



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING  
HELD ON WEDNESDAY 13 DECEMBER 2023**

**09 DA2021/146 - Fifty-six (56) Lot Torrens Title Subdivision - 1279  
Millthorpe Road Millthorpe**

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## 1. APPLICATION DETAILS SUMMARY

Development Application No.	146/2021
Description of Development	Torrens Title subdivision, comprising fifty-two (52) residential lots, one (1) larger residential lot around the existing heritage listed cottage (I273), one (1) lot for public open space, one (1) lot for public drainage reserve and one (1) residual lot
Applicant	Mr. David Fenton (on behalf of Charms Developments Pty Ltd & Fenlor Group Pty Ltd, trading as Landorange Partnership)
Landowner	Mr Christopher Andrew Heap
Landowner's consent provided	Yes
Local Government Authority	Blayney Shire Council
Determining Authority	Blayney Shire Council

## 2. PROPERTY DETAILS SUMMARY

Legal Description	Lot 101 DP 872388
Property Address	1279 Millthorpe Road, Millthorpe NSW 2798
Land Area	14.63 Ha (approximately)
Existing Improvements	The site is currently vacant except for the heritage listed cottage (I273), several farm sheds and outbuildings, public utilities, and rural fencing (historic timber post and rail fencing as well as standard stock proof metal post and wire fencing)
Current Land-use	The land is currently used for livestock grazing purposes. The existing cottage is currently unoccupied

## 3. EXECUTIVE SUMMARY

### 3.1. Executive Summary

Blayney Shire Council has received a Development Application (DA) from David Fenton (on behalf of Landorange Partnership) seeking consent for the proposed subdivision of Lot 101 DP 872388 which is described on the application form (PAN-171682) as:

*'Fifty-six (56) lot Torrens Title subdivision, comprising fifty-two (52) urban residential lots; one (1) remnant parcel in Zone R5 Large Lot Residential, one (1) lot for the existing Heritage Listed Item (blue stone cottage), one (1) lot for open space and one (1) lot for the drainage reserve and onsite detention basin.'*

The DA has been lodged with Blayney Shire Council along with a number of plans, drawings, and reports. Throughout the process of assessment and subsequent dealings with the applicant on the proposed subdivision, some of these plans, drawings and reports have been updated. The plans, drawings and reports that have been used to inform this Section 4.15 Assessment Report are as follows:

- Amended Statement of Environmental Effects (SoEE) - 56 Lot Subdivision, prepared by iPLAN Projects, dated 26 October 2022.



- Consolidated Response to Submissions for Discussion with Council - 56 Lot Subdivision, prepared by iPLAN Projects, dated 17 November 2023.
- Preliminary Contamination Investigation prepared by Envirowest Consulting, dated 20 December 2021.
- Traffic Impact Assessment - Millthorpe Residential Development Proposal, prepared by ARC Traffic and Transport, dated 14 February 2023.
- Statement of Heritage Impact - 1279 Milthorpe Road, Millthorpe, prepared by Patsy Moppett, dated November 2021.
- Stormwater Management Plan - Proposed Subdivision of Lot 101 in DP 872388 Park Street, Millthorpe, prepared by Heath Consulting Engineers, dated 21 October 2022 (Revision E).
- Subdivision Plans prepared by Heath Consulting Engineers, as follows:
  - Drawing No. 21004-DA01 - Cover Sheet & Locality Sketch, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA02 - Existing Boundaries & Site Detail, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA02A - Existing Boundaries & Site Detail, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA03 - Proposed Boundaries Stage 1, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA03A - Proposed Boundaries Stage 1, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA04 - Proposed Boundaries Stage 2, prepared by Heath Consulting Engineers, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA04A - Proposed Boundaries Stage 2, prepared by Heath Consulting Engineers, Rev E dated 18 May 2023
  - Drawing No. 21004-DA05 - Proposed Boundaries Stage 3, prepared by Heath Consulting Engineers, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA05A - Proposed Boundaries Stage 3, prepared by Heath Consulting Engineers, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA06 - Proposed Bulk Earthworks, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA07 - Overall Road Plan, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA08 - Road Longitudinal Sections Road No. 1 and Road No. 3, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA09 - Road Longitudinal Section Road No. 2, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA010 - Road Longitudinal Section Road No. 2 Continued, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA011 - Typical Cross Sections Road No. 1, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA012 - Typical Cross Sections Road No. 2, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA013 - Typical Cross Sections Road No. 3, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.

- Drawing No. 21004-DA014 - Overall Road Vehicle Turnpath, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA015 - Proposed Stormwater Reticulation Layout, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA016 - Proposed Sections 1 & 2, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA017 - Stormwater Catchment Plan, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA018 - Site Stormwater Reticulated Calculations, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA019 - HEC-RAS Flood Modelling Results 1% AEP, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA020 - Proposed Sewer Reticulation Layout, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA021 - Proposed Water Reticulation Layout, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-DA022 - Demolition Plan, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-ESCP01 - Cover Sheet & Notes, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-ESCP02 - Erosion & Sediment Control Plan Stage 2 continued, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022
- Drawing No. 21004-ESCP03 - Erosion & Sediment Control Plan Stage 2, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Drawing No. 21004-ESCP04 - Erosion & Sediment Control Plan Stage 3, prepared by Heath Consulting Engineers, Rev D dated 21 October 2022.
- Traffic Impact Assessment, prepared by Stantec, dated 31 August 2023.

The DA proposes a staged development, as follows:

- Stage 1: comprising a three (3) lot subdivision of existing Lot 101 DP 872388 to create proposed Lots 90, 91 and 92.
- Stage 2: comprising a thirty-one (31) lot subdivision of proposed Lot 92 to create proposed Lots 201 to 230 for residential purposes, as well as proposed Lot 231 for a public drainage reserve and proposed Lot 232 to remain as a residual lot.
- Stage 3: comprising a twenty-three (23) lot subdivision of proposed Lot 232 to create proposed Lots 301 to 322 for residential purposes, as well as proposed Lot 323 for a public open space. Note – the iPLAN Projects SoEE dated 26 October 2022 refers to Stage 3 as being twenty-four (24) lots, however amended Drawing No. 21004-DA04A (Rev E) now shows the drainage reserve being dedicated as part of Stage 2 subdivision works which reduces the total lot yield by one (1) to 23 lots.

There are also road upgrades proposed at the intersection of Millthorpe Road and Richards Lane and utility infrastructure upgrades and connections that have all been considered in the assessment of the proposal.

Council's unique identification number for the proposal is DA 146/2021. The processing of DA 146/2021 has included notification and public exhibition of the proposed subdivision in accordance with the Blayney Community Participation Plan 2020.

This report records the main assessment findings of the proposal in accordance with the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. A summary of the main assessment findings of this 4.15 Assessment Report are summarised as follows:

- The scope of the proposed subdivision is clearly articulated in the DA documentation. A total of 56 Lots will result in three stages. The uses on proposed new lots are for future residential purposes (Lots 201 to 230 and Lots 301 to 322), existing heritage listed cottage (Lot 91), public open space (Lot 323), public drainage reserve (Lot 231) and a residual allotment (Lot 90).
- The submitted plans, drawings and reports that have been prepared by the various consultants in support of the DA contain sufficient information to allow Blayney Shire Council to make an informed decision on the proposal.
- The proposed subdivision is consistent with all relevant provisions under the Blayney Local Environmental Plan 2012 and Blayney Development Control Plan 2018.
- Notification and public exhibition of the proposed subdivision has been completed in accordance with the requirements of the Blayney Community Participation Plan 2020. Since the lodgement of the DA, notification and public exhibition has been carried out three (3) times, in response to multiple revisions / variations to the design of the proposed subdivision. As a result of the public exhibition and notification processes, Council has received a total of 69 submissions from adjoining landowners and members of the general public, some of which are objections to the DA or raise concerns, and others in support of the proposal. An assessment of issues raised in the submissions has been completed detailed in Attachment A to this assessment report.
- Assessment of the proposed subdivision, including all finalised plans, drawings and reports, submissions received, and referral advice from Council planning and engineering staff, heritage advisory consultant, and other government authorities, concludes the proposal is unlikely to pose unacceptable impacts on the environment and has merit for approval, subject to conditions.
- Draft conditions of consent have been included in the recommendation to this report to address all aspects of the proposed development, including compliance with the approved plans, drawings and reports relating to traffic and access, servicing and infrastructure, easements, stormwater management, landscaping, heritage, preservation of natural environment elements, community contributions and the dedication of land for public purposes.
- A Voluntary Planning Agreement (VPA) has been drafted between Blayney Shire Council, Charms Developments Pty Ltd and Fenlor Group Pty Ltd in accordance with Section 7.4 of the Environmental Planning and Assessment Act 1979 to facilitate the dedication of land to Blayney Shire Council for a public drainage reserve and public open space. A condition of consent relating to the implementation of the VPA is included in the recommendation.
- A Works Deed Agreement has been drafted between Blayney Shire Council, Charms Developments Pty Ltd and Fenlor Group Pty Ltd, to document the arrangements for improvements to Richards Lane and its intersection with Park Street (Millthorpe Road). A copy of the Draft Works Deed Agreement is intended to be reported to Council.

It is the recommendation of this Section 4.15 Assessment Report that DA 146/2021 be granted conditional approval as per the draft conditions in Section 14.

#### **4. SITE AND LOCALITY DESCRIPTION**

##### **4.1. Surrounding Land-use**

The site of the proposed subdivision is located on the northern edge of Millthorpe. The land has frontage to Park Street (Millthorpe Road) along its eastern boundary and Richards Lane along part of its northern boundary. The southern border of the site is adjoined generally by residential land-use which front and gain access to Church Street. Part of the site's western border is adjoined by residential land-use which front and gain access to Stabback Street. The remaining section of the western border is adjoined by land

that is zoned for large lot residential purposes and each of the two adjoining parcels contain an existing dwelling.

Land opposite the site on the northern side of Richards Lane is located within the Orange Local Government Area (LGA) and is zoned for primary production purposes with existing dwellings on these lots.

Land opposite the site on the eastern side of the Millthorpe Road is used generally for urban purposes, including churches, the Millthorpe Cemetery and Redmond Oval. Further south along the Millthorpe Road is the Millthorpe Police Station, Millthorpe Fire Station, Millthorpe Public School, and the Millthorpe Museum.

#### **4.2. General Site Description**

The site and surrounding land have been identified in various reports as forming part of the northern gateway to Millthorpe. The site falls to the north and north-west with the southern edge towards the ridge on Church Street, which increases the visibility of the site from surrounding locations. The land contains a number of existing overland drainage corridors which generally drain from east to west. The site is majorly cleared of native vegetation and comprises open paddocks with perimeter planted trees, with the exception of isolated paddock trees on the ridgeline. There is an existing historic cottage, sheds, fencing and a dam towards the south-eastern part of the site.

#### **4.3. Land Title Description**

The proposed development relates to land that is formally identified as Lot 101 DP 872388. It has a total area of approximately 14.63 hectares. There are no existing easements or restrictions on use of land registered on title. The site is addressed to 1279 Millthorpe Road, Millthorpe NSW 2798.

#### **4.4. Description of Existing Buildings and Site Improvements**

The site is currently vacant except for an existing cottage (and detached outbuilding), a timber framed shearing shed, a shipping container shed and several ancillary structures (tanks, holding yards). The cottage is listed in Schedule 5 of the Blayney Local Environmental Plan 2012 (BLEP) as a heritage item (I273). The cottage is currently not occupied. Other improvements on the land include:

- Perimeter fencing. Parts of the eastern boundary (in the vicinity of the cottage) are fenced with traditional timber post and rail fencing. The remaining parts of the eastern boundary are fenced with timber post and wire fencing. The northern boundary (adjoining Richards Lane) is fenced with steel post and wire fencing. The boundaries adjoining existing dwellings that front onto Church and Stabback Streets area fenced with a mix of materials, including timber paling, post and wire and Colourbond. Internal fencing is typical rural style fencing construction with steel post and wire.
- Service installations. The plans submitted with the DA show an existing sewer main installation along the parts of the southern and western boundaries, as well as centrally through parts of the site. There are no electricity supply assets located within the boundaries of the site. Overhead powerlines adjoin the eastern and northern boundaries of the site.

## **5. SITE HISTORY AND CONTEXT**

### **5.1. Planning Controls History**

The following history is relevant in the context of the planning controls applying to the land under previous and current environmental planning instruments:

- The southern part of the site (which is proposed to be subdivided for residential purposes) was zoned 2(v) (Village or Urban Zone) under the provisions of Blayney Local Environmental Plan 1998.

- The parts of the site zoned 2(v) under the Blayney Local Environmental Plan 1998 were translated to the RU5 Village zone when the Blayney Local Environmental Plan 2012 gazetted on 23 November 2012.
- Parts of the site zoned RU5 Village have been rezoned to R1 General Residential under a recent amendment to Blayney Local Environmental Plan 2012 (Amendment No. 12). The rezoning was initiated by Council as part of a Planning Proposal to amend the Blayney LEP 2012 in accordance with recommendations from the Blayney Settlement Strategy. Amendment No. 12 commenced on 19 May 2023, which is post-lodgement of DA 146/2021 with Blayney Shire Council on 1 December 2021.
- Blayney LEP 2012 (Amendment No.12) also resulted in a change to the minimum lot size controls applying to the parts of the site zoned R5 Large Lot Residential. In accordance with the updated Clause 4.1D of the Blayney LEP 2012, the subdivision of land into minimum 4,000m<sup>2</sup> lots is permissible if the land is, or will be, connected to reticulated water and sewer infrastructure.

DA 146/2021 is seeking consent from Blayney Shire Council for subdivision under the current provisions of the Blayney LEP 2012, and not any of the previous zoning / minimum lot size standards that applied under previous environmental planning instruments. This is evidenced in the following statement in Section 3.3 of the SoEE lodged by iPLAN, repeated in full as follows:

*We note our recent discussions with Council regarding the lot size of Proposed Lot 324 Drainage Reserve which is below the current minimum lot size of 2ha (proposed 8,754m<sup>2</sup> but the easement extends this to 3.39ha). Council has proposed that the creation of this lot be a Deferred Commencement Condition as the Planning Proposal reducing the minimum lot size for the Zone R5 part of the Site to 0.4ha is on exhibition (September 2022) and likely to be finalised before this lot is created in Stage 3 so the Drainage Reserve Lot will be fully compliant and, as such, will not require a variation request.*

The SoEE prepared by iPLAN was drafted with anticipation that DA 146/2021 would be determined prior to the commencement of the Blayney LEP 2012 (amendment No. 12). Amendment 12 was instead finalised prior to the determination of DA 146/2021 and therefore a deferred commencement arrangement is not required.

## **5.2. Application History**

DA 146/2021 has been amended a number of times since original lodgement in response to issues raised by Blayney Shire Council, which included details of submissions received as a result of the notification and public exhibition of the subdivision proposal.

DA 146/2021 was originally submitted to Blayney Shire Council on 1 December 2021. The original proposal related to a fifty-two (52) lot residential subdivision, including one (1) lot around the existing cottage and two (2) lots dedicated to stormwater drainage, and access direct from Park Street (Millthorpe Road) in the south-eastern corner of the subject land. The proposal was placed on public exhibition and neighbour notified in December 2021 / January 2022. Council received a number of submissions from members of the public relating to the lot layout design, heritage, traffic, stormwater management, character, and visual impact. As a result of issues raised during the first round of consultation, DA 146/2021 was amended in June 2022. The amended proposal relocated the new entrance road to the subdivision from Park Street (Millthorpe) to Richards Lane. The number of lots was also changed from fifty-two (52) in total to fifty-six (56) in total.

DA 146/2021 was subsequently placed on public exhibition and neighbour notified in November / December 2022. Council received a number of submissions from members of the public relating to the revised lot layout design, heritage, traffic, stormwater management, character, and visual impact. As a result of issues raised during the second round of consultation, the applicant provided a traffic impact assessment report for the proposal.

DA 146/2021 was subsequently placed on public exhibition and neighbour notified in September / October 2023 to allow members of the public further opportunity to view updated information, including the traffic impact assessment. Council received a number of submissions from members of the public relating to a number of matters, including lot layout design, heritage, traffic, stormwater management, character, and visual impact.

## 6. DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is for a 'Fifty-six (56) lot Torrens Title subdivision, comprising fifty-two (52) residential lots, one (1) larger residential lot around the existing heritage listed Cottage (I273), one (1) lot for public open space, one (1) lot for public drainage reserve and one (1) residual lot.

The DA proposes a staged development, with the subdivision to be completed as follows:

- Stage 1: comprising a three (3) lot subdivision of existing Lot 101 DP 872388 to create proposed Lots 90, 91 and 92.
- Stage 2: comprising a thirty-one (31) lot subdivision of proposed Lot 92 to create proposed Lots 201 to 230 for residential purposes, as well as proposed Lot 231 for a public drainage reserve and proposed Lot 232 to remain as a residual lot.
- Stage 3: comprising a twenty-three (23) lot subdivision of proposed Lot 232 to create proposed Lots 301 to 322 for residential purposes, as well as proposed Lot 323 for a public open space. Note – the iPLAN SoEE dated 26 October 2022 refers to Stage 3 as being twenty-four (24) lots, however amended Drawing No. 21004-DA04A (Rev E) now shows the drainage reserve being dedicated as part of Stage 2 subdivision works which reduces the total lot yield by one to 23 lots.

The proposal also includes the following ancillary works:

- Removal of some site vegetation, shipping container shed, with relevant detail shown on the Demolition Plan – Drawing No. 21004-DA22 Rev D.
- New intersection / public road access from Site to Richards Lane and new internal loop roads, with relevant detail on the Overall Road Plan – Drawing No. 21004-DA07 Rev D.
- Site earthworks and construction of an on-site detention basin, with relevant detail shown on the Proposed Bulk Earthworks Plan – Drawing No. 21004-DA06 – Rev D.
- Construction of an on-site detention basin, with relevant detail shown on the Proposed Stormwater Reticulation Layout – Drawing No. 21004-DA15 Rev D.
- Connection of all urban residential lots to public utilities, with relevant detail shown on the Proposed Water Reticulation Layout – Drawing No. 21004-DA21 Rev D and the Proposed Sewer Reticulation Layout – Drawing No. 21004-DA20 Rev D.
- Installation of site landscaping, with relevant detail shown on the Landscape Plan – Drawing No. 21004-LS01 Rev E.

## 7. DEVELOPMENT ASSESSMENT FRAMEWORK

The proposal is assessed to be local development, as it does not trigger any of the provisions listed below:

- The proposal is not 'designated development' pursuant to Part 1 Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and an Environmental Impact Statement (EIS) is not required.
- The proposal does not trigger 'regionally significant development' because it is not designated development and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.



- The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposal includes physical construction work associated with bulk earthworks, installation of new public services and utilities and construction of roads and drainage.

DA 146/2021 has been publicly exhibited and neighbour notified in accordance with the Blayney Shire Council Community Participation Plan 2020. A number of submissions have been received as a result of the three (3) rounds of notification and public exhibition. Assessment of the issues raised as a result of notification / public exhibition is included in later sections of this report.

