	Amendments proposed for dwelling permissibility (PP2B) and 78 Clover Ridge Road (PP2D) Millthorpe will enable residential development. The development for dwelling permissibility sites will require assessment of contamination on the land during development application however as the amendment for 78 Clover Ridge Road (PP2D) will rezone the land from rural to residential, a preliminary contamination assessment is required prior to community consultation.
3.1 Residential Zones	Consistent	The planning proposal will enable broader choice of dwelling types in the area by facilitating additional dwelling opportunities with appropriate MLS, thus, reducing residential demand by increasing density and enforcing good design. The proposal is consistent with this direction. The reduction in the potential lot yield for North Millthorpe PP2C has been justified by the BSSS work and the lot yield can be maintained subject to the land being serviced.
5.10 Implementation	Consistent	As discussed under section 3.1 of this report the proposal is consistent with this direction and no further work is required.

of Regional Plans		
6.3 Site Specific Provisions	Inconsistent-Justified	The proposal is inconsistent with this direction as the proposed amendment for dwelling permissibility (PP2B) will enable a land use that would normally not be permitted due to non-compliance with MLS. Considering that the proposed amendments are supported by the Council adopted BSSS, are not inconsistent with the relevant regional plan and appropriate consultation is proposed to ensure the suitability of the proposed development, the inconsistency is justified as being of minor significance. No further work is required.

## 3.4 State environmental planning policies (SEPPs)

**Table 4 - Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Proposal	Complies
SEPP (Koala Habitat Protection) 2020 and SEPP (Koala Habitat Protection) 2021	Consideration must be given to development near any potential Koala Habitat.	BLEP 2012 includes biodiversity sensitivity mapping for the North Millthorpe, 1187 Millthorpe Rd and 78 Clover Ridge Road and contains adequate provisions to consider and manage impact during development assessment stage.  SEPP (Koala Habitat Protection) 2021 Blayney Shire Council is in the Central and Southern Tablelands KMA. However, clause 6 (3)(d)(i) of the SEPP (Koala Habitat Protection) 2021 states that this policy does not apply to zone RU1 Primary Production land and as such consideration of this SEPP is not relevant for this proposal	Consistent
State Environmental Planning Policy No 55 (Remediation of Land)	This SEPP is concerned with the contamination of lands from past uses and the potential risk to health or the environment.	Preliminary contamination assessment for dwelling permissibility (PP2B) and 78 Clover Ridge Road (PP2D) Millthorpe needs to be undertaken prior to community consultation.	Considered at various stages.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.



**Table 8 - Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	As discussed above in section 3.3 (Direction 2.1) and 3.4 of this report.
Bushfire prone land	The subject areas are not currently mapped as bushfire prone. Council can determine if there is need to carry out further investigation during individual development assessment stage.
Heritage	As discussed in section 3.3 (Direction 2.3) of the report. The proposal can potentially increase density near heritage items, which will need to be managed and assessed during development application process, if required.
Contamination	As discussed above in section 3.3 (Direction 2.6) and 3.4 of this report. Preliminary contamination assessment is required prior to community consultation.
Flood prone land	The location of water courses in parts of North Millthorpe, 78 Clover Ridge Road and 1187 Millthorpe Road has been acknowledged, although no flood impact is identified. The flood impact can be assessed during development assessment stage, as required.
Impact from adjoining agricultural use	Amendment for dwelling permissibly sites and 78 Clover Ridge Road will introduce residential development near agricultural uses. However, the proposed large lot residential type of development will have adequate land area to provide buffer between the uses and minimise impact. The impacts can be assessed in detail at the development assessment stage, as required.

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 - Social and economic impact assessment**

Social and Economic Impact	Assessment
Housing Diversity and Availability	This proposal will facilitate some additional large lot housing stock in the local area through the dwelling permissibility sites and 78 Clover Ridge Road. Appropriate provisions for Millthorpe urban area will prohibit non-residential use in the urban area, thus increasing development desirability in the Millthorpe urban area. Furthermore, the proposed North Millthorpe MLS 4000m <sup>2</sup> overlay maintains the existing permissibility subject to servicing. The increase of MLS to 2ha is a clear intention from Council that a reduced density is preferred in this area. Council will undertake further strategic work to find residential urban release areas near Millthorpe to increase housing diversity.
Employment	The additional dwellings and increased development desirability can increase demand for construction within Millthorpe and Blayney which will result in creation of

short term employment. Additional potential development in Millthorpe urban area could increase demand for local services which may result in additional long-term employment opportunities.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the sites and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 5 - Infrastructure assessment**

Infrastructure	Assessment
Infrastructure	The additional dwellings in the town centre will be serviced by existing infrastructure and all other sites will need on site services. Consultation with Central Tablelands Water is acknowledged in the proposal. However, with the proposed land holdings to be subdivided to 1.5ha (PP2B) and 2ha (PP2C and PP2D) advice is to be sought from NRAR for sustainable on site water supply.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate and forms one of the conditions of the Gateway determination.

### 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Orange City Council for comments on the MLS amendment to North Millthorpe
- NRAR for requirement for water service in the North Millthorpe (PP2C), dwelling permissibility sites (PP2B) and 78 Clover Ridge Road (PP2D).

## 6 Timeframe

Council proposes a 6-month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has indicated that it would like to exercise its functions as a Local Plan-Making authority.

Having regard to the nature of the planning proposal that is supported by the BSSS the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will provide some additional dwellings options to meet housing needs of Millthorpe and Blayney;
- The proposal will provide appropriate land use controls for parts of Millthorpe;
- The proposal will provide opportunities to protect environmentally sensitive areas;
- The proposal will provide appropriate provisions to increase development desirability in Millthorpe urban area;
- The proposal is consistent with Council's land use strategy (BSSS); and
- The strategic merit and site-specific merit has been adequately justified.

As discussed in the previous sections 4 and 5, the proposal should be updated before community consultation to:

- Amend property details to show correct address for dwelling permissibility (PP2B) sites
- Include discussion for Map overlay for North Millthorpe and new clause for MLS for serviced lots
- Include recommendations of the preliminary contamination assessment for dwelling permissibility (PP2B) sites and 78 Clover Ridge Road, Millthorpe (PP2D)

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands and 6.3 Site Specific Provisions are justified and no further work is required and
- Note that the consistency with section 9.1 Directions 2.6 Remediation of Contaminated Land is unresolved at this time and will require further work prior to community consultation.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - Update property details for dwelling permissibility sites (PP2B)
  - Update explanation of provision for site PP2B to include MLS map overlay and provision for development of serviced lots for the overlay area.
  - Include findings of preliminary contamination assessment report for dwelling permissibility sites (PP2B) and 78 Clover Ridge Road, Millthorpe (PP2D).
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. Consultation is required with the following public authorities:
  - Orange City Council for amendments to land adjoining Orange City Council.
  - Natural Resources Access Regulator for requirement for sustainable on site water supply in the North Millthorpe (PP2C), dwelling permissibility sites (PP2B) and 78 Clover Ridge Road (PP2D) Millthorpe.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.

5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
13/8/2021 (Date)

Wayne Garnsey

Manager, Western Region



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
16/8/2021 (Date)

Garry Hopkins

Director, Western Region



27/7/2021

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