Referral of DA 146/2021 to other government or service agencies has not been deemed a statutory requirement by Blayney Shire Council. Council has referred details of the proposal to Transport for NSW (TfNSW) in relation to its plans to upgrade the Richards Lane / Millthorpe Road intersection, which is located in close proximity to the proposed development. Details relating to TfNSW consultation are included in later sections of this report.

## 8. ENVIRONMENTAL PLANNING ASSESSMENT

The assessment of the proposed development has followed the Blayney Shire Council Generic Development Assessment Template. The assessment template provides a pathway for Council or its delegated staff to record the assessment of a development application in a consistent manner, including the following criteria:

- Adequacy of the information provided in the DA, and whether there is sufficient information available for Council and other parties to understand the proposal and its site context.
- Findings of the review of spatial information, site inspections, reports, and other data in relation to the development site and surrounding land.
- Evidence, advice and commentary from other government authorities, service agencies and Council internal staff on their assessment / advice in relation to the development proposal.
- Submissions received from members of the public as a result of any public exhibition / neighbour notification of the proposal.
- Assessment of the relevant matters for consideration under Section 4.15 of the EP&A Act 1979.
- Recommendations for the determination of the DA, based on the above.
- Details of any conditions recommended to be imposed on the consent and their reasons for imposition.

The following matters for consideration have been highlighted to record the main assessment findings.

### 8.1. Section 4.15 - Evaluation

Section 4.15 of the EP&A Act 1979 provides the matters for consideration in the assessment of development proposals. A consent authority must have regard to these provisions when determining whether or not to grant consent to a proposal. An assessment of Section 4.15 of the Act is documented below:

#### 8.1.1. Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument

##### Blayney Local Environmental Plan 2012

The BLEP 2012 applies to all land within the Blayney LGA.

The BLEP 2012 zoning map shows the subject land is split zoned, with the southern part of the site zoned R1 General Residential and the northern part of the site zoned R5 Large Lot Residential zone. The location of the division between the two zones is shown on the BLEP 2012 Land Zoning Map\_Sheet LZN-004A. The plans submitted with DA 146/2021 (refer to Drawing 21004-DA02 – Existing Boundaries & Site Detail – Rev D) correctly delineate the zone boundaries and propose subdivision that is consistent with zoning and other controls applying to R1 and R5 zones.

The main aspects of subdivision for future residential purposes are contained within the parts of the site that are zoned R1 General Residential, other than the following:

- Proposed Lot 231, which is to be dedicated to Blayney Shire Council as a public drainage reserve.
- Proposed Lot 90, which is to be a residual lot from stage 1 works.
- Parts of the reservation belonging to proposed Road No. 2.

The iPLAN SoEE and other DA documentation clearly shows there is no proposal to create new lots within the R5 Large Lot Residential zone for future dwelling purposes.

The following special provisions in the BLEP 2012 are relevant to the assessment of the proposed development.

Clause 1.9A – Suspension of Covenants, Agreements, and Instruments

Clause 1.9A provides that covenants, agreements, and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- a covenant imposed by the Council or that the Council requires to be imposed, or
- any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
- any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
- any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
- any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

A Title Search has been completed for Lot 101 DP 872388 which shows there are no easements, covenants, instruments, agreements, or property vegetation plans registered on title. The proposal does not rely on the provisions contained in Clause 1.9A.

Clause 2.3 – Zone Objectives and Land Use Table

Clause 2.3(3) of the BLEP 2012 requires consideration of the zone objectives. The subject land is split zoned, with parts of the site zoned R1 General Residential zone and R5 Large Lot Residential zone.

The objectives for the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed subdivision is assessed to be consistent with the objectives for the R1 zone, as the proposal is for 52 new residential lots over 3 stages of subdivision work, which will provide for new housing opportunities in Millthorpe. The subdivision design proposes the creation of lots ranging in size from



700m<sup>2</sup> to 1004m<sup>2</sup>, which will enable a variety of housing forms and potential other facilities and services that are in demand at Millthorpe.

The objectives for the R5 Large Lot Residential zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Limited subdivision works are proposed on R5 zoned land (public drainage reserve, roads, and residual land) with such works being consistent with the above objectives. The works are complementary to the wider residential subdivision and generally involve the installation of public services and facilities required to ensure the subdivision fits into the peri-urban context of the northern edge of Millthorpe. No land-use conflicts have been assessed to apply between the subject land and adjoining properties, including land zoned R1 General Residential to the south and land zoned RU1 Primary Production to the north and north-east. The land directly north is located within the Orange LGA where the Orange Local Environmental Plan 2011 applies, with no cross-border issues being assessed to be particularly applicable with the proposal.

#### Clause 2.6 – Subdivision – consent requirements

Clause 2.6 of the BLEP 2012 requires consent for subdivisions. Section 5.2 of the IPLAN SoEE states:

*This is Subdivision Application that requires a development application to Council. It is not exempt or complying development. We are not seeking to subdivide principal/secondary dwellings as there is only one (1) dwelling (heritage item) on the land. Complies.*

DA 146/2021 is assessed to be consistent with requirements of Clause 2.6 of the BLEP 2012.

#### Clause 2.7 – Demolition requires development consent

Clause 2.7 of the BLEP 2012 requires that the demolition of a building or work may be carried out only with development consent. Section 3.6 of the IPLAN SoEE provides a breakdown of the demolition works proposed, which is summarised below:

- Existing shipping container shed near heritage cottage.
- Part sewer line through site to be abandoned (replaced by new sewer line)
- Most internal rural fences (excluding historic post and wire fence around cottage and old shed).
- A number of trees / shrubs including one (1) tree in the south-west corner near Church Street; small shrubs / trees / regrowth in southern part of village zoned land; and a small section of Hawthorn Hedge on Park Street in the south-east corner to enable pedestrian and emergency vehicle access only (no public road proposed through this area).

Section 3.6 of the IPLAN SoEE also confirms the following:

*It is intended that all Plane trees in Park St will not be affected, and all buildings/trees within the existing heritage cottage garden fence line will be retained including: Cottage / outdoor kitchen / W.C; old shed / yards; all post & rail fencing – particularly along Park St & existing gate to cottage; and all existing trees within the cottage fenced area. Please see the heritage assessment and landscape reviews in Section 4 of this Report and attached plans/report for impacts.*

A table in Section 3.7 of the iPLAN SoEE provides a detailed assessment of heritage impact issues and outlines how certain aspects of the proposal have been changed to address heritage and other concerns raised in public submissions and Council additional information requests.

A Statement of Heritage Impact (SoHI) has also been prepared by Patsy Moppett for Lot 101 DP 872388, 1279 Millthorpe Road (Park Street), Millthorpe NSW, dated November 2021. The SoHI provides details on the following:

- Available history of the site and surrounds.
- Historical context and significance of the site and wider Millthorpe, with particular attention to identified heritage items and heritage conservation area.
- Assessment of the impacts of the proposed development on or near the site, including evaluation against NSW Heritage Themes and Significance Criteria.
- Conclusions and recommendations as to how to proceed in the most appropriate manner, having regard for subdivision design, landscape features and servicing requirements.

In relation to the proposed demolition works associated with the proposal, the SoHI advises:

*No works or demolition is proposed as part of this application to the heritage cottage or its outbuildings. The intent is to locate the heritage cottage, outbuildings, and key plantings in the existing fenced yard within a separate lot from the subdivision that protects its heritage curtilage and important sightlines. A future application by the owner will look at restoring the cottage.*

The SoHI concludes:

*The proposed works, within the precinct and the wider heritage conservation area is expected to have minimal significant adverse impact on the integrity and significance of the history of the locality, and the integrity of the bluestone cottage.*

It is assessed that the DA documentation has adequately identified and assessed the demolition aspects of the proposal and likely impacts on the natural and built heritage applying in the Millthorpe Heritage Conservation Area, with particular attention on listed heritage items on and around the site.

There is no proposal to demolish the heritage listed cottage and ancillary sheds / structures located on Lot 101 DP 872388. These items are to be contained wholly within proposed Lot 91, which has been appropriately sized to encompass the heritage item in its peri-urban context and setting.

Part of the existing hawthorn hedge along Park Street to the south-east of the heritage listed cottage is to be removed in order to facilitate pedestrian access between new housing and Millthorpe township via a planned area of public open space to be dedicated to Blayney Shire Council as proposed Lot 323. The removal of the hawthorn hedge has been adequately justified in the SoHI and SoEE as not resulting in significant impacts on heritage items and the wider Millthorpe Heritage Conservation Area. There will also be public benefits from the establishment of an active transport connection to Park Street and the schools, parklands and town centre facilities that would be accessed by residents of the proposed new subdivision from this corridor. It would also assist in minimising crime risk by not enclosing visibility along the path as it transitions into / from Park Street.

The removal of the existing sections of sewer mains through identified sections of the site is assessed to pose no significant impacts, and a necessary requirement of the development. In particular, there are no heritage impacts associated with the demolition / removal of utility assets.

The proposed development is consistent with Clause 2.7 of the BLEP 2012. Conditions are included in the recommendation in this report to control demolition activities, including protection / management measures during construction of the subdivision development.

Clause 4.1 – Minimum Lot Size

Clause 4.1 of the BLEP 2012 requires that Council must not grant consent to development involving the subdivision of land unless the size of any lot resulting from that subdivision is at least the minimum lot size shown on the Lot Size Map in relation to the land.

A review of the Lot Size Maps in the BLEP 2012 shows the following:

- A minimum lot size of 450m<sup>2</sup> applies to the parts of the site which are zoned R1 General Residential.
- A minimum lot size of 20,000m<sup>2</sup> (2ha) applies to the parts of the site which are zoned R5 Large Lot Residential.

A review of the plans and documents submitted with the DA 146/2021 in relation to Clause 4.1 concludes the following:

- Proposed Lot 90 (Stage 1 works) is located within a part of the site that is subject to the 20,000m<sup>2</sup> minimum lot size. The lot is intended to be retained as a residual lot with an area that exceeds the minimum lot size standard.
- Proposed Lot 91 (Stage 1 works) is located within a part of the site that is subject to a 450m<sup>2</sup> minimum lot size. This lot is intended to accommodate the existing heritage listed cottage and has an area that exceeds the minimum lot size standard.
- Proposed Lot 92 (Stage 1 works) is located partly within the 450m<sup>2</sup> minimum lot size area, and partly within the 20,000m<sup>2</sup> minimum lot size area. The lot has an area that exceeds the 20,000m<sup>2</sup> minimum lot size standard.
- Proposed Lots 201-230 (Stage 2 works) are all located within a part of the site that is subject to a 450m<sup>2</sup> minimum lot size. All of these lots are intended to be created for residential purposes and exceed the minimum lot size standard.
- Proposed Lot 231 (Stage 2 works) is intended to be created for public drainage purposes. Water and sewer connections are to be provided to the allotment to achieve compliance with the minimum lot size standards and facilitate possible future public facilities in the reserve.
- Proposed Lot 232 (Stage 2 works) is located within a part of the site that is subject to a 450m<sup>2</sup> minimum lot size. The lot is intended to be retained as a residual lot from Stage 2 subdivision works. The lot has an area that exceeds the minimum lot size.
- Proposed Lots 301-322 (Stage 3 works) are all located within a part of the site that is subject to a 450m<sup>2</sup> minimum lot size. All of these lots are intended to be created for residential purposes and exceed the minimum lot size standard.
- Proposed Lot 323 is located within a part of the site that is subject to a 450m<sup>2</sup> minimum lot size. This lot is intended to be dedicated to Blayney Shire Council for public open space purposes. The lot has an area that exceeds the minimum lot size.

The proposed subdivision is assessed to be consistent with the special provisions contained in Clause 4.1 of the BLEP 2012.

Clause 4.1D – Subdivision of certain land at or near Millthorpe

Clause 4.1D of the BLEP 2012 applies to land identified as “Area C” or “Area D” on the Lot Size Map. The clause operates so as to allow for the subdivision of mapped land into minimum 4000m<sup>2</sup> lots if the consent authority is satisfied that the land is, or will be, serviced by a sewage reticulation system and a water reticulated system. A review of BLEP 2012 Minimum Lot Size Map Sheet LSZ\_004A shows that the part of the site zoned R5 Large Lot Residential is mapped as being located within “Area D” to which Clause 4.1D applies.

A review of the plans and documents submitted with DA 146/2021 in relation to Clause 4.1D concludes the following:

- Stage 1 subdivision works involve the creation of proposed Lot 90 as a residual allotment of land located entirely within the R5 Large Lot Residential zone. At 4.64ha in area, the creation of proposed Lot 90 is permissible without relying on the provisions in Clause 4.1D of the BLEP 2012.
- Stage 2 subdivision works involve the creation of proposed Lot 231 as land that is to be dedicated to Blayney Shire Council as a public drainage reserve. This land is located entirely within the R5 Large Lot Residential zone. Proposed Lot 231 has an area of 8,754m<sup>2</sup>, which is less than 2ha and is therefore required by the provisions of Clause 4.1D to have a connection to water and sewer.

In order to comply with Clause 4.1D of the BLEP 2012 a condition must be imposed on the development requiring the connection of sewerage and reticulated water supply to proposed Lot 231. Subject to imposition of this condition, the proposed subdivision is consistent with the provisions contain in Clause 4.1D of the BLEP 2012.

#### Clause 5.10 Heritage Conservation

Clause 5.10 Heritage Conservation seeks to conserve the environmental heritage of Blayney Shire, including the heritage significance of heritage items and heritage conservation areas in Millthorpe.

Before granting consent under this clause in respect of a heritage item or heritage conservation area, Council is required to consider the effect of the proposed development on the heritage significance of the item or area concerned. To assist in Council's consideration of Clause 5.10 matters, Clause 5.10(5) makes provision for the Council to require a *'heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.'*

DA 146/2021 is supported by a SoHI prepared by Heritage Planner Patsy Moppett, dated November 2021. The SoHI provides details on the history of the site and wider Millthorpe, with particular attention to identified heritage items and the Millthorpe Heritage Conservation Area. An assessment of the impacts of the proposed development on listed heritage sites and the Millthorpe Heritage Conservation Area is documented in the SoHI, including assessment against NSW Heritage Themes and Significance Criteria.

The SoHI identifies a number of listed heritage items in the study area, including the heritage listed cottage (I273) located on the site as well as other items in close proximity, including Uniting Church (I273), Redmond Oval (I283), St Mark Evangelist Anglican Church (I284), Millthorpe General Cemetery (I285) and St Canices Roman Catholic Church (I286). The SoHI also describes the Millthorpe Heritage Conservation Area as *'generally bounded by the ridges to the northeast and south of the village, as seen from within the village.'*

The SoHI provides a number of recommendations as to how the proposed subdivision should proceed (from a heritage management perspective) having regard to the subdivision design, landscape features and servicing requirements.

No substantive assessment of Aboriginal cultural heritage is documented in the SoHI.

The SoEE prepared by iPLAN Projects dated 26 October 2022 also provides an assessment of Clause 5.10, with Section 4.6 of the SoEE providing its own heritage assessment and the proposed strategies to mitigate heritage impacts, which is repeated in full as follows:

- Heritage Curtilage / Sightlines:** *The key impact to be assessed is the new lot boundary around the heritage cottage. The existing fenced yard around the heritage item provides a reasonable definition of the heritage curtilage (or buffer) around the cottage and includes the outdoor toilet, old shed (not the shipping containers) and some key established trees around the cottage. In addition, the sightlines from Park St to the north of the Cottage are important to protect as well as the rural/landscaped setting of this gateway to the town/Shire. We suggest that the creation of a ~1.11ha lot that is >54m-60m deep and runs nearly the full*

*frontage of Park St (>100m) is the best way to both protect the cottage and the rural/landscaped setting of the cottage that enhances this important gateway.*

- b) **Growth Area:** *The second aspect is to assess the impact of the urban residential expansion both on the cottage and the heritage conservation area (HCA). The subdivision Site has been identified for urban growth of Millthorpe consistently for over 20-30 years or more. It is located outside the core heritage conservation area of Millthorpe that is defined by the ridge along Church St to the north. As the Site slopes away from the Church St ridgeline it will not form part of the 'backdrop' to the heritage core of the town. Therefore, its key visual impact lies in its visibility from Park St.*
- c) **Setbacks:** *The key outcome of the proposed subdivision design is that the majority of proposed urban residential lots are setback behind the proposed cottage lot (>54-60m) plus the depth of the new internal loop road (19m). So even without landscape (see below) the majority of the proposed frontage to Park St is a large rural lot with >73m setback to the urban development so it sits in the background, a bit like the development and Stabback & Unwin Streets do now.*
- d) **Tree Retention:** *An important recommendation is to protect or replace any significant vegetation on the Site or along Park St. The Proposal does not affect the existing plane trees along Park St. The existing Site is largely cleared of any significant vegetation. The Proposal retains the significant eucalypt trees on the top of the hill and all of the trees in the yard around the heritage cottage. Most of the Hawthorn hedge is retained except for a narrow path entry/exit. Any minor removal will be offset by the proposed landscape plantings (see below).*
- e) **New Landscape:** *An additional key recommendation is that any new urban residential growth is screened, where possible, from visibility from Park St, particularly when viewed from the north of the cottage. The Proposal provides a Landscape Plan that creates a thick planting buffer along the northern edge of the proposed subdivision (see Section 4.6 below for more detail). The Applicant will work with Council in determining suitable species selection. It is expected that over a short to medium period the vegetation will significantly screen the modern subdivision from Park St with a mix of native/non-native and deciduous/evergreen plantings.*

Section 4.6.3 of the iPLAN SoEE deals with Aboriginal cultural heritage issues, including the findings of a search of the AHIMS Web Service. The SoEE advises no records of Aboriginal heritage sites on the site or within close proximity of the site. The SoEE also advises '*the site is immediately adjacent to the urban area and has been significantly modified by agriculture and urban activities so these are likely to have reduced the potential for artefacts*' and suggests '*further Aboriginal heritage review is unlikely to be required but appropriate conditions will protect any items if they are found during earthworks or the construction process.*'

An assessment of Clause 5.10 of the BLEP 2012 notes the following:

- The site comprises a heritage listed cottage (I273) located towards the south-eastern part of the site.
- The cottage and associated outbuildings and sheds are to be retained on the site, with no substantive changes proposed to built heritage in and around this area.
- The cottage and outbuildings are to be located on a relatively large allotment, aimed at providing sufficient area / curtilage to *locate the heritage cottage, outbuildings, and key plantings in the existing fenced yard within a separate lot from the subdivision that protects its heritage curtilage and important sightlines.* (page 7 of SoHI 2021)



- No physical changes are proposed to the cottage (1273) and the building envelope proposed around the cottage and outbuildings is considered adequate to maintain the integrity of the item.
- A number of listed heritage items adjoin the site, with the whole site and surrounding land to the east, west and south being located within the Millthorpe Heritage Conservation Area.

Referral advice from the Blayney Shire Council Heritage Advisor, David Scobie Architects dated November 2022 has been considered to arrive at the conclusions for compliance with Clause 5.10. The main comments received from the Heritage Advisor in November 2022 are as follows:

The visual impact which development of the subdivision will have on the Village is substantial. The impact which the Stabback Street subdivision and the resultant construction of standard dwellings illustrates the impacts well. In this regard, two strategies are recommended:

Council embarks on continuing the Avenue planting along Millthorpe Road in the road reserve where there are no street trees. It is fully appreciated that this work is not part of the proposal and not work associated with the site. It is however fundamental to ensuring the impacts will be acceptable and sustainable.

The Applicant embark upon early tree planting within the proposed sites and their stages in advance of the subdivision and dwelling construction.

While the use of standard advanced trees will take time to reach a level of maturity, nonetheless it shows a sound long term strategy with the community for the protection of the village character while also allowing for expansion.

The proposal (as reviewed in November 2022) does not adequately address the elements with heritage significance – as marked up on the proposed landscape Plan and is therefore not supported in relation to the impacts which it will have on the heritage significance of the Heritage Conservation Area. The proposal is capable of modifications sufficient to address these concerns.

In response to the above advice as well as submissions received as a result of neighbour notification / exhibition of the proposal raising concerns about heritage and town presentation issues, a number of amendments have been made to Drawings 21004-LS01, DA04A and DA05A and the iPLAN Projects SoEE (updated 26 October 2022).

Updated referral advice was obtained from Heritage Architect David Scobie Architects dated 23 November 2023 based on the revised proposal. An extract of the referral advice is as follows:

*The issues related to the general layout, the curtilage to the heritage item and the access off Richards Lane have been addressed and meet the general objectives for heritage conservation of the item and the HCA as identified within the LEP and DCP and consistent with the standard guidelines offered by the Statement of Heritage Impact (SoHI) procedure.*

A number of issues / conditions were recommended in the Scobie referral advice, which are repeated in full as follows:

All historic fencing (timber post/strainers/wire) as identified in the Heritage assessments which is to be removed as part of the development of Lot 91 & associated Lots is to be retained on site and utilised in the development of additional boundary fencing associated with the total boundary to Lots 91 and 323 as well as at the entry to the subdivision at the junction of Richards Lane and proposed Road No.1, so as to retain relics which have heritage significance and enhance the character and significance of the HCA;

Given the condition of the heritage item, which forms part of the proposal, and the impact of the subdivision to create Lot 91, a Heritage Asset Action Plan (HAAP) - formerly a Conservation Management Strategy, should be prepared for the cottage and setting, so as to ensure that the impacts of the project on the heritage significance of the heritage listed site are mitigated through the future implementation of the Plan (HAAP);

The group of trees within proposed Lots 317, 318, 227 and 228 (Survey to determine) are the remaining significant landscape and landmark feature within the site, have historic and aesthetic significance and meet these criteria for heritage listing and therefore the group is to be listed on the LEP as a heritage item in order that they will be retained during the course of the subdivision and consequential development;

The floating stones identified within two specific locations on the site are to be relocated to Lot 323 so as to retain their heritage significance from the former pastoral use and enhance the amenity of the proposed public park;

A Landscape plan is to be prepared for the design of the hard and soft materials and details to the proposed public open space at Lot 323, in order that the heritage and amenity of the former pastoral uses will be interpreted and an appropriate level of amenity be provided for the community;

The buffer planting is to be extended in the form of a single row of Tulip trees to the south and south east along the proposed boundary to Lot 91 to meet the Park Street boundary, so as to provide an appropriate buffer of suitable tree planting between the new subdivision and subsequent houses and the curtilage identified in the applicant submission;

A Landscape Plan is to be prepared for the buffer planting and the associated maintenance and fencing, to ensure that the plants and construction will prove to be sustainable and grow to provide the anticipated buffer;

Roll-over concrete curbing with dark grey oxide coloured concrete is to be utilised where overland flow conditions permit, within the subdivision, so as to continue the general character of Millthorpe within the new layout in place of comparable standard developments in the Orange region. There is no evidence within the village that parking behaviour will be affected by the design of the curbing and in terms of current standards for sustainability and water-sensitive urban design (WSUD), it is recommended that the project adopt the best practice and a design which clearly identifies the character of Millthorpe.

Based on the review of the SoEE, SoHI and comments received from Council's Heritage Advisor, it is assessed the proposed development can be conditioned to satisfy the requirements of Clause 5.10 of the BLEP 2012 to address the following:

- Heritage Interpretation - The Heritage Advisors recommendations relating to the floating stones, interpretation of site heritage into landscape design for proposed Lot 323, and retention of historic fencing is supported and has been conditioned.
- Landscape Plan - by a qualified Landscape Architect, with the comments provided by David Scobie Architects being presented as a matter for consideration in the preparation of the Landscape Plan.
- Tree Protection - it is not recommended that the Box Gum Eucalyptus trees located on the site be protected under a condition of consent. Instead, the retention and / or protection of the trees should also be given consideration as part of the preparation of the Landscape Plan.
- Planning Proposal - It is not recommended that the preparation of an amendment to the BLEP 2012 be conditioned as a requirement of DA 146/2021. This would be a matter for Blayney Shire Council to action as part of any future review of the items to Schedule 5 of the BLEP 2012 relating to Millthorpe.
- Heritage Asset Action Plan - The proposal has demonstrated that a sufficient curtilage is to be achieved around the heritage listed cottage (I273) and that no physical changes or alterations are to be made to the building. On this basis, the requirement for a Heritage Asset Action Plan to be conditioned as part of DA 146/2021 is not warranted. Any further development relating to proposed Lot 91 and the heritage listed cottage (I273) would be subject to preparation and lodgement of a Development Application and would give opportunity for Council to require a Heritage Asset Action Plan and / or other appropriate heritage management documents.

Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

Clause 5.16 of the BLEP 2012 requires Council to consider a number of matters in determining whether to grant development consent to development for the purposes of subdivision (for the purposes of a dwelling) or for the erection of a dwelling. The Clause applies to land in a number of land-use zones under the BLEP 2012 including the R5 Large Lot Residential zone which applies to part of the subject land. The clause does not apply to land in the R1 General Residential zone. The following matters are specified by Clause 5.16(4) for consideration:

- a) the existing uses and approved uses of land in the vicinity of the development,
- b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

The provisions of Clause 5.16 apply to DA 146/2021 as proposed Lot 90 relates to land in the R5 Large Lot Residential zone. With reference to this proposed lot only, it is assessed that:

- The future use of this lot for large lot residential purposes would not be inconsistent with dwelling development that is observed on adjoining properties and other properties within the immediate vicinity of the land.
- Based on the zoning framework that applies to the site and adjoining sites under the Blayney LEP, dwelling development is likely to be the preferred land-use for this location of Millthorpe Township.
- An inspection of the site has not identified any land-use activities occurring on adjoining land that would be incompatible with large lot residential development on the land.

The proposed subdivision is assessed to be consistent with Clause 5.16 of the BLEP 2012.

Clause 5.21 – Flood Planning

Clause 5.21 applies to development on land that the Council considers to be within the flood planning area. The objectives of the clause area to:

- a) to minimise the flood risk to life and property associated with the use of land to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- b) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- c) to enable the safe occupation and efficient evacuation of people in the event of a flood.

Clause 5.21(2) of the BLEP 2012 requires that Council must not grant consent to development on land within the flood planning area unless it is satisfied that the development is:

- a) is compatible with the flood function and behaviour on the land, and will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- b) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- c) incorporates appropriate measures to manage risk to life in the event of a flood, and
- d) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.



Clause 5.21(3) of the BLEP 2012 requires that Council must consider the following matters:

- a) the impact of the development on projected changes to flood behaviour as a result of climate change, the intended design and scale of buildings resulting from the development,
- b) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- c) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

A Stormwater Management Plan (SMP) for the Proposed Subdivision of Lot 101 in DP 872388 Park Street, Millthorpe has been prepared by Heath Consulting Engineers. The SMP has been updated on several occasions, with the final revision (E) dated 21 October 2022. The SMP applies the DRAINS model to the proposal to arrive at a comprehensive suite of stormwater management facilities to manage flooding / stormwater in the 1% AEP that would need to be incorporated into the lot layout, road layout and stormwater drainage design.

The SMP concludes that overland flow can be appropriately managed in response to the requirements of Australian Rainfall and Runoff 2019 subject to the following:

- All of the proposed development lots to have finished ground levels in excess of the 1% AEP water level + 500mm freeboard.
- Installation of a stormwater reticulation system in roads, drainage reserves and inter-allotment drainage (easements) as modelled in Section 4.2.3 of the SMP and to comply with Blayney Shire Council's development standards.
- Stormwater detention basin to be installed to limit post development flows to less than pre-development flows in the 1% AEP.
- Location of the detention basin in a drainage reserve.
- Installation of box culverts under the proposed access road to Richards Lane.
- Drainage corridors defining flow paths to be design as wide flat channels.
- Sediment and erosion controls.

It is noted that all of the above SMP actions have been incorporated into the final subdivision layout plans. Drawing No. 21004-DA19, Rev D shows that existing stormwater flows east of the site are carried through the site via defined and improved overland drainage channels, with flows managed under Proposed Road No. 1 via new box culvert before continuing west at pre-development rates. The plan shows that flows in a 1% AEP do not breach the surface of Proposed Road No. 1. The Plan also shows that none of the proposed 52 development lots would be affected by flows in a 1% AEP accounting also for a 500mm freeboard.

Section 4.8.4 of the iPLAN SoEE (Rev G) also states the following in relation to flooding and stormwater management:

*As the Figure below shows, the 1%AEP potential flood level for the north-eastern drainage line for both the existing and proposed future scenario is confined largely within the modified drainage channel that extends through the north of the heritage lot (away from the cottage) and into the large lot residential area - outside any of the proposed urban residential lots. The drainage channel conveys the 1% AEP flood event + freeboard. It passes under a new dual box culvert under the proposed internal connector road to Richards Lane.*

*The flood depths at 1% AEP are ~200-300mm deep and only reach up to 1m adjacent to the box culvert during a peak rainfall event, i.e., the culverts convey the 1% AEP flood. The road height is significantly above the 1% AEP flood level at the culvert, so this road remains passable during this event.*

*Access to the Site via the new entrance to Richards Lane is to the north of and at a higher level than drains so it is unlikely to be affected by flooding. Therefore, there is safe occupation and evacuation of the area if required.*

*The proposed On-Site Detention Basin will ensure that post-development flow does not exceed pre-development levels and will not further exacerbate flooding due to the new urban development (see Stormwater Plans).*

DA 146/2021 has been referred to Blayney Shire Council's Design and Development Engineer, who has commented on flooding as follows:

- The subject site is not identified as flood prone land. A significant watercourse bisects the subject site and is traversed by the proposed access road.
- The proposed access road has been designed to remain operational in a 1% AEP rain event, and due to the proposed culvert sizing, acts as an informal retention structure aiding in ameliorating downstream stormwater concerns.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation that demonstrates a thorough understanding of hydrological aspects of the proposal. The main findings of the assessment of the DA documentation relating to flooding are as follows:

- The site is not affected by the flooding of any rivers, creeks, or watercourses.
- The land has an important function for natural overland stormwater drainage for Millthorpe and surrounding lands.
- The proposed subdivision does not impact on the ability of the site to support the macro drainage issues and requirements.
- The behaviour of stormwater drainage for the 1% AEP has been incorporated into the subdivision design.
- Stormwater drainage can be appropriately managed through improvements to overland drainage channels and infrastructure design. Flows on downstream properties are not increased as a result of the development.
- The extent of stormwater drainage / flooding on the land is not such that the safe occupation and / or efficient evacuation of people from the land would be unacceptably compromised. Floodwaters in a 1% AEP are not predicted to be deeper than 750mm at the box culvert inlet adjacent to Proposed Road No. 1 (being the only public road connection to Richards Lane), and the design surface level for this road would be sufficient to prevent water breaching the road surface. As an emergency safeguard, physical access to Park Street is also expected to be available through Proposed Lot 323 which is to be dedicated to Council as public open space.
- The design will improve environmental outcomes through the management of overland flows through the site in improved, purposefully designed and engineered open channels. There are no riparian areas or riverbanks on the site that are at risk of environmental impact.
- Changes in flood behaviour as a result of climate change will unlikely be a key issue. The site is not covered by a flood study of the Council that has considered climate change impacts on flood behaviour. A site specific SMP prepared by Health Consulting provides further detail on stormwater and flooding.
- Downslope flooding would not be increased with the expansion of onsite detention and a dedicated drainage reserve designed to limit post development flows to less than pre-development flows in the 1% AEP.
- Flooding will not influence the design and scale of future built form on the subdivision lots.
- The design of the subdivision is unlikely to expose future occupants of the land to an unacceptable risk to life. The development lots are above the 1% AEP flood level + 500mm freeboard and therefore evacuation of the land is unlikely to be necessary in a flood event. Flood

free access to the site is to be provided and this will ensure safe evacuation for future occupants if required.

- All development lots will be located above the 1% AEP Flood and as a result there will be no need to modify, relocate or remove buildings in the event of flooding in the surrounding area.

It is assessed that the proposed development is consistent with the requirements of Clause 5.21 of the BLEP 2012.

#### Clause 6.2 Stormwater Management

Clause 6.2 applies to all land in a residential or employment zone under the BLEP 2012 and aims to minimise the impacts of urban stormwater on adjoining properties, native bushland and receiving waters. As the proposed subdivision is located on land in the R1 General Residential / R5 Large Lot Residential zones, the provisions of Clause 6.2 must be considered.

Clause 6.2(3) requires Council to be satisfied that:

- a) The development is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- b) The development includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater, or river water, and
- c) The development avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises, and mitigates the impact.

The Heath Consulting Engineers SMP applies the DRAINS model to the proposal to arrive at a comprehensive suite of stormwater management facilities to manage flooding / stormwater in the 1% AEP. As shown in the assessment of Clause 5.21 above, the proposed subdivision includes a comprehensive suite of stormwater management facilities at the site.

Section 4.8.3 of the iPLAN SoEE (Rev G) also provides commentary on stormwater management, as follows:

*As stated above, the Amended Proposal seeks to consolidate the on-site detention basins into a single basin that is located adjacent to the primary drainage channel and replace the existing dam in the large lot residential area. Water from Redmond Oval will remain in and be catered for by the existing drainage channel.*

*The majority of the new urban subdivision will drain via the road network (See Site Stormwater Reticulation Plan(s)) to the OSD Basin. The OSD Basin will charge from the pit in the base of the basin and has a headwall near the new internal road (to Richards Lane) that allows surcharge to the existing drainage channel. A limited number of lots in the south-western corner will drain to the existing drainage pipe to Stabback St (limited to 90L/second flow rate). The OSD Basin is designed so that the post-development flow does not exceed the pre-development flow – and in fact for the 1% AEP it is significantly less than pre-development flow.*

Drawing No. 21004-DA15-19 (Revision D) show the extent of stormwater management facilities and services to be employed at the site. Drawing No. 21004-ESCP01 (Revision D) shows the proposed erosion and sediment controls to be implemented as part of the construction of the Stage 2 and Stage 3 subdivision works.

DA 146/2021 has been referred to Blayney Shire Council's Design and Development Engineer, who has commented on stormwater as follows:

- Documents provided by the applicant show that the development is provisionally capable of retaining water to limit outflows to that of the predevelopment site. A condition is recommended requiring the applicant to provide further detail as part of the SWC.

- The proposed basin is in accordance with accepted design principles, and its earthen construction is sympathetic to the surrounding area.
- The dedication of the basin to council as a drainage reserve is appropriate to allow maintenance by council staff.
- Blayney Shire Council's Design and Development Engineer has provided advice that the proposed arrangements for stormwater management are satisfactory, subject to the following issues being addressed:
- Proposed Lots 205 and 206 in Stage 2, and proposed Lots 301, 302, 303, and 305 in stage 3 will require roof water from future built form to be plumbed to the roadside kerb, which drains to the proposed on-site stormwater detention basin. There is no capacity in the existing stormwater pipe on Lot 3 DP 1232898 to accommodate stormwater from these lots. A restriction on land title under Section 88B is recommended to ensure this occurs as part of future development on the nominated lots.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation that demonstrates a thorough understanding of hydrological aspects of the proposal. The main findings of the assessment of the DA documentation relating to stormwater management are as follows:

- Aside from the existing cottage and several ancillary outbuildings, the site exists as vacant and undeveloped land area with the majority of the land (near 100%) considered to be comprised of water permeable (or pervious) surfaces.
- The construction of the subdivision to create 52 new development lots and a network of new public roads will unavoidably increase impervious surface area on the land.
- The stormwater management framework for the site adequately accounts for the proposed changes in impervious surface area and demonstrates that downstream impacts can be suitably mitigated.
- The road design and associated public stormwater drainage system is designed to be consistent with the Blayney Shire Council Guidelines for Engineering Works.
- The plans and documents submitted with the DA show that on-site detention is proposed in order to manage stormwater generated from the construction of the 52 development lots and proposed new public road network.
- The collection of water in the above ground detention basin on proposed Lot 324 is not proposed for re-use throughout the site as supplementary domestic water supply.
- Opportunities will exist for future housing on the development lots to re-use stormwater collected in rainwater tanks that are likely to be required in order to meet the requirements of NSW BASIX legislation.
- The re-use of water from the proposed detention basin on Lot 324 is not deemed practical or necessary in the circumstances.
- Stormwater calculations demonstrate that post-development flows do not exceed pre-development flows.

It is assessed that the proposal is consistent with the provisions of Clause 6.2 of the BLEP 2012, provided that:

- The on-site detention basin is constructed as part of Stage 2 subdivision works.
- Proposed Lot 231 is dedicated to Council as part of Stage 2 subdivision works.
- The improvements to the existing overland drainage flow paths are completed as part of Stage 2 subdivision works.
- Any easements required for inter-allotment drainage are registered over appropriate lots are part of each relevant stage of subdivision works.

Conditions have been included in the recommendation to this assessment report relating to stormwater management.

Clause 6.8 – Essential Services

Clause 6.8 requires that Council must not grant consent to development unless it is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. In relation to this proposal, the services that are identified as being essential include the supply of water, the supply of electricity, the disposal of management of sewage, stormwater drainage (or on-site conservation) and suitable vehicular access.

Consideration of the essential servicing requirements for the subdivision development is included in the following sections of the report.

**Water**

Based on an inspection of the site and surrounding environment, as well as a review of the documentation lodged in support of DA 146/2021, the relevant water supply issues include:

- Aside from the existing cottage and several ancillary outbuildings, the site exists as vacant and largely undeveloped land. The existing cottage is understood to have a connection to the reticulated water supply network.
- Central Tablelands Water (CTW) is the water supply authority for reticulated water infrastructure in the township of Millthorpe.
- The proposed subdivision will require new connections to urban services and utilities including reticulated water. The nearest location of the CTW's existing reticulated water supply mains is identified to be within the road reservation to Park Street, generally opposite the existing cottage.
- A new connection point will be required, involving the crossing of Park Street and extension of the main east-bound towards the proposed subdivision.
- The development will require an extension and upgrade of reticulated water supply infrastructure to service each of the proposed lots. This work is subject to the requirements of CTW with all costs to be met by the developer including required developer contributions.

The proposed framework for the connection of water to the subdivision has been detailed in Section 4.10 of the iPLAN SoEE (Rev G) which includes the following description relating to the connection of utilities and services:

*All urban residential lots will be connected to the standard urban services including reticulated sewer & water, electricity & the required telecommunications... Potable water from the Central Tablelands Water (CTW) network runs adjacent to the Site. Heath Consulting Engineers have notified CTW of the Proposal and, as at the date of lodgement, there was no objection to the Proposal and none we are aware of during the 1st public exhibition.*

Proposed Water Reticulation Layout (Drawing No. 21004-DA21, Rev D) shows that reticulated water supply infrastructure will connect to the site from an existing location on the eastern side of Park Street. The infrastructure will extend through proposed Lot 323 (which is to be dedicated to Blayney Shire Council as public open space) and then further into the subdivision. A system of reticulated water supply mains and services are planned within the reservations to the proposed Road No. 2 and 3. The design does not place water supply infrastructure in locations that burden the proposed development lots and therefore easements are not shown to be necessary.

DA 146/2021 has been referred to Council's Design and Development Engineer, who has commented that the proposed arrangements for water supply are satisfactory. The provision of an adequate water supply to the proposed development is subject to the specific requirements of CTW, who is the water supply authority for Millthorpe.

It is assessed that the proposed development is consistent with the requirements of Clause 6.8 of BLEP 2012 for the following reasons:

- DA 146/2021 is supported by plans and documents which demonstrate that adequate arrangements can be made for the extension and installation of a reticulated water supply main to service proposed subdivision, with individual connections to be provided to each of the proposed 52 development lots.
- DA 146/2021 has been referred by Blayney Shire Council to CTW as the relevant water supply authority for the township of Millthorpe. CTW has not raised any objections to the proposal. The developers for the subdivision will need to liaise directly with CTW as part of the preparation of detailed designs for the supply of reticulated water infrastructure to the development.
- Conditions of consent are recommended to ensure water supply infrastructure is installed in accordance with the requirements of Blayney Shire Council and CTW, including payment of required headworks charges under Section 64 of the Local Government Act 1993.

#### **Electricity**

Based on an inspection of the site and surrounding environment, as well as a review of the documentation lodged in support of the DA, the relevant electricity supply issues include:

- Aside from the existing cottage and several ancillary outbuildings, the site exists as vacant and undeveloped land area.
- The proposed subdivision will demand new connections to urban services and utilities including electricity. To ensure impacts relating to heritage conservation, character and amenity are mitigated, the provision of underground electrical supply infrastructure will be a requirement for servicing the subdivision.
- Overhead electricity supply infrastructure exists generally along (but outside of) the eastern and northern boundaries of the subject land. The relocation of existing poles and wires is required to accommodate the new access connection of proposed Road No.1 to Richards Lane.
- The applicant has requested that Blayney Shire Council consider the conditioning of any development consent to require restrictions on title (under Section 88B of the Conveyancing Act) for Proposed Lots 90 and 92 as part of Stage 1 subdivision works. The terms of the restrictions would prevent urban development on these proposed lots until such time as necessary arrangements have been made to connect water, sewer, and electricity. This has been proposed by the applicant in order to facilitate an arrangement whereby successful completion of Stage 1 subdivision works provides for separation of site ownership (with the current owner to retain proposed Lots 90 and 91) and the developer (Landorange Partnership) to take ownership of proposed Lot 92 and progress Stage 2 and Stage 3 subdivision works.

The proposed framework for the connection of electricity to the subdivision has been detailed in Section 4.10 of the iPLAN SoEE (Rev G) which states '*All urban residential lots will be connected to the standard urban services including reticulated sewer & water, electricity & the required telecommunications... There are no high voltage electricity easements through the property but low voltage lines run along the eastern side of the Site and there will be no interference. All electricity will be located underground.*'

Drawing No. 21004-DA03, Rev D shows that a 2m easement is to be created over Proposed Lot 90 for underground power cables. The intention is to service the proposed subdivision by augmenting a power supply from the existing supply location within the road reservation to Park Street.

DA 146/2021 has been referred to Council's Design and Development Engineer, who has commented that the proposed arrangements for electricity supply to the subdivision are satisfactory subject to a proposed easement for underground power cables and right of access shown over proposed Lot 90 (Stage 1 works) being increased to a total width of 6m.

It is assessed that the proposed development is consistent with the requirements of Clause 6.8 of the BLEP 2012 for the following reasons:



- DA 146/2021 is supported by plans and documents which demonstrate that adequate arrangements can be made for the extension and installation of underground power to service proposed subdivision.
- The registration of an easement for power supply purposes over proposed Lot 90 at Stage 1 subdivision works will ensure that a suitable power supply can be augmented to Stage 2 subdivision works.
- A condition is recommended requiring suitable restrictions on title for proposed Lots 90 and 92 prior to the issue of the Subdivision Certificate for Stage 1 works. The restrictions will negate the need for the connection of electricity to these lots as part of Stage 1 works on the basis that new development will be prohibited until appropriate servicing arrangements are in place. Blayney Shire Council will be prescribed as the benefitting authority to the restriction.
- The design and installation of a suitable power supply to the subdivision is subject to the requirements of the relevant service authority, which is Essential Energy. It is expected that a more detailed design of the proposed underground electrical supply infrastructure would be completed as part of the preparation of a Subdivision Works Certificate and that a Notice of Arrangement would be issued by the relevant service provider (Essential Energy) prior to the issue of the Subdivision Certificate for Stage 2 and Stage 3 subdivision works.
- Conditions of consent are recommended to ensure that underground electricity supply infrastructure is connected to Stage 2 and Stage 3 subdivision works in accordance with Essential Energy requirements, with any cost burden associated with infrastructure upgrades, extensions and / or installations to be burdened by the applicant.

#### **Disposal and Management of Sewage**

Based on an inspection of the site and surrounding environment, as well as a review of the documentation lodged in support of the DA, the relevant sewerage supply issues include:

- Aside from the existing cottage and several ancillary outbuildings, the site exists as vacant and undeveloped land area. The cottage currently relies on an existing on-site waste management system for domestic waste disposal.
- The proposed subdivision will require new connections to urban services and utilities including reticulated sewerage. Extensions and upgrades to the existing supply system are required in accordance with the specific requirements of Blayney Shire Council who is the supply authority.
- The subject land is burdened by an existing network of underground sewerage pipes, and these assets are owned by Blayney Shire Council. The pipes are located generally along the inside edge of the southern boundary, inside edge of part of the western boundary, as well as centrally through the part of the site which is proposed to be developed. Deposited Plan 872388 shows that these underground assets are not currently protected by existing easements. A response is required to ensure that easements are registered over the pipe locations along the southern and western boundary. The remaining section of pipe will need to be suitably relocated to accommodate the subdivision development.
- Blayney Shire Council records show that the landowner for Lot 101 DP 872388 is also the landowner for adjoining Lot 18 DP 1148965, which is an existing subdivision lot fronting Stabback Street. The proposed plans indicate that an easement for the drainage of sewage is to be registered over Lot 18 DP 1148965 to enable the drainage of sewage from Stage 2 subdivision works to the existing sewerage network in Stabback Street.

The proposed framework for the connection of sewer to the subdivision has been detailed in Section 4.10 of the SoEE (Rev G) which states '*All urban residential lots will be connected to the standard urban services including reticulated sewer & water, electricity & the required telecommunications. The existing heritage cottage has an existing on-site effluent system, but this will be removed once there is approval for internal upgrades to bathrooms (future application). There is already an existing sewer connection on the proposed heritage cottage site. No development occurs over existing easements (except where the sewer line is relocated). Proposed new easements for sewer and drainage are shown on the Plans.*'

Drawing No. 21004-DA20, Rev D shows an easement is to be created over a part of Proposed Lot 92.  
Drawing No. 21004-DA20, Rev D shows that:

- Reticulated sewerage is to be connected to all 52 development lots.
- Proposed Lots 201-205 and 207-222 will be serviced by a new main that connects to the existing reticulated sewerage supply system in Stabback Street via a proposed easement over Lot 18 DP 1148965. (Assessment Note – a check of Council records confirms that Lot 18 DP 1148965 is under the same ownership as the subject land. Evidence has been provided to Council that appropriate arrangements are to be made for the registration of the new easement subject to the granting of consent to DA 146/2021.)
- Proposed Lots 206, 223-230, 301, 302 and 315-322 will be serviced by a new main that connects to the existing reticulated sewerage supply system currently located on the western boundary of the subject land.
- Proposed Lots 303, 312 and 313 will be serviced by new sewer connections to the existing reticulated sewerage supply system currently located on the southern and western boundaries of the subject land.
- Proposed Lot 314 will be serviced by a small extension of the existing reticulated sewerage supply system along the southern boundary of the land.
- As the proposed sewerage supply system is a gravity system, new main locations are proposed within the boundaries of some of the proposed development lots. The proposed sewer main locations do not compromise opportunities for future built form on the development lots. Easements will be necessary in favour of Blayney Shire Council.

DA 146/2021 has been referred to Blayney Shire Council's Design and Development Engineer, who has commented on sewerage as follows:

- Development requires the realignment/reconstruction of council existing sewer main to adequately service the development. General location of proposed sewer mains appears adequate and responsive to the local topography; however, a detailed engineering plan will be required prior to the issue of a SWC.
- A new sewer main and associated easement are proposed through adjacent Lot 18 DP1148965. As this lot has the same owner as the proposed development lot, the securing of an easement is not anticipated to be problematic.
- Millthorpe Sewer Pump Station has been assessed to be capable of supporting the development, as detailed in Council's internal Sewer Capacity Review.
- Proposed easements for the drainage of sewer to be increased from 2m wide to 3m wide in accordance with the requirements of the WBC Guidelines for engineering works.

It is assessed that the proposed development is consistent with the requirements of Clause 6.8 of BLEP 2012 for the following reasons:

- An existing connection to the sewerage supply system is in place for proposed Lot 91, which is intended to be created as part of Stage 1 subdivision works and will accommodate the heritage listed cottage and associated curtilage.
- A reticulated sewerage supply is not necessary to be conditioned for proposed Lot 90, which is to be created as a residual parcel of land as part of Stage 1 subdivision works. A condition is recommended requiring restriction on title under Section 88B of the Conveyancing Act which prevents further development of this land until appropriate arrangements are made to service the land in accordance with Blayney Shire Council's requirements.
- DA 146/2021 is supported by plans and documents which demonstrate that adequate arrangements are to be made for the future connection of proposed Lot 90 (being the residual land in the R5 Large Lot Residential zone) to reticulated sewerage supply infrastructure. The connection



is to be safeguarded through the creation of an easement for the drainage of sewer over part of proposed Lot 92.

- DA 146/2021 is supported by plans and documents which demonstrate that adequate arrangements can be made for the extension and installation of a reticulated sewerage supply to service Stages 2 and 3 subdivision works. Individual connections are to be provided to each of the proposed 52 development lots.
- Conditions of consent are recommended to ensure sewerage supply infrastructure is installed in accordance with the requirements of Blayney Shire Council, including payment of required headworks charges under Section 64 of the Local Government Act 1993.
- A condition of consent is recommended requiring documentary evidence that satisfactory arrangements have been made for the registration of an easement for the drainage of sewer on Lot 18 DP 1148965 prior to the issue Subdivision Certificate for Stage 1 works.
- A condition of consent is recommended requiring the registration of easements for the drainage of sewer over all existing sewer mains on the subject land which are not proposed to be abandoned and / or replaced as part of the subdivision development. The registration of the easements will be required as part of Stage 1 subdivision works.

#### **Stormwater Drainage**

An assessment of relevant issues associated with the proposed method of stormwater management for the proposed subdivision has been discussed in detail as part of the assessment of Clause 6.2 of the BLEP 2012. The assessment concludes that adequate arrangements will be made for the management of stormwater generated from the proposed development, including imposition of conditions in the recommendation to ensure all required works are completed at relevant stages of the subdivision.

#### **Suitable Vehicular Access**

Based on an inspection of the site and surrounding environment, as well as a review of the documentation lodged in support of the DA, the relevant issues relating to vehicular access include:

- The existing heritage listed cottage is intended to be retained within proposed Lot 91. The cottage is serviced by an existing gated entrance that is located on Park Street (Millthorpe Road). The gated entrance is located within a gap between London Plane trees, which form an important approach route / entrance corridor of street planting along Millthorpe Road. The approach route / entrance corridor is also framed by an existing timber post and rail fence that is contributory to the heritage value of the cottage (I273) and Millthorpe Heritage Conservation Area. Retention of the existing access arrangement to proposed Lot 91 is acceptable as an existing access and on heritage conservation grounds.
- The proposed development creates 52 new development lots which will require public road access. This is to be achieved through the construction of new internal network of public roads which must connect to the existing road network in a suitable location. The original subdivision design proposed to connect the new public road network to Park Street in the south-eastern corner of the site. As a result of issues raised during the first round of consultation, DA 146/2021 was amended in June 2022 to relocate the proposed entrance road to the subdivision from Park Street (Millthorpe) to Richards Lane.
- The proposed new public road that connects from Richards Lane to the proposed 52 development lots will traverse a section of the site which is impacted by existing overland stormwater flow. An assessment is required to determine whether the construction of a road in this location can occur with impeding access for future residents of the subdivision during a design stormwater event. An assessment is also required to determine whether the construction of a road in this location can occur without causing flood-related impacts on downstream users or future built form on proposed development lots.
- The proposed development creates 52 new development lots which will increase the number of daily traffic movements on Richards Lane. A traffic assessment has been carried out that

investigates the traffic implications of the proposed subdivision on Richards Lane and Park Street. Blayney Shire Council in consultation with TfNSW are programming upgrades to these roads, which will accommodate traffic from the proposed subdivision.

- All new roads will be dedicated to Blayney Shire Council as public roads, following construction of Stage 2 and 3 subdivision work.

The proposed framework for the provision of vehicular access to the subdivision has been detailed in the following documents submitted with the DA:

- Section 4.3.1 of the iPLAN SoEE (Rev G) which includes the following description relating to proposed access and internal roads:

*Entrance: Primary vehicle access via a new public road from Richards Lane:*

- i) *This utilises the existing Richards Lane intersection with Park St/Millthorpe Rd.*
- ii) *This avoids the need for a new vehicle access/entrance to/from Park St/Millthorpe Rd (classified road).*
- iii) *This minimises the impact of roads/traffic on the heritage cottage.*
- iv) *This provides access for a (future) amended subdivision pattern for the large lot residential area.*
- v) *This avoids any need for removal of existing street trees, particularly Plane Trees along Park St.*
- vi) *The new road through the drainage area will need to be up to 1.1-1.2m above the existing levels near the drainage corridor to enable safe access during a 1% AEP flood.*

*Internal Loop Road(s): New internal road (15-19m wide) with an outer loop and inner connector in a 'Figure 8' rectangular shape provides:*

- i) *Safe, legal access for all proposed lots to a public road. Only one residential lot has a 'battle-axe' handle which ensures good rectangular lot shapes/dimensions for dwellings with good setbacks & amenity.*
  - ii) *Two-way loop road(s) with excellent navigation/wayfinding and avoids cul-de-sacs.*
  - iii) *Loop(s) allow for larger vehicles (such as waste trucks) to service the frontage of all lots and enter and leave the Site in a forward direction without any reversing or difficult manoeuvring.*
  - iv) *The internal roads as a buffer between the subdivision and heritage cottage and provide frontage to the proposed open spaces/drainage corridor for pedestrian access & casual surveillance.*
  - v) *Under Council's Engineering Guidelines, these are likely to be Urban Local Access Roads (25-100 maximum dwellings served) with a design speed environment of 50km/hr. Whilst an Urban Local Access Road is only required to be 17m wide including two 3.5m verges – it is proposed to increase the width of the outer loop road to 19m with slightly wider verge(s) with it only needing 15m adjacent to the drainage corridor as the verge/shared path can be incorporated into the drainage reserve. This will allow for additional street tree planting and landscape to enhance the character and reduce the visual impact of residential development.*
- Drawing No. 21004-DA07, Rev D which shows that the proposed development lots will be serviced by new public roads which connect to the existing public road network via a new intersection with

Richards Lane. The connection point is approximately 120m east of the existing intersection of Richards Lane with Millthorpe Road.

- Drawing No. 21004-DA08, Rev D which shows proposed Road No. 1 will be constructed within a 20m wide reservation and will have a seal width of 9m on a 10m wide formation with table drains for the management of roadside stormwater. The plan shows that proposed Road No. 3 will be constructed within a 17m wide reservation and will have seal width of 10m with 150mm standard box kerb and guttering for the management of roadside stormwater.
- Drawing No. 21004-DA09-10 shows that proposed Road No. 2 will be constructed with a 10m seal with 150mm standard box kerb and guttering for the management of roadside stormwater. Road No. 2 will have a 19m wide road reservation, except where it adjoins the proposed drainage reserve and a 15m wide reservation will be created.
- Drawing No. 21004-DA14, Rev D shows that the proposed road design allows for road access by a heavy rigid vehicle, waste collection vehicle, fire engine and the like.
- Stormwater Management Plan (Revision E) shows that overland flow from external catchments can be dealt with through the site by defining the flow paths with wide flat channels and constructing a suitably sized boxed culvert under Proposed Road No. 1. The plan concludes that floodwater from these channels in a 1% AEP would not be deeper than 750mm at the box culvert inlet adjacent to the new access road, and that the design surface level for Road No. 1 at this location would be sufficient to prevent water breaching the road surface and preventing vehicular access to the subdivision.

DA 146/2021 has been referred to Blayney Shire Council's Design and Development Engineer, who has commented on traffic and access as follows:

- The proposed road network layout is generally in accordance with Blayney DCP, with the exception of the provision for through traffic, which is not feasible given the location of the development and existing road patterns.
- Whilst the access road has been designed to remain operable in a 1% AEP flood event, alternative emergency access is achieved via the public open space fronting Park St.
- Carriageway widths and road reserve meet or exceed WBC guideline requirements for a Local Access Road. The applicant has provided turning path diagrams illustrating the ability for the largest applicable vehicles can navigate the road network.
- The applicant has relocated the access point to the subdivision from Park St to Richards Lane in response to submissions to the initial application. Whilst Richards Lane is technically not a classified traffic will exit Richards Lane onto Millthorpe Rd, which is classified.
- Council have undertaken to upgrade this intersection as part of a larger upgrade to Richards Lane, with increased traffic flows resulting from the development considered as part of this upgrade.
- The applicant has provided a Traffic Impact Assessment, which has generally been accepted by an independent peer review commissioned by council. The notable exception to this is in regard to the upgrade of the Millthorpe Road / Richards Lane intersection. As noted above, this upgrade is to be completed by council and is therefore outside the purview of the development proposal.

It is assessed that the proposed development is consistent with the requirements of Clause 6.8 of BLEP 2012 for the following reasons:

- DA 146/2021 is supported by plans and documents which demonstrate that adequate arrangements will be made for the connection of the 52 development lots to a system of public roads.
- DA 146/2021 is supported by plans and documents which demonstrate that all new public roads will be constructed to the WBC Guidelines for Engineering Works and appropriately dedicated to Blayney Shire Council as part of Stage 2 and 3 subdivision works.

- DA 146/2021 is supported by plans and documents which show that the public road access can be facilitated to all proposed lots without being impacted by overland stormwater flows in a 1% AEP event.
- Conditions of consent of recommended to ensure detailed road designs are submitted to Blayney Shire Council with the application for Subdivision Works Certificate for Stage 2 and Stage 3 subdivision works.
- A condition of consent is recommended to ensure a safe and compliant access to Proposed Lot 90 and 92 is constructed prior to the issue of the Subdivision Certificate for Stage 1 works. The construction of this access is assessed to be required to ensure practical access to the land can be achieved before Stage 2 and 3 subdivision works are commenced. The access must be achieved to Richards Lane and not Park Street (Millthorpe Road) at a location that is acceptable to Blayney Shire Council in accordance with the WBC Guidelines for Engineering Works.
- Sufficient information is available to conclude that the existing standard of access to the cottage on Proposed Lot 90 (Stage 1 works) is sufficient and is to be retained without alteration on the grounds of heritage conservation.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires that Council must not consent to the carrying out of any development on land (including a change of use) unless it has considered whether the land is contaminated.

An assessment of potential land contamination has been included in the following documentation submitted with DA 146/2021:

- Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd (Rev 0, Report Number R13961c dated 20 December 2021). The scope of the investigation was to identify past activities that may have caused site contamination, identify potential types of contamination, discuss the site condition, provide an assessment of site contamination, and assess the need for further investigation to determine suitability for residential use. The investigation located an empty tank / drums south-west of the shipping containers on the land, but no surface staining or odours were detected around the tank. No other site uses or activities were identified that might give rise to potential land contamination concerns. The report recommended the removal of the general storage container and empty chemical drums on the site and did not identify the need for further investigations or actions.
- Section 5.1.2 of the iPLAN SoEE, which included a summary of the main findings from the Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd. The following additional statements are included in the iPLAN SoEE:

*There are no sites registered on the Contaminated Land Register ([www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)) in Blayney Shire but this is not necessarily conclusive.*

*To the best of our awareness the Site has only ever been used for extensive agriculture and a historic dwelling. We provide excerpts of historical photos from 1964, 1972, 1984, 1989, 1998 (all from the NSW Government Historical Imagery website) and 2017 and 2021 (from Google Earth). All of these photo's show that the Site has only ever contained the heritage cottage and small shed(s). It may have been cultivated irregularly but has mostly been used for extensive agriculture (grazing).*

*The Site does not appear to have been the focus for agricultural infrastructure of a larger historic property. There is one small historic shed & yards that appears to be used as cover for small animals and storage but there is no evidence of hydrocarbon staining or significant chemical storage. The old shed was used for milking a couple of cows (head stalls one side)/shearing a few sheep (other side), but this is unlikely to be classified as 'intensive agriculture'. The yards are not large and there is no evidence of sheep dips or spray areas. The fields have grown some*

*potatoes, lucerne and oats for stock feed but are not irrigated. There are no signs of any orcharding.*

*There is a more recent set of shipping containers made into a shed (inside not inspected) that is for storage but with floors in the shipping containers the ground has been largely protected. There is some agricultural machinery stored on the Site – but most of these are implements without engines so there is little risk of leakage of fuels etc.*

*The Site is immediately adjacent to the historic urban area of Millthorpe, so it is not in an area known for intensive agriculture and the soils are unlikely to support this activity. Whilst there was historic mining out on the Forest Reefs Rd there is no evidence of mining activity or workings on the Site.*

*The land has been within Zone RUS Village since (or its equivalent) since Blayney Local Environmental Plan 1998 (or possibly earlier) so it has only permitted compatible activities in the last 23 or more years and before that is likely to have been rural zoned land.*

*We suggest this is a sufficient Preliminary Contamination Investigation to not warrant any more detailed investigation and satisfies the SEPP and the Contamination Guidelines.*

Conditions have been included in the recommendation to ensure completion of site clean-up as part of Stage 1 subdivision works. On the basis that the draft conditions will be included in consent documentation, it is assessed that DA 146/2021 is consistent with the requirements of the Resilience and Hazards SEPP 2021.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

There are provisions contained within State Environmental Planning Policy (Transport and Infrastructure) 2021 which are triggers for the referral of Development Applications to certain authorities prior to the Council being able to grant consent. The potential triggers for referral of DA 146/2021 are summarised as follows:

##### Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises of involves:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.
- development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

Section 5.1.4 of the iPLAN SoEE includes an assessment of the Transport and Infrastructure SEPP 2021 but does not include an assessment of the referral triggers in Clause 2.48. A review of the plans and documents submitted with DA 146/2021 concludes that the proposal does trigger the requirement for written notice to be provided to the electricity supply authority. In particular:

- Drawing No. 21004-DA04A Rev E, shows that an existing electricity supply pole will need to be relocated in order to facilitate the construction work associated with the connection of proposed Road No.1 to Richards Lane.
- The proposed subdivision development is intended to be serviced by underground power lines.



Blayney Shire Council sent a referral request in relation to DA 146/2021 to Essential Energy (as the relevant power supply authority) in December 2021. In an email response dated 12 January 2022, Council received advice that Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Development in or adjacent to road corridors and road reservations

Clause 2.119 of the Transport and Infrastructure SEPP 2021 requires that Council must not grant consent to development on land that has a frontage to a proposed classified road unless it is satisfied that:

- where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
  - the design of the vehicular access to the land, or
  - the emission of smoke or dust from the development, or
  - the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The table to Section 5.1.4 of the iPLAN SoEE includes the following assessment of Clause 2.119 of the Transport and Infrastructure SEPP 2021:

*The lot / site has a frontage to Park St which is a classified road so this clause applies.*

*It is understood that the existing Lot 101 has frontage to Richards Lane to the north.*

*The Applicant has agreed to provide the primary vehicle access road from Richards Lane to address community concerns regarding direct access to Park St. This will utilise the existing intersection with Millthorpe Rd and avoid any new access point.*

*Whilst the proposed development is residential, it is largely buffered from vehicle noise/vibration on Park St by the proposed heritage cottage lot + adjacent road corridor (>73.7-79m wide) for all proposed new urban residential lots. Therefore, road traffic noise and vibration are unlikely to be significant or require additional studies. We suggest the proposal. Complies.*

It is assessed that the subdivision design has suitably demonstrated that public road access to the 52 new development lots can be and will be gained to Richards Lane.

Upgrades of Richards Lane and the intersection of Richards Lane and Park Street have been programmed by Blayney Shire Council, in consultation with TfNSW. Blayney Council is proposing to construct the intersection upgrade separately to the scope of works proposed as part of DA 146/2021. Funding for this work has been approved through the NSW Government Resources for Regions program.

Blayney Shire Council is proposing to enter into a Works Deed with Charms Developments Pty Ltd and Fenlor Group Pty Ltd. The Works Deed is considered necessary to ensure the programming of off-site road works is aligned with the program for subdivision works associated with DA 146/2021.

Subject to the intersection being upgraded to the specifications and requirements of Transport NSW, it is assessed that the safety, efficiency, and ongoing operation of the classified road will not be adversely affected by the development.

Traffic noise and vehicle emissions from the proposed subdivision are not particularly important issues of concern for the proposed subdivision. The site of proposed Stage 2 and Stage 3 subdivision works are

not designed with immediate adjacency to the classified road system. Proposed Lots 214, 215, 230, 315 and 315 will be located on the eastern edge of the subdivision and are all buffered from Park Street by a distance of approximately 75m.

The section of Park Street that adjoins the eastern boundary of the site is a 50km/hour zone, which results in reduced traffic speed within the vicinity of the proposed development. Existing street tree planting along Park Street and proposed landscape installations are also likely to assist in mitigating road noise and vibration impacts from traffic on Park Street.

#### Traffic-generating development

Clause 2.122 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to TfNSW for traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The table to Section 5.1.4 of the iPLAN SoEE includes the following assessment of Clause 2.122 of the Infrastructure SEPP:

*Concurrence not required: The Proposed 56 lot subdivision does not exceed the threshold in Schedule 2 as the access to Richards Lane is >90m from Millthorpe Rd (classified road) so it does not require concurrence of TfNSW. It is also noted that: the heritage lot has its own existing/ unchanged lot access to Park St and generates no new traffic; and the OSD Basin and drainage corridor lot does not generate traffic; the remnant lot in Zone R5 Large Lot Residential is subject to a future subdivision application but all future lots are expected to have access via the new road to Richards Lane.*

A review of Schedule 3 confirms that DA 146/2021 does not trigger the requirements of Clause 2.122 for written notice to be provided to TfNSW as the subdivision does not create more than 200 lots, and / or the subdivision does not create a new public road connection within 90m of the Richards Lane / Park Street intersection.

TfNSW has been consulted on their requirements for the upgrade of the intersection of Richards Lane and Park Street, which involves changes to the classified road network. Further details relating to the consultation with TfNSW have been included in Section 8.1.6 of this report.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to non-rural areas of the State, which includes land within the R1 General Residential and R5 Large Lot Residential zones under Blayney LEP 2012. The Biodiversity and Conservation SEPP 2021 provides the policy and assessment framework that is to be followed when new development involves the clearing of native vegetation that is declared by a Development Control Plan (adopted by the Council) as requiring a permit prior to its removal, or which will exceed the biodiversity offsets scheme threshold- in which case the approval from the Native Vegetation Panel is required.

Section 5.1.1 of the iPLAN SoEE provides an assessment of the proposal against the requirements of the Biodiversity Conservation Act 2016 as well as the Biodiversity and Conservation SEPP 2021, and includes the following relevant statements:

*Please see the Demolition Plan that shows which trees will be removed. This application seeks a permit for the removal of that vegetation. There are very limited number of significant trees that would be removed/impacted by this proposal. There is no vegetation removal proposed in the Zone R5 Large Lot Residential area (Remnant Lot) and only limited vegetation removal in the Zone RUS Village area (the Site for urban subdivision).*

*The Amended Proposal seeks to retain the 2 large eucalypts at the top of the hill so no known Koala feed species will be removed. It will also retain the native and non-native trees within the fenced*

*area immediately around the heritage item. There is a low probability of native grasses as this is urban / modified former extensive agricultural land with modified pastures.*

*The DCP does not declare any particular vegetation to which Part 3 of the Vegetation SEPP applies.*

*There is no mapped sensitive biodiversity on the Site on the Biodiversity Map in BLEP2012 so Clause 6.3 – Terrestrial Biodiversity does not apply.*

*As the Figure below shows, on the Biodiversity Values Map & Threshold Tool there is no mapped Biodiversity Values on the Site or surrounding Sites that would be affected by the Proposed Development. With a MLS of 450m2 the threshold for clearance of vegetation is 2,500m2 and this will not be exceeded. There is a low probability of impact on threatened species or ecological communities for the reasons above. Therefore, we suggest that there is no trigger to require a Biodiversity Development Assessment Report (BDAR) for this Site.*

*The Site is >1ha but does not have an approved koala plan of management. Due to the sparse native vegetation or suitable eucalypt trees on the Site and surrounding area it is unlikely to support any koala populations and none have been seen by the current owner in several decades. The removal of limited native vegetation within an urban area where there is no evidence of any koalas and no connection to other significant eucalypt plantings is highly unlikely to impact on koalas or core koala habitat and we suggest a Plan of Management is not required.*

Drawing No. 21004-DA22 Rev G shows the extent of existing vegetation to be cleared on the site as a result of the proposed subdivision. This includes a single Box Eucalypt located on proposed Lot 304, a small, isolated stand of Box Eucalyptus trees located on proposed Lot 312 and Lot 318, and a row of non-native trees (hawthorn hedge) in the south-eastern corner of the site.

The proposed scope of tree removal does not exceed the threshold for clearance of native vegetation on the site under the Biodiversity Offset Scheme, which is 2,500m<sup>2</sup>. The Blayney Development Control Plan 2018 does not declare any vegetation to which Part 2 of the Biodiversity and Conservation SEPP 2021 applies, and a permit is not required from Blayney Shire Council or Local Land Services prior to the removal of the vegetation.

A test of significance under Section 7.3(1) of the Biodiversity Conservation Act 2016 has been carried out in the table below, which concludes no impacts on threatened species.

Consideration	Assessment Comment
(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,	The SoEE has not identified any threatened species, endangered ecological communities or critically endangered ecological communities on the subject land that may be impacted by the proposed subdivision.
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—	There is not mapped sensitive biodiversity on the Site on the Biodiversity Map in Blayney LEP 2012.
(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	The site does not contain any mapped biodiversity values on the Biodiversity Values Map and Threshold tool of NSW Environment and Heritage.
(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	A search of the Bionet Atlas maintained by the NSW Department of Planning and Environment has been completed. No threatened species have been recorded on the site. Two recorded sightings of the following species are related to the development site:



<p>(c) in relation to the habitat of a threatened species or ecological community—</p> <p>(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</p> <p>(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</p> <p>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</p>	<ul style="list-style-type: none"> <li>- Short beaked echidna (<i>Tachyglossus aculeatus</i>) – last sighted on the land on 30/06/2006.</li> <li>- Brushtail possum (<i>Trichosurus</i> sp.) – last sighted on the land on 30/06/2006.</li> </ul> <p>The proposed subdivision avoids the removal of significant vegetation, including groups of trees within the curtilage to the existing cottage and significant mature eucalypt trees located centrally within the site.</p> <p>The remaining vegetation on the site is sparsely located and does not feature in the landscape as part of a larger remnant community.</p>
<p>(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</p>	<p>The removal of this vegetation is generally unavoidable due to the scope of construction works associated with the subdivision. The likelihood that the removal of these trees will result in adverse impacts on threatened species, endangered ecological communities or a critical endangered ecological community is assessed to be low.</p>
<p>(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</p>	<p>Given the scope of proposed vegetation removal and the characteristics of known biodiversity values on the land, the proposal satisfies the test of significance and further studies are not deemed to be necessary.</p>

**State Environmental Planning Policy (Resources and Energy) 2021**

The Resources and Energy SEPP 2021 seeks to protect existing / known mineral resources from incursions by sensitive uses and facilitate development of these areas for economic growth. Under Part 2.3 (Development Applications – Matters for Consideration), applicants are required to ensure compatibility of proposed development with mining or extractive industries (whether existing or mapped as future potential as being of State or regionally significant resource).

Section 5.1.3 of the iPLAN SoEE provides an assessment of the proposal against the requirements of this SEPP, and includes the following statements:

*The Site is located on the immediate edge of the historic urban area of Millthorpe and large lot residential development now encompasses the Site. Millthorpe and its environs are not identified on the Mineral Resource Audit Map (2012) as being within an existing or potential Mineral Resource Area. On the Common-Ground website there are no Extractive Licences or Titles across the Subject Site. Therefore, we suggest there is a low risk of land use conflict between the proposed intensification of residential use and any future mineral extraction. See also response to DCP Part G2 – Buffers to Sensitive Land Uses.*

The proposal is assessed to be consistent with the Resources and Energy SEPP 2021. Given the location, size, and characteristics of the subject land as well as the immediately surrounding environment, the potential future use of the land for mineral exploration is low.

**State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3 of the Industry and Employment SEPP 2021 relates to advertising and signage. Section 5.1.5 of the iPLAN SoEE advises no new signage is proposed for the development, other than street signage and exempt real estate signs. It is assessed that the proposal does not create any inconsistencies with the SEPP.

**State Environmental Planning Policy (Housing) 2021**

Chapter 2 of the Housing SEPP relates to affordable housing, and Chapter 3 of this SEPP relates to diverse housing. Section 5.1.6 of the iPLAN SoEE advises the application does not rely on (or conflict with) any of the requirements of this SEPP relating to diverse or affordable housing and future applications will be made for detached dwellings on the site. It is assessed that the proposal does not create any inconsistencies with the SEPP.

**State Environmental Planning Policy (Sustainable Buildings) 2022**

The Sustainable Buildings SEPP 2022 applies to residential and non-residential projects and provides standards which aim to encourage the design and delivery of sustainable buildings. The proposal will create 52 new development lots for future residential purposes. The requirements of the SEPP will apply to the future dwellings on the land and there are no policy requirements applying to subdivision development. It is assessed that the proposal does not create any inconsistencies with the SEPP.

**8.1.2. Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and has been notified to the consent authority**

No draft instruments have been identified which contain provisions likely to be of relevance to the determination of DA 146/2021.

**8.1.3. Section 4.15(1)(a)(iii) Any Development Control Plan**

**Blayney Shire Development Control Plan 2018**

Blayney Shire Development Control 2018 (DCP) applies to all land within the Local Government Area of Blayney and is the relevant DCP for assessment against the proposed development.

The following Parts of the Blayney DCP 2018 contain provisions which apply to the proposal:

- Part B – Notification and Public Exhibition
- Part F - Subdivision
- Part G – Environmental Management and Hazards
- Part H – Heritage Conservation

Section 5.3 of the iPLAN SoEE includes an assessment of the proposed development against the provisions contained in Parts B, F, G and H of the DCP. The SoEE advises the proposal is consistent with the prescribed standards and controls in those parts, and that no variations are required. An assessment of the relevant DCP controls is provided in the following table:

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
<b>Part B – Notification &amp; Public Exhibition</b>			
<b>Notified Development</b>			
B2.1	Development not requiring Notification	Not applicable to proposal.	The proposed development was notified development within the meaning of the DCP.
B2.2	Who will be notified?	Proposal is consistent.	DA 146/2021 was notified to adjoining landowners during three (3) public notification / exhibition periods. Submissions were received by Blayney Shire Council as a result of public exhibition / notification periods. Consideration of submissions is detailed in Section 8.1.8 of this assessment report.
B2.3	Information to be included with Notification Letters	Proposal is consistent.	All notifiable landowners received a copy of the information and plans.
B2.4	Notification Period	Proposal is consistent.	For each of the three (3) separate public exhibition / notification periods, a minimum notification period of 14 days was provided by Council.
<b>Advertised Development</b>			
B3.1	What Development will be advertised?	Proposal is consistent.	DA 146/2021 was advertised by Blayney Shire Council. Exhibition was considered necessary as the proposal was considered to be of significant community interest and involves a subdivision creating 20 or more lots.
B3.2	Public Exhibition Period	Proposal is consistent.	A public notice of the exhibition related to DA 145/2021 was placed in the local newspaper on three separate occasions. Details relating to public exhibition is included in Section 8.1.8 of this assessment report.
B3.3	Information to be publicly exhibited	Proposal is consistent.	Details of the proposed subdivision and the site were detailed in public exhibition notice.
B3.4	Making of submissions during the notification and advertising period	Proposal is consistent.	A number of submissions were received as a result of neighbour notification / exhibition. Details of submissions are included in Section 8.1.8 of this assessment report.
B3.5	Consideration of submissions during the notification and exhibition period	Proposal is consistent.	The assessment of issues raised in submissions is detailed in Section 8.1.8 of this assessment report.
B3.6	Notification of determination of Development Applications	Proposal is consistent.	DA 146/2021 has not yet been determined.
<b>Part F – Subdivision</b>			
<b>F1 - Introduction</b>			

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
F.1.1	Application of this Part	Proposal is consistent.	DA 146/2021 proposes a Torrens Title subdivision of the land and Part F of the DCP is a relevant matter for consideration.
F1.2	Other Parts of this DCP	Noted.	The following other parts of the DCP contain provisions which apply to the proposal: Part B – Notification and Public Part G – Environmental Management and Hazards Part H – Heritage Conservation
<b>F2 – Site Planning and General Subdivision Requirements</b>			
F2.1	Site Planning	Proposal is consistent.	The SoEE and submitted plans provide sufficient site analysis details, including: <ul style="list-style-type: none"> <li>- Topography and drainage.</li> <li>- Features of the existing natural environment, including environmentally sensitive areas.</li> <li>- Natural hazards (flooding) and stormwater drainage.</li> <li>- Setbacks and buffers to adjoining land-uses.</li> <li>- Road and pedestrian connections.</li> <li>- Access to lots.</li> <li>- Integration with existing subdivision patterns.</li> </ul> Detailed assessment of these issues has been completed in other sections of this assessment report. Generally, the proposed subdivision design adequately responds to a site planning analysis.
F2.2	Topography and Earthworks	Proposal is consistent.	A review of the plans and documents submitted with DA 146/2021 shows that: <ul style="list-style-type: none"> <li>- Construction of the subdivision (Stage 2 and 3 works) will require cut and fill. Details are shown in Drawing No. 21004-DA06.</li> <li>- Cut is largely associated with the new internal roads and drainage corridor and does not exceed 1.06m.</li> <li>- Fill is most associated with the banks of the new on-site detention basin (maximum 2.36m fill) and new internal roads.</li> <li>- The proposal involves some the placement of some fill along the western edge of the site, necessitating the construction of a retaining wall – described to be less than 800mm in height.</li> <li>- The proposed earthworks are generally consistent with prescribed DCP controls. Cut and fill appears to be minimised as far as practically possible, with natural surface profiles maintained for the majority of proposed development lots.</li> </ul> Conditions have been included in the recommendation requiring engineering detail for

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			the proposed retaining wall on the western boundary as part of the application for Subdivision Works Certificate relating to Stage 2 works.
F2.3	Lot Size and Arrangement	Proposal is consistent	<p>The proposed lot size and arrangement is consistent with prescribed DCP controls and in particular:</p> <ul style="list-style-type: none"> <li>- The lot sizes comply with the minimum requirements of the Blayney LEP 2012.</li> <li>- Proposed lot sizes have an average of 700-800m<sup>2</sup> which is larger than the 450m<sup>2</sup> minimum prescribed by the Blayney LEP 2012. The larger lot sizes have been proposed in response to a number of site planning considerations including heritage, character, views, and amenity.</li> <li>- Lot sizes, shapes and road frontages will allow for suitably sized building envelopes. There are no concerns about the ability of future dwellings to comply with setbacks requirements of the Blayney DCP 2018 or NCC.</li> <li>- Lot shapes are generally regular in shape.</li> <li>- Lot frontages are sufficient for site access.</li> <li>- Lot width to depth ratios are assessed to be satisfactory.</li> </ul>
F2.4	On-site effluent management	N/A	The subdivision will be serviced with reticulated sewerage supply.
F2.5	Access and entrances	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed DCP controls, and in particular:</p> <ul style="list-style-type: none"> <li>- Each of the proposed 52 development lots can and will be provided with safe, legal access to a public road.</li> <li>- Direct access to the classified road network is not proposed.</li> <li>- A Traffic Impact Study has been prepared in support of the DA. Further details relating to this study (and traffic impacts in general) have been included in Section 8.1.6 of this assessment report.</li> <li>- The proposed road design for the subdivision is assessed as meeting the requirements of the Council's Guidelines for Engineering Works.</li> </ul> <p>Conditions are included in the recommendation requiring a suitable standard of access to each lot as part of Stage 1, 2 and Stage 3 subdivision works.</p>
F2.6	Access – Rights of Way and Battle-axe Lots	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed DCP controls.</p> <p>The proposed subdivision design creates only 1 new allotment (being Proposed Lot 304) which will gain access to the public road network via a battle-axe arrangement. The DCP allows a maximum of 3 lots</p>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			with battle-axe access. The battle-axe handle will enable a minimum width driveway construction.
F2.7	Utilities / Easements	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed DCP controls, and in particular:</p> <ul style="list-style-type: none"> <li>- Each development lot will be connected to relevant urban utilities and services.</li> <li>- The location of existing and proposed easements for services are located on relevant plans. Conditions are recommended requiring the registration of relevant easements as part of Stage 1 works where possible.</li> <li>- The proposed design of water, sewer and stormwater infrastructure is generally acceptable in terms of allowing future-built form on the development lots with service encroachments.</li> <li>- Power supply to the proposed development is intended to be installed as an underground service, which will minimise view and heritage impacts.</li> </ul>
F2.8	Staging	Proposal is consistent, subject to conditions	<p>Each stage of subdivision does not compromise suitable access to any other stages, and in particular:</p> <ul style="list-style-type: none"> <li>- Stages of subdivision are capable of operating independently of the infrastructure of later stages.</li> <li>- Stages of subdivision have access to essential infrastructure / utilities, roads, and pedestrian connections, and incorporate landscaping in accordance with the controls in the Blayney DCP.</li> <li>- Pedestrian footpath connections to Park Street are proposed in Stage 2 subdivision works.</li> <li>- Site landscape works are proposed in Stages 1 and 2.</li> </ul> <p>Conditions are included in the recommendation to ensure compliance with staging controls listed in the DCP.</p>
<b>F3 – Residential Subdivision in Urban Areas</b>			
F3.1	Lot Size & Arrangements – General	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed DCP controls, and in particular:</p> <ul style="list-style-type: none"> <li>- The subdivision design provides for new development lots that have a general north-south orientation. The lot orientations will provide for good solar orientation to future dwellings.</li> <li>- Lot widths comply with minimum prescribed controls, are consistent with other subdivision examples in Millthorpe, and should allow for</li> </ul>



DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			<p>future dwelling development without generating adverse overshadowing impacts.</p> <ul style="list-style-type: none"> <li>- All proposed regular shaped lots are designed to meet the minimum 15m width requirement at the building line.</li> <li>- All fan shaped lots are designed to meet the minimum 8m width requirement at the street frontage, and 14m minimum width requirement at the 6m front setback line.</li> </ul>
F3.2	Access to Battle-Axe Lots (limited Road Frontage)	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed DCP controls and in particular:</p> <ul style="list-style-type: none"> <li>- The only lot with a battle-axe handle is Proposed Lot 304, and this lot meets the minimum handle width requirement of 4m.</li> <li>- Proposed Lot 304 is intended only for a single dwelling.</li> <li>- A condition is recommended requiring the construction of a minimum 2.4m wide concrete pavement driveway for the full length of the access handle to Proposed Lot 304.</li> </ul>
<b>F7 New or Upgraded Public Roads</b>			
F7.1	Engineering Guidelines	Proposal is consistent	<p>The proposed subdivision creates new public roads that are designed in accordance with the referenced road design standards as well as the WBC Guidelines for Engineering Work. This has been confirmed by Council's Design and Development Engineer as part of an internal referral of DA 146/2021.</p> <p>Conditions are recommended requiring detailed designs for public roads as part of the Subdivision Works Certificate Application for Stage 2 and 3 works.</p>
F7.2	Surrounding Road Patterns and Access	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed DCP controls and in particular:</p> <ul style="list-style-type: none"> <li>- The proposed road network is simple and uncomplicated. The size of the proposed development means that navigation of the road network is unlikely to cause problems for unfamiliar users.</li> <li>- The proposed road networks connect to the local road network via Richards Lane. Opportunities for through-connections to adjoining subdivision on Church Street or Stabback Street have been lost as road connection points have not been reserved as part of those subdivision designs.</li> <li>- The proposed subdivision adopts a grid road pattern that is not inconsistent with adjoining subdivisions. Curvilinear road forms are not proposed, except for proposed Road No. 1</li> </ul>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			<p>which is designed according to design responses to site analysis planning.</p> <ul style="list-style-type: none"> <li>- The subdivision does not create easements for road access to adjoining sites. This is not deemed to be necessary, as the adjoining land to the west (Lot 3 DP 1232898) is assessed to have sufficient access to the existing public road network (Richards Lane).</li> <li>- The subdivision design does not propose rear lanes for primary access to development lots.</li> </ul>
F7.3	Road Hierarchy & Design	Proposal is consistent, subject to conditions	<p>The Blayney DCP 2018 prescribes that Council may require a Traffic Impact Study to be prepared that addresses:</p> <ul style="list-style-type: none"> <li>- How the road hierarchy will promote ease of navigation.</li> <li>- The maximum vehicle sizes to utilise the road network during construction and future use;</li> <li>- The impact of any traffic generation from the proposed subdivision on the proposed and existing road network and pedestrian / cycle routes.</li> <li>- Appropriate turning paths for the largest vehicle sizes.</li> <li>- The location, design and safety of any intersections or crossings.</li> </ul> <p>A Traffic Impact Assessment has been prepared in support of the DA. Further details relating to this study (and traffic impacts in general) have been included in Section 8.1.6 of this assessment report.</p> <p>The proposal is capable of complying with the prescribed DCP controls subject to appropriate conditions of consent.</p>
F7.4	Terminating Roads (Cul-de-sacs)	Proposal is consistent	The proposal does not involve any terminating cul-de-sacs.
F7.5	Crown Roads	Proposal is consistent	The proposal does not involve the use of any existing crown roads for the provision of access to the subdivision.
F7.6	Safety and Surveillance	Proposal is consistent	<p>The Blayney DCP 2018 prescribes that the subdivision must address the principles of Safety by Design Guidelines including:</p> <ul style="list-style-type: none"> <li>- Appropriate locations and orientations of lots and building envelopes to maximise casual surveillance of the street.</li> <li>- Provision of appropriate lighting of public spaces and walkways.</li> </ul>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			<ul style="list-style-type: none"> <li>- Clear boundaries between public open space / streets, communal open space, and private open spaces.</li> <li>- Appropriate landscaping and fence design.</li> </ul> <p>An assessment of the proposed development against the CPTED principles is included in Section 8.1.6 of this assessment report. The proposed subdivision is generally consistent, as summarised below:</p> <ul style="list-style-type: none"> <li>- Lots are generally oriented to enable future housing with casual surveillance of the proposed street network.</li> <li>- Street lighting is to be conditioned for installation on the proposed street network and new public open space area.</li> <li>- There is a clear and defined boundary between the public streets and the private lots.</li> <li>- The design allows for the overlooking of the proposed public open space.</li> </ul>
F7.7	Public Domain Landscaping & Street Trees	Proposal is consistent	The proposed subdivision design is consistent with prescribed DCP controls and in particular the DA is supported by a concept landscape plan, with a condition in the recommendation for a detailed Landscape Plan prepared by a Landscape Architect for approval by Council prior to the issue of the Subdivision Works Certificate Application for Stage 1 works.
F7.8	Naming of New Roads	Proposal is consistent	The naming of the new roads will be the subject of a separate process to the determination of DA 146/2021.
<b>Part G – Environmental Management &amp; Hazards</b>			
<b>Part G2 - Buffers to Sensitive Land Uses</b>			
G2.1	Application of section	The controls in Part G2 are assessed not to apply.	<p>Part G2 applies to a proposed development where:</p> <ul style="list-style-type: none"> <li>- a sensitive land-use is proposed within the nominated buffer distances to an existing or likely higher impact land-use, or</li> <li>- a higher impact land-use proposed within the nominated buffer to an existing or likely future sensitive land-use.</li> </ul> <p>The proposed development is not assessed to be a “higher impact land-use”.</p> <p>The subject land is not located within a designated buffer area to which Clause 6.7 of the Blayney LEP 2012 applies.</p> <p>The nature of the proposal is not such that it is considered to be a sensitive land use which might be regularly affected by emissions from other higher</p>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			impact land-uses, none of which have been identified within the proximity to the site. The iPLAN SoEE (pg. 39) advises the proposed development lots are sufficiently separated from the State Road network and the nearby railway so that noise and vibration from these sources are unlikely to be significant issues. Further assessment of Part G2 is not considered to be necessary.
G2.2	Objectives	Considered. Further assessment not required.	Refer to comment at G2.1.
G2.3	Noise and Vibration	Considered. Further assessment not required.	Refer to comment at G2.1.
G2.4	Odour and Dust	Considered. Further assessment not required.	Refer to comment at G2.1.
G2.5	On-site effluent disposal	Considered. Further assessment not required.	Refer to comment at G2.1.
G2.6	Buffers to Sensitive Land Uses	Considered. Further assessment not required.	Refer to comment at G2.1.
G2.7	Buffers and Landscaping	Considered. Further assessment not required.	Refer to comment at G2.1.
G2.8	Agriculture and Right to Farm	Considered. Further assessment not required.	Refer to comment at G2.1.
<b>Part G3 – Stormwater and Drainage</b>			
G3.1	Application of section	Proposal is consistent	Section G3 of the Blayney DCP 2018 requires assessment.
G3.2	Objectives	Proposal is consistent	A detailed assessment of the proposed development against the requirements of Section 6.2 of the BLEP 2012 has been completed and included in Section 8.3.1 of this report. The assessment concludes that adequate arrangements have been made for the management of stormwater from the proposed development and for the management of overland stormwater flows through the site.

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
G3.3	Stormwater Management	Proposal is consistent	A Soil and Water Management Plan has been prepared and lodged in support of DA 146/2021 (refer Drawing No. 21004-ESCP01, Rev D). The plan shows the proposed erosion and sediment controls to be implemented as part of the construction of the Stage 2 and Stage 3 subdivision works to ensure appropriate impacts on the environment are minimised. The plan is considered to be acceptable.
Part G4 - Flooding			
This section of the DCP is blank.			
Part G5 - Bushfire			
The land is not mapped as Bushfire Prone. Consideration of Part G5 is not necessary.			
Part G6 – Land Contamination			
G6.1	Application of section	Proposal is consistent	Section G6 applies to land within the Blayney LGA and requires assessment.
G6.2	Objectives	Proposal is consistent	A detailed assessment of the proposed development against the requirements of the Resilience and Hazards SEPP 2021 has been completed and included in Section 8.3.1 of this report. The assessment concludes no evidence of past or current site activities was identified in the Envirowest Preliminary Site Investigation report. A number of chemical drums were found in locations that will remain as undeveloped land (proposed Lot 90), and it is assessed that they do not pose unacceptable risk to the future use of the wider site for residential purposes provided they are removed in accordance with the findings of the Preliminary Site Investigation. This work is to be completed as part of Stage 1 subdivision works and a condition of consent has been recommended to this effect.
Part G7 – Significant Vegetation and Biodiversity			
This section of the DCP is blank.			
Part G8 – Drinking Water Catchments and Ground Water Vulnerability			
The land is not identified as being within an area affected by vulnerable groundwaters or within a drinking water catchment area.			
Part G9 – Land and Soils			
G9.1	Application of section	Proposal is consistent	The iPLAN SoEE (pg. 40) relies on geotechnical reporting prepared by Barson and provides the following assessment:  <i>A review of the Naturally Occurring Asbestos maps (www.trade.maps.arcgis.com) suggests that the entire urban area of Millthorpe is in an area with known geological units with a medium naturally occurring asbestos potential. We understand that it is Council's usual practice to condition any development application</i>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			<p><i>appropriately to seek appropriate geo-technical reports that determine the risk and appropriate way to conduct earthworks on the Site and this is the best way forward.</i></p> <p>Site inspection gives no indication that the site might be affected by other geological, soil classification / types or salinity issues that could impact on the proposed development.</p> <p>Generally, it is assessed that there are no significant environmental constraints which are prohibitive to the proposed development.</p> <p>A condition is included in the recommendation dealing with naturally occurring asbestos potential.</p>
<b>Part H – Heritage Conservation</b>			
<b>Part H1 - Introduction</b>			
H1.1	Application of section	Part H applies.	Section H applies to the proposed development as the site is located within the Millthorpe Heritage Conservation Area. The site is located in the Millthorpe Conservation Area and contains an existing cottage which is listed in Schedule 5 of the BLEP 2012 as a heritage item.
H1.2	Objectives of Heritage Conservation	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed objectives. In particular, the proposal incorporates the heritage listed cottage into proposed Lot 91 as part of Stage 1 subdivision works. Proposed Lot 91 provides a curtilage around the cottage that meets the general objectives for heritage conservation of the item and the HCA as identified within the BLEP 2012 and Blayney DCP 2018 and is consistent with the recommendations in the SoHI prepared by Patsy Moppett.</p> <p>A detailed assessment of the heritage implications of the proposed development has been completed and included in Section 8.3.1 of this report. In summary, it has been assessed that (subject to conditions) the proposal will not have a significant impact on an existing heritage item (I273) in BLEP 2012 or on the Millthorpe Heritage Conservation Area (C2).</p>
H1.3	Other parts of the DCP	Proposal is consistent	The development has been assessed against the requirements of all other relevant parts of the Blayney DCP 2018, including Parts B, F and G.
H1.4	Variation to Controls	Proposal is consistent	The proposal does not require a variation to the controls in Part H of the BDCP 2018.
<b>Part 2 – Development Consent Requirements</b>			
H2.1	Development requiring consent	Proposal is consistent	A DA has been lodged for the proposal.



DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
H2.2	Development not requiring consent	Not applicable	A DA has been lodged for the proposal. DA 146/2021 is not seeking an exemption for any components of the subdivision development under Clause 5.10 of the BLEP 2012 or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
H2.3	Document to be submitted with a Development Application	Proposal is consistent	<p>DA 146/2021 is supported by the following documents which aim to address the likely impacts of the proposal on the Millthorpe Heritage Conservation Area and Item No. 273 of Schedule 5 of the Blayney LEP (cottage):</p> <ul style="list-style-type: none"> <li>- Statement of Heritage Impact prepared by Patsy Moppett dated November 2021.</li> <li>- The iPLAN SoEE includes additional assessment work relating to heritage impacts in response to a request from Blayney Shire Council for further information.</li> </ul> <p>Sufficient information has been provided in support of the DA to allow an assessment of the likely impacts of the proposal in terms of heritage.</p> <p>Assessment Note – DA 146/2021 has been referred to Blayney Shire Council’s Heritage Advisor as part of the assessment process. The comments from the Heritage Advisor are detailed in Section 8.1.8 of this report, which include advice on the adequacy of the information submitted with the DA and matters that are recommended to be conditioned with any approval granted by the Council.</p>
H2.4	Archaeological Sites (Non-Indigenous)	Proposal is consistent	The site contains an existing cottage which is listed in Schedule 5 of the Blayney LEP as a locally significant (non-indigenous) heritage item. The proposal does not involve the works that will disturb the item. Excavation is not proposed within the curtilage to the cottage. Further assessment is contained in Section 8.3.1 of this report. Consent from NSW Heritage Council is not assessed to be necessary.
H2.4	Aboriginal Places of Heritage Significance	Proposal is consistent	<p>An assessment of the potential impact in terms of Aboriginal cultural heritage was undertaken in the iPLAN SoEE.</p> <p>Given the highly disturbed nature of the site and known land-use history, it is assessed to be unlikely that any items of Aboriginal heritage will be discovered during construction processes associated with the proposed development.</p> <p>The recommendation to this report includes conditions requiring compliance with the Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.</p>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
H2.6	State Heritage Items	Proposal is consistent	The land will not impact on any State Heritage Items.
H2.7	Conservation Incentives	Proposal is consistent	The proposal is not seeking development consent under the conservation incentives clause.
<b>H3 Development of Heritage Items</b>			
H3.1	Demolition	Not applicable	The proposal does not involve the demolition of a heritage item.
H3.2	Subdivision	Proposal is consistent	<p>The proposal incorporates the heritage listed cottage into proposed Lot 91 as part of Stage 1 subdivision works.</p> <p>Proposed Lot 91 provides a curtilage around the heritage listed cottage that meets the general objectives for heritage conservation in the BLEP 2012 and Blayney DCP 2018 and is consistent with the recommendations of the SoHI prepared by Patsy Moppett) and Council's Heritage Advisor.</p> <p>View impacts are assessed in Section 8.1.6 of this assessment report. Subject to conditions, important views to and from the site are assessed to be suitably protected.</p>
H3.3	Adaptive Reuse	Not applicable	The proposal does not involve the adaptive reuse of a heritage item. The provision of a large area around the cottage (I273) allows for future adaptive reuse to be achieved.
H3.4	Scale and Proportion	Proposal is consistent	The proposal does not involve physical changes or alterations to the heritage-listed cottage. Important elements of the heritage item have been identified and are to be retained within the curtilage, defined generally by the extent of proposed Lot 91.
H3.5	Materials and Colours	Not applicable	The proposal does not involve physical changes or alterations to the heritage listed cottage
H3.6	Doors and Windows	Not applicable	The proposal does not involve physical changes or alterations to the heritage-listed cottage
H3.7	Fencing Gates	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed controls and in particular:</p> <ul style="list-style-type: none"> <li>- All fencing and gates associated with the heritage-listed cottage are proposed to be retained and will not be removed, altered, or relocated as part of the proposal.</li> <li>- Fencing and gates on the 52 development lots is to be provided as part future built form and subject to relevant applications with Blayney Shire Council.</li> </ul>
H3.8	Landscaping Elements	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed controls and in particular:</p> <ul style="list-style-type: none"> <li>- Except for the removal of a section of hawthorn edge in the SE corner of the site, the</li> </ul>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			<p>original landscape elements within the curtilage to the heritage-listed cottage are proposed to be retain. The heritage related impacts of removing the section of the hawthorn edge are assessed in a previous section of this report dealing with Clause 5.10 of the Blayney LEP 2012 considerations.</p> <ul style="list-style-type: none"> <li>- The likely impacts are acceptable and will be offset by the public benefit of open space provision and pedestrian footpath connectivity.</li> </ul>
H3.9	Outbuildings and Rainwater Tanks	Not applicable	The proposal does not involve the construction of new outbuildings or rainwater tanks.
H3.10	Advertising and signage	Not applicable	The proposal does not involve the installation of new advertising and signage.
<b>H4 Development in the vicinity of Heritage Items</b>			
H4.1	Siting, Scale and Proportion	Proposal is consistent	<p>The proposed subdivision design is consistent with prescribed controls and in particular:</p> <ul style="list-style-type: none"> <li>- The proposal incorporates the heritage listed cottage into Proposed Lot 91 as part of Stage 1 subdivision works.</li> <li>- Proposed Lot 91 provides a curtilage around the cottage that meets the general objectives for heritage conservation of the item and the HCA as identified within the LEP and DCP and is consistent with the standard guidelines offered by the Statement of Heritage Impact (SoHI) procedure.</li> <li>- On the basis that a suitable curtilage has been established around the cottage, it is unlikely that future built form on the proposed 52 development lots will visually dominate the cottage through adverse impacts created by setbacks, bulk, scale, or height.</li> <li>- On the basis that a suitable curtilage has been established around the cottage, the proposed subdivision will not significantly alter the streetscape presentation of the cottage from Park Street.</li> <li>- View impacts are assessed in Section 8.1.6 of this assessment report. Subject to conditions, important views to and from the site are assessed to be suitably protected.</li> <li>- The site is located nearby to a number of other locally significant heritage items. The impacts of the proposal on these items have been assessed in previous sections of this report dealing with Clause 5.10 of BLEP 2012 considerations. Significant impacts are unlikely.</li> </ul>

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
H4.2	Materials and colours	Not applicable	As the proposal does not involve the construction of new buildings, considerations relating to materials and colours are not relevant.
<b>H5 Development within the Heritage Conservation Area</b>			
H5.1	Scale and Form	Proposal is consistent	<p>DA 146/2021 is supported by the following documents which aim to address the likely impacts of the proposal on the Millthorpe Heritage Conservation Area and Item No. 273 of Schedule 5 of the Blayney LEP (cottage):</p> <ul style="list-style-type: none"> <li>- Statement of Heritage Impact prepared by Patsy Moppett, dated November 2021.</li> <li>- The iPLAN SoEE includes additional assessment work relating to heritage impacts in response to a request from Blayney Shire Council for further information.</li> </ul> <p>Sufficient information has been provided in support of DA 146/2021 to allow an assessment of the likely impacts of the proposal in terms of heritage.</p> <p>The likely heritage impacts of the proposal have been assessed in a previous section of this report dealing with Clause 5.10 of the BLEP 2012 considerations.</p> <p>In terms of scale and form, it is assessed that:</p> <ul style="list-style-type: none"> <li>- The scale of the subdivision is within the capacity of the land and is suitable given the natural attributes and constraints of the site.</li> <li>- The proposed subdivision will allow built form that is not out of character (in terms of scale and form) with other existing residential neighbourhoods in Millthorpe, including adjoining developments on Church Street and Stabback Street.</li> <li>- View impacts related to future built form have been considered in Section 8.1.6 of this assessment report. Adverse impacts can be appropriately mitigated through strategic landscaping of the site and conditions of consent are recommended.</li> </ul>
H5.2	Siting	Not applicable	The proposal does not involve the construction of new structures. The setbacks of future built form on the new subdivision lots will be assessed as part of future DAs to Blayney Shire Council.
H5.3	Materials and Colours	Not applicable	As the proposal does not involve the construction of new buildings and does not involve any physical changes to the heritage-listed cottage, considerations relating to materials and colours are not relevant.
H5.4	Doors and Windows	Not applicable	As the proposal does not involve the construction of new buildings and does not involve any physical

DCP Ref.	Name of Control	Statement of Consistency	Planning assessment comment
			changes to the heritage listed cottage, considerations relating to doors and windows are not relevant.
H5.5	Outbuildings	Not applicable	There are no buildings to be constructed.
H5.6	Fencing	Proposal is consistent	The proposed subdivision design is consistent with prescribed controls and in particular: <ul style="list-style-type: none"> <li>- All fencing and gates associated with the heritage-listed cottage are proposed to be retained and will not be removed, altered, or relocated as part of the proposal.</li> <li>- Fencing and gates on the 52 development lots is to be provided as part future built form and subject to relevant applications with Blayney Shire Council.</li> </ul>

**8.1.4. Section 4.15(1)(a)(iiiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Blayney Shire Council is proposing to enter into a VPA with Charms Developments Pty Ltd and Fenlor Group Pty Ltd under Section 7.4 of the EP&A Act 1979. The VPA has been drafted through the cooperation of Blayney Shire Council and the applicants for DA 146/2021. A summary of the VPA is included as follows:

- The VPA relates to the land addressed to 1279 Millthorpe Road, Millthorpe, being land comprised in Lot 101 DP 872377.
- The VPA relates to DA 146/2021 which is for the subdivision of Lot 101 DP 872377 into 56 lots (containing 52 urban residential lots) over three stages.
- The VPA is between Blayney Shire Council, Charms Developments Pty, and Fenlor Group Pty Ltd.
- The VPA requires the developers (of DA 146/2021) to dedicate the drainage reserve (Proposed Lot 231) to Blayney Shire Council concurrently with the registration of the lots which are to be created as part of Stage 2 subdivision works.
- The VPA requires the developers (of DA 146/2021) to dedicate the public open space lot (Proposed Lot 323) to Blayney Shire Council concurrently with the registration of the lots which are to be created as part of Stage 3 subdivision works.
- The VPA does not exclude DA 146/2021 from the provisions contained in Sections 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979. This means that the development is still liable for the payment of monetary contributions to Blayney Shire Council in accordance with the Blayney Shire Local Infrastructure Contributions Plan 2022. (Assessment note - refer to Section 9 of this assessment report for further details relating to contribution liability for DA 146/2021).

It is understood the VPA is intended to be tabled at a Council Meeting in the future.

An assessment of DA 146/2021 confirms that the terms of the VPA should be amended to address an issue relating to the timing of the dedication of Proposed Lot 323 for public open space purposes, and connection of the development to the pedestrian network in Park Street.

Further details are included as follows:

- DA 146/2021 is proposing to complete the subdivision development in a staged manner.
- Stage 2 works involve the construction of Proposed Lots 201-223 including associated installation of new public roads, utilities, and stormwater drainage infrastructure.
- Stage 3 works involve the construction of Proposed Lots 301-322 including associated installation of new public roads, utilities, and stormwater drainage infrastructure.
- Under the existing terms of the VPA, Proposed Lot 323 is not proposed to be dedicated to Blayney Shire Council until registration of the lots which are to be created as part of Stage 3 subdivision works.
- Delaying the creation of Proposed Lot 323 (and dedication of the land Council) until Stage 3 raises the following issues:
  - The DA gives no certainty to Blayney Shire Council or the Millthorpe Community regarding the timing of completion of Stage 3 subdivision works.
  - In the interim period between completion of Stage 2 and Stage 3 subdivision work, it is likely that residential occupation of Lots 201-223 will have commenced.
  - Once residential occupation of the subdivision development has commenced, a demand will have been created for the dedication of Proposed Lot 323 to Council for use as a public open space.
  - Once the residential occupation of the subdivision development has commenced, a demand will have been created for the installation of pedestrian connections from the site back into the township of Millthorpe.

It is the findings of this assessment that:

- The proposal should be amended, by way of a condition of consent, requiring that Proposed Lot 323 be dedicated concurrently with the registration of the lots which are to be created as part of Stage 2 subdivision works.
- The proposal should be amended, by way of a condition of consent, requiring that the formation of Proposed Road No. 2 should be extended (as Part of Stage 2 subdivision works) from the south-western corner of Proposed Lot 230 at least a point that services the frontage to Proposed Lot 323.
- The proposal should be amended, by way of a condition of consent, requiring the installation of the full extent of the concrete shared path (Shown on Drawing No. 21004-DA5A, Rev G) as part of Stage 2 subdivision works.
- The VPA should be amended to reflect the above prior to the giving of public notice in accordance with the requirements of the Blayney Community Participation Plan.

A condition of consent relating to the amendment and implementation of the VPA is included in the recommendation to this report.

#### **8.1.5. Section 4.15(1)(a)(iv) The Regulations**

##### Clause 61(1) - Demolition

Clause 61(1) requires that in determining a DA for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*. The DA does not seek consent from Blayney Shire Council for the demolition of any buildings or structures.

##### Clause 61(2) – Subdivision Orders

Clause 61(2) requires that in determining a DA for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Local Government Act 1993, the consent authority must consider the subdivision order, and any development plan prepared for the land by the relevant



authority. The DA does not involve the carrying out of development on land that is subject to a subdivision order under the Local Government Act 1993.

Clause 61(3) – Dark Sky Planning Guidelines

Clause 61(3) requires that in determining a DA for development on specified land, the consent authority must consider the Dark Sky Planning Guideline. The DA does not relate to land in a specified Local Government Area and is not within 200m of the Siding Spring Observatory.

Clause 61(4) – Manor Houses or Multi-Dwelling housing

Clause 61(4) requires that in determining a DA for the purposes of a manor house or multi dwelling housing, the consent authority must consider the Low-Rise Housing Diversity Design Guide for Development Applications. The DA does not relate to manor houses or multi-dwelling housing.

Clause 62 – Consideration of Fire Safety

Clause 62 applies to the determination of a DA for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building. The DA does not relate to a change of building use.

Clause 63 – Temporary Structures

Clause 63 requires consideration when a DA involves the erection of a temporary structure. The DA does not relate to erection of any temporary structures.

Clause 64 – Upgrade of buildings

Clause 64 requires consideration when a DA involves the rebuilding or alteration of an existing building if:

- The proposed building work and previous building work together represent more than half of the total volume of the building, or
- The measures contained in the building are inadequate to protect persons using the building if there is a fire; to facilitate the safe egress of persons using the building from the building if there is a fire; or to restrict the spread of fire from the building to other buildings nearby.

The DA does not relate to an existing building.

Clause 65 – Sydney Opera House

Not relevant for consideration.

Clause 66 – Contributions plans for certain areas in Sydney

Not relevant for consideration.

Clause 67 – Modification or surrender of development or existing use right

Not relevant for consideration.

Clause 68 – Voluntary surrender of development consent

Not relevant for consideration.

**8.1.6. Section 4.15(1)(b) The likely impacts of the development, including environmental impacts both the natural and built environments, and social and economic impacts in the locality**

**Context and Setting**

What is the relationship to the regional and local context in terms of:

The scenic qualities and features of the landscape?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The character and amenity of the locality and streetscape?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The scale (bulk, height, mass) form, character, density, and design of development in the locality?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The previous and existing land-uses and activities in the locality?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

What are the potential impacts on adjacent properties in terms of:

Relationship and compatibility of adjacent land-uses	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Sunlight access (overshadowing)	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Visual and acoustic privacy	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Views and Vistas	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

**Assessment Comments:**

Based on an inspection of the site and a review of the plans and documents lodged in support of the DA, the following issues relating to context and setting, character and views have been identified:

- The site is located at the northern gateway to the Township of Millthorpe.
- The site is located within the Millthorpe Heritage Conservation Area under the BLEP 2012.
- The site is visually exposed to south-bound traffic entering the northern approach to Millthorpe.
- The site becomes exposed to views from south-bound traffic at approximately 120m from Richards Lane (which is arguably the first point of presentation of Millthorpe Township), and this exposure increases as you continue over the crest, with the majority of the site exposed to view at the Richards Lane intersection.
- That part of the site which is proposed to accommodate the residential subdivision is elevated and majorly cleared of vegetation and therefore highly visible to the south-bound viewshed.
- The visual prominence of proposed new housing will be greater than existing built form on Church Street / Staback Street, due to screening benefits of existing large format trees and treed lots.
- The size of proposed lots will likely produce large format housing that will be visible to the south-bound viewshed. When considering the proposed subdivision and resultant built form, it is noted that there is potential for two-story housing as this is currently not precluded by planning controls for Millthorpe in the Blayney LEP 2012 or the Blayney DCP 2018. Two-storey housing would likely further increase the visibility of built form and therefore impacts.

- The location of the proposed landscape buffer around the northern perimeter of the subdivision itself will sit at some of the lower elevations on the site, which potentially decreases effectiveness.
- The location of the proposed landscaping around the perimeter of the subdivision itself will not be sufficient to mitigate the view impacts from the south-bound viewshed created by future built form on the new subdivision lots.
- Drawing No. 21004-LS01 Rev D proposes some tree planting along parts of the eastern and northern boundary, however the plan label this planting as 'future planting'.

The subdivision of the site into 52 new residential lots is likely to generate impacts on the Millthorpe Heritage Conservation area as well as character and view impacts. Drawing No. 21004-LS01 Rev D does not adequately mitigate potential impacts.

To create more certainty that landscaping will achieve mitigation of impacts, a detailed Landscape Plan prepared by a qualified Landscape Architect is required to be prepared.

A condition has been included in the recommendation requiring that a Landscape Architect prepare a detailed Landscape Plan for approval by Blayney Shire Council prior to the issue of a Subdivision Works Certificate for Stage 1 works. The Landscape Plan would need to be prepared to address the following matters for consideration:

- a) Consideration of the locations and species of proposed landscape and screen plantings shown on the Landscape Plan prepared by Heath Consulting Engineers.
- b) Consideration of the requirements for street tree planting in accordance with Part F7.7 of the Blayney Development Control Plan 2018.
- c) Consideration of the landscape and screen planting requirements for the proposed subdivision in the context of the Millthorpe Heritage Conservation Area, and advice provided by David Scobie (Heritage Advisor to Blayney Shire Council) in relation to the assessment of DA 146/2021.
- d) Consideration of the landscape design requirements for hard and soft elements of proposed lot 323 (which is intended to be dedicated as open space) in order that heritage and amenity of the former pastoral uses will be appropriately interpreted.
- a) Consideration of the requirements of relevant Essential Energy guidelines for plantings near overhead electricity lines.
- b) Development of an appropriate maintenance framework for proposed landscape and screen planting located on land which is to be retained in private ownership.
- c) Development of an appropriate maintenance framework for proposed landscape and screen planting located on land which is to be dedicated to Blayney Shire Council.
- d) Development of an appropriate staging framework for timing of completion of proposed landscape screen planting.

Subject to the imposition of the condition requiring approval of the Landscape Plan, it is assessed that:

- The proposed subdivision would not adversely impact on the character or amenity of Millthorpe.
- The proposed subdivision would not adversely impact on the Millthorpe Heritage Conservation Area.
- The proposed subdivision would unlikely result in built form that would be out of character with the existing context and setting of the area, taking into account current zoning and the scale, form, and density of the proposed subdivision.
- The proposed subdivision would not adversely impact on existing land-uses and activities in the locality, with surrounding land-use compatible with the planned residential use of the land.

**Access, Transport and Traffic**

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

Travel demand?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Dependency on motor vehicles?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Traffic generation and the capacity of the local and arterial road network?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Conflicts within and between transport modes?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Vehicle parking spaces?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

Assessment Comments:

Vehicular access

An assessment of the proposed arrangements for vehicular access to the proposed development has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 6.8 of the Blayney LEP 2012.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- The existing standard of access to the cottage on Proposed Lot 90 (Stage 1 works) is sufficient and is capable of being retained without alteration on the grounds of heritage conservation and on the basis that no pre-existing safety issues have been identified relating to this access location.
- Adequate arrangements will be made for the connection of the 52 development lots to new public roads.
- All new public roads will be constructed to the WBC Guidelines for Engineering Works and appropriately dedicated to Blayney Shire Council as part of Stage 2 and 3 subdivision works.
- Public road access can be facilitated to all proposed lots without being impacted by overland post-development stormwater flows in a 1% AEP event.
- The proposed road design will facilitate the movement of a heavy rigid vehicle (and therefore a waste collection vehicle and larger emergency service vehicles) throughout the subdivision without difficult movements. The construction of temporary turning heads will be conditioned as part of stage 2 works to allow for the practical movement of larger vehicles in the interim period before Stage 3 works result in the completion of the proposed road network.

It is assessed that adequate arrangements have been made for the provision of safe access and for the practical movement of traffic within the development.

Vehicular parking

The design of the proposed subdivision creates lots with wide frontages that will generally be sufficient to facilitate future built form with on-site resident car parking behind the building line. No significant issues or concerns are identified.

Pedestrian Connectivity

The plans and documents submitted with DA 146/2021 show that the following arrangements are proposed to be made in respect of pedestrian connectivity:

- Stage 2 subdivision works involve the construction of a new shared (typically 2.5m wide) path along the northern and south edges of Proposed Road No. 2.
- Stage 2 subdivision works also involve the construction of a new footpath (typically 1.2m wide) along the western edge of Proposed Road No. 2.
- Stage 3 subdivision works involve the extension of the proposed shared path along the remaining section of the eastern edge of Proposed Road No. 2, before continuing through Proposed Lot 323 (public open space lot) and connecting to the Park Street Road Reservation.
- Stage 3 subdivision works also involve the extension of the proposed footpath along the remaining section of the western edge as well as the southern edge of Proposed Road No. 2, before connecting to the proposed share path in the vicinity of Proposed Lot 323.

The proposed arrangements for pedestrian access to and within the proposed subdivision are assessed to be satisfactory, except for the following issue:

- Under the existing terms of the VPA (refer to Section 8.1.4 of this report), Proposed Lot 323 is not proposed to be dedicated to Blayney Shire Council until registration of the lots which are to be created as part of Stage 3 subdivision works. Delaying the creation of Proposed Lot 323 (and dedication of the land Council) until Stage 3 raises the following issues:
  - The DA gives no certainty to Blayney Shire Council or the Millthorpe Community regarding the timing of completion of Stage 3 subdivision works.
  - In the interim period between completion of Stage 2 and Stage 3 subdivision work, it is likely that residential occupation of Lots 201-223 will have commenced.
  - Once residential occupation of the subdivision development has commenced, a demand will have been created for the dedication of Proposed Lot 323 to Council for use as a public open space, and for the installation of pedestrian connections from the site back into the township of Millthorpe.

To address the above issue, it is assessed that:

- The proposal should be amended, by way of a condition of consent, requiring that proposed Lot 323 be dedicated concurrently with the registration of the lots which are to be created as part of Stage 2 subdivision works.
- The proposal should be amended, by way of a condition of consent, requiring that the formation of Proposed Road No. 2 should be extended (as Part of Stage 2 subdivision works) from the south-western corner of proposed Lot 230 at least a point that services the frontage to proposed Lot 323.
- The proposal should be amended, by way of a condition of consent, requiring the installation of the full extent of the concrete shared path (Shown on Drawing No. 21004-DA5A, Rev G) as part of Stage 2 subdivision works.

With the above amendments to the proposed staging arrangement, satisfactory arrangements will have been made to ensure the timely connection of the subdivision development to the existing pedestrian network in Millthorpe township.

#### Public Infrastructure

DA 146/2021 has been supported by a TIA, prepared by arc traffic and transport, dated 14 February 2023. The TIA responds to the amended subdivision design that proposes public road access direct to Richards Lane instead of Park Street.

Blayney Shire Council commissioned Stantec to perform an independent review of TIA and this work is presented in a final report dated 31 August 2023. The scope of Stantec's report included a review of the following key components of the TIA:

- Location, design, and safety of new access point on Richards Lane.

- Intersection treatment at Park Street and Richards Lane and whether it is adequate to cater for predicted future traffic volumes from DA 146/2021 and other future developments.
- Sight distance at Park Street and Richards Lane intersection.
- Pedestrian connectivity to and along Park Street.
- Pavement condition of Richards Lane.

Stantec's report dated 31 August 2023 identifies the following main issues from the review of the updated TIA:

- A lack of assessment in considering future developments off Richards Lane;
- Possible future impact to the Park Street / Richards Lane intersection;
- The use of out-of-date traffic data from a distant location, and
- Whether the design of the Park Street / Richards Lane intersection adequately addresses safety concerns and sight distance requirements.

Having considered the findings of the TIA and the Stantec review, it is concluded that a key outcome of the proposed subdivision development is the need for improvements to the road surface in Richards Lane (sealing) as well as an upgrade of the Park Street and Richards Lane intersection to accommodate the likely increase in traffic movements generated by DA 146/2021 as well as other future development likely to occur via Richards Lane (in the R5 Large Lot Residential zone) and which will also rely on this intersection for access to the Millthorpe township.

These infrastructure upgrades are proposed to be financed and constructed by Blayney Shire Council separately to the scope of physical works that have been proposed by DA 146/2021. To give certainty these off-site road upgrade works will be programmed around the same time as the roadworks proposed under DA 146/2021, Blayney Shire Council proposes to enter into a Works Deed with the developers of the subdivision. A copy of the Draft Works Deed is intended to be reported separately to Council, but a summary of key provisions is included as follows:

- The Works Deed relates to the land addressed to 1279 Millthorpe Road, Millthorpe, being land comprised in Lot 101 DP 872377.
- The Works Deed commits Blayney Shire Council to the following physical works prior to the issue of the issue of the Subdivision Certificate for Stage 2 of the DA 146/2021:
  - Upgrade of the intersection of Millthorpe Road and Richards Lane, Millthorpe; and
  - Upgrade of Richards Lane, Millthorpe from gravel to sealed two-way road for 120 metres beyond that intersection.
- The Works Deed commits Blayney Shire Council to obtain (at its own costs) all necessary approvals under the EP&A Act 1979 and Roads Act 1993 in order to carry out the above works.
- The Works Deed commits Blayney Shire Council to finance the above the works.
- The Works Deed commits Blayney Shire Council to complete the above works in a way that meets all applicable Australian road standards and the requirements of TfNSW.
- The Works Deed commits Blayney Shire Council to complete the above works to the extent necessary to meet any condition of DA 146/2021.
- The Works Deed commits Blayney Shire Council to complete the above works by the prescribed due date being 1 March 2025.
- The Works Deed creates an expectation that the above works are to be the subject of a condition of consent if DA 146/2021 is determined by way of approval.



As Park Street forms part of the classified road network, TfNSW have provided their requirements for the proposed upgrades to the intersection with Richards Lane. On 4 September 2023, Blayney Shire Council received a letter from TfNSW which confirmed their general support for the intersection upgrade. A number of conditions were recommended by TfNSW should Council approve DA 146/2021, including a requirement for the intersection to be upgraded with a channelised right-turn 'short' treatment (CHR(S) and basic left-turn treatment (BAL) in accordance with Austroads Guide to Road Design and relevant Australian Standards. The recommended conditions from TfNSW are to be incorporated into the consent should Council to determine DA 146/2021 by way of approval.

On the basis that Blayney Shire Council have committed to the sealing of Richards Lane (to a point extending at least 120m from Park Street) and the upgrade of the Richards Lane and Park Street intersection to the requirements of Transport for New South Wales, it is assessed that adequate public road infrastructure will be made available to service the subdivision development created by DA 146/2021.

**Public Domain**

How would the development impact on the public domain in terms of:

Public recreational opportunities in the locality?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Amount, location, design, use and management of public spaces in and around the development?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Pedestrian linkages and access between development and public areas?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

**Assessment Comments:**

Based on an inspection of the site and a review of the plans and documents lodged in support of the DA, the following issues relating to public domain have been identified:

- Redmon Oval is a key precinct for active public recreation in Millthorpe and includes playground facilities, tennis courts, a basketball half court, a skate park, and a sporting oval. Redmond Oval is connected back into the Millthorpe town centre via an existing network of pedestrian paths.
- Redmon oval is located immediately adjacent to the subject site on the opposite side of Park Street (Millthorpe Road).
- The plans submitted with DA 146/2021 show that it is proposed to connect the development to Park Street via a network of new footpath and shared path facilities. It has been recommended (in a previous section of this report) that any consent granted by the Council be conditioned to require the establishment of the path links as part of Stage 2 subdivision work.
- The plans submitted with DA 146/2021 also shows that proposed Lot 323 is intended to be dedicated to Blayney Shire Council for public open space purposes. It has been recommended (in a previous section of this report) that any consent granted by the Council be conditioned to require the dedication of this land as part of Stage 2 subdivision work. The dedication of public open space is to be facilitated by a VPA, the details of which have been detailed in a previous section of this report.

It is assessed that:

- Adequate public recreation opportunities will be available to future residents of the subdivision.

- The amount, location, design of existing public recreation opportunities in the immediate vicinity of the subject land will adequately provide for the needs of the proposed development.
- The amount and location of proposed public open space that is to be dedicated to Blayney Shire Council is adequate to provide for the needs of the proposed development.
- Subject to conditions, the pedestrian links to be constructed as part of the development will adequately facilitate connection of the site to existing and planned areas of public recreation land.

**Utilities & Servicing**

How would the demands of the development impact on utility supply in terms of:

Utility needs of the development – water supply, sewer supply, electricity, and gas?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Availability and capacity of utilities?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Environmental impact?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

**Assessment Comments:**

A detailed assessment of the proposed framework for the provision of urban utilities and services to the proposed development has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 6.8 of the Blayney LEP 2012.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- Adequate arrangements are to be made for the connection of each of the proposed 52 development lots to a reticulated water supply. The site is proposed to be connected via an extension of the existing main located within Park Street (Millthorpe Road). The provision of water supply to the development is subject to the specific requirements of Central Tableland Water who is the water supply authority for the township of Millthorpe. Conditions have been recommended relating to the provision of an adequate water supply to the development.
- Adequate arrangements are to be made for the connection of the proposed 52 development lots to an underground electrical supply as part of Stage 2 and 3 subdivision works. Restrictions on title are to be conditioned for Proposed Lots 90 and 92 (Stage 1) which will negate the need for electricity supply to these lots. Conditions have been recommended relating to the provision of an adequate electricity supply to the development including the need for easements to be registered as part of Stage 1, 2 and 3 subdivision work.
- Adequate arrangements are to be made for the connection of the proposed 52 development lots to the reticulated sewerage supply system. The site is proposed to be connected via main extensions from two existing locations along the western boundary. One of these locations requires an easement to be created over adjoining Lot 18 DP 1148965 and evidence has been provided to Blayney Shire Council that this can be achieved as part of the registration of Stage 1 subdivision works. Extensions and upgrades to the existing supply system are required in accordance with the specific requirements of Blayney Shire Council who is the supply authority. Council’s engineers have confirmed that Millthorpe Sewer Pump Station has capacity to support the proposed development (as detailed in Council’s internal Sewer Capacity Review). Easements are to be created over existing and proposed main location and provision is made for the future connection of sewer to Proposed Lot 90 which is to be created as residual land in the R5 Large Lot Residential zone. Conditions have been recommended relating to the provision of an adequate sewerage supply to Stages 2 and 3 of the development.

On the basis of the above, it is assessed that the proposed subdivision can be provided with adequate utilities and services.

**Heritage**

How would the development affect the heritage significance of the property or adjacent properties, including:

The heritage significance of items, landscapes, areas, places, relics, and practices?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The historic, scientific, social, aesthetic, anthropological, cultural, spiritual, archaeological (Aboriginal, non-Aboriginal and underwater) significance?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Aboriginal, non-Aboriginal and natural heritage?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Is any heritage study, conservation planning, conservation management plan or statement of heritage impact required?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Assessment Comments:

Non-Indigenous Heritage

A detailed assessment of the proposed arrangements for vehicular access to the proposed development has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 5.10 of the Blayney LEP 2012.

DA 146/2021 is supported by a SoHI prepared by Heritage Planner Patsy Moppett, dated November 2021. The SoHI provides details on the history of the site and wider Millthorpe, with particular attention to identified heritage items and the Millthorpe Heritage Conservation Area. An assessment of the impacts of the proposed development on listed heritage sites and the Millthorpe Heritage Conservation Area is documented in the SoHI, including assessment against NSW Heritage Themes and Significance Criteria.

The SoHI identifies a number of listed heritage items in the study area, including the heritage listed cottage (I273) located on the site as well as other items in close proximity, including Uniting Church (I273), Redmond Oval (I283), St Mark Evangelist Anglican Church (I284), Millthorpe General Cemetery (I285) and St Canices Roman Catholic Church (I286). The SoHI also describes the Millthorpe Heritage Conservation Area as *'generally bounded by the ridges to the northeast and south of the village, as seen from within the village.'*

The SoHI provides a number of recommendations as to how the proposed subdivision should proceed (from a heritage management perspective) having regard to the subdivision design, landscape features and servicing requirements.

The SoEE prepared by iPLAN Projects dated 26 October 2022 also provides its own heritage assessment and details the proposed strategies to mitigate heritage impacts, which is repeated in full as follows:

- a) **Heritage Curtilage / Sightlines:** *The key impact to be assessed is the new lot boundary around the heritage cottage. The existing fenced yard around the heritage item provides a reasonable definition of the heritage curtilage (or buffer) around the cottage and includes the outdoor*

*toilet, old shed (not the shipping containers) and some key established trees around the cottage. In addition, the sightlines from Park St to the north of the Cottage are important to protect as well as the rural/landscaped setting of this gateway to the town/Shire. We suggest that the creation of a ~1.11ha lot that is >54m-60m deep and runs nearly the full frontage of Park St (>100m) is the best way to both protect the cottage and the rural/landscaped setting of the cottage that enhances this important gateway.*

- b) **Growth Area:** *The second aspect is to assess the impact of the urban residential expansion both on the cottage and the heritage conservation area (HCA). The subdivision Site has been identified for urban growth of Millthorpe consistently for over 20-30 years or more. It is located outside the core heritage conservation area of Millthorpe that is defined by the ridge along Church St to the north. As the Site slopes away from the Church St ridgeline it will not form part of the 'backdrop' to the heritage core of the town. Therefore, its key visual impact lies in its visibility from Park St.*
- c) **Setbacks:** *The key outcome of the proposed subdivision design is that the majority of proposed urban residential lots are setback behind the proposed cottage lot (>54-60m) plus the depth of the new internal loop road (19m). So even without landscape (see below) the majority of the proposed frontage to Park St is a large rural lot with >73m setback to the urban development so it sits in the background, a bit like the development and Stabback & Unwin Streets do now.*
- d) **Tree Retention:** *An important recommendation is to protect or replace any significant vegetation on the Site or along Park St. The Proposal does not affect the existing plane trees along Park St. The existing Site is largely cleared of any significant vegetation. The Proposal retains the significant eucalypt trees on the top of the hill and all of the trees in the yard around the heritage cottage. Most of the Hawthorn hedge is retained except for a narrow path entry/exit. Any minor removal will be offset by the proposed landscape plantings (see below).*
- e) **New Landscape:** *An additional key recommendation is that any new urban residential growth is screened, where possible, from visibility from Park St, particularly when viewed from the north of the cottage. The Proposal provides a Landscape Plan that creates a thick planting buffer along the northern edge of the proposed subdivision (see Section 4.6 below for more detail). The Applicant will work with Council in determining suitable species selection. It is expected that over a short to medium period the vegetation will significantly screen the modern subdivision from Park St with a mix of native/non-native and deciduous/evergreen plantings.*

An assessment of relevant heritage issues notes the following:

- The site comprises a heritage listed cottage (I273) located towards the south-eastern part of the site.
- The bluestone cottage and associated outbuildings and sheds are to be retained on the site, with no substantive changes proposed to built-heritage in and around this area.
- The bluestone cottage and outbuildings are to be located on a relatively large allotment, aimed at providing sufficient area / curtilage to 'locate the heritage cottage, outbuildings and key plantings in the existing fenced yard within a separate lot from the subdivision that protects its heritage curtilage and important sightlines.' (page 7 of SoHI 2021)
- No physical changes are proposed to the bluestone cottage (I273) and the building envelope proposed around the cottage and outbuildings is considered adequate to maintain the integrity of the item.
- A number of listed heritage items adjoin the site, with the whole site and surrounding land to the east, west and south being located within the Millthorpe Heritage Conservation Area.

Referral advice from the Blayney Shire Council Heritage Advisor, David Scobie Architects dated November 2022 has been considered to arrive at the conclusions for compliance with Clause 5.10. The main comments received from the Heritage Advisor in November 2022 are as follows:

*The visual impact which development of the subdivision will have on the Village is substantial. The impact which the Stabback Street subdivision and the resultant construction of standard dwellings illustrates the impacts well. In this regard, two strategies are recommended:*

*Council embarks on continuing the Avenue planting along Millthorpe Road in the road reserve where there are no street trees. It is fully appreciated that this work is not part of the proposal and not work associated with the site. It is however fundamental to ensuring the impacts will be acceptable and sustainable.*

*The Applicant embark upon early tree planting within the proposed sites and their stages in advance of the subdivision and dwelling construction.*

*While the use of standard advanced trees will take time to reach a level of maturity, nonetheless it shows a sound long term strategy with the community for the protection of the village character while also allowing for expansion.*

*The proposal (as reviewed in November 2022) does not adequately address the elements with heritage significance – as marked up on the proposed landscape Plan and is therefore not supported in relation to the impacts which it will have on the heritage significance of the Heritage Conservation Area. The proposal is capable of modifications sufficient to address these concerns.*

*In response to the above advice as well as submissions received as a result of neighbour notification / exhibition of the proposal raising concerns about heritage and town presentation issues, a number of amendments have been made to Drawings 21004-LS01, DA04A and DA05A and the iPLAN SoEE (updated 26 October 2022).*

Updated referral advice was obtained from Heritage Architect David Scobie Architects dated 23 November 2023 based on the revised proposal, are as follows:

*The issues related to the general layout, the curtilage to the heritage item and the access off Richards Lane have been addressed and meet the general objectives for heritage conservation of the item and the HCA as identified within the LEP and DCP and consistent with the standard guidelines offered by the Statement of Heritage Impact (SoHI) procedure.*

A number of issues / conditions were recommended in the Scobie referral advice, as repeated in full as follows:

- All historic fencing (timber post/strainers/wire) as identified in the Heritage assessments which is to be removed as part of the development of Lot 91 & associated Lots is to be retained on site and utilised in the development of additional boundary fencing associated with the total boundary to Lots 91 and 323 as well as at the entry to the subdivision at the junction of Richards Lane and proposed Road N0.1, so as to retain relics which have heritage significance and enhance the character and significance of the HCA;
- Given the condition of the heritage item, which forms part of the proposal, and the impact of the subdivision to create Lot 91, a Heritage Asset Action Plan (HAAP) - formerly a Conservation Management Strategy, should be prepared for the cottage and setting, so as to ensure that the impacts of the project on the heritage significance of the heritage listed site are mitigated through the future implementation of the Plan (HAAP);
- The group of trees within proposed Lots 317, 318, 227 and 228 (Survey to determine) are the remaining significant landscape and landmark feature within the site, have historic and aesthetic significance and meet these criteria for heritage listing and therefore the group is to be listed on the LEP as a heritage item in order that they will be retained during the course of the subdivision and consequential development;



- The floating stones identified within two specific locations on the site are to be relocated to Lot 323 so as to retain their heritage significance from the former pastoral use and enhance the amenity of the proposed public park;
- A Landscape plan is to be prepared for the design of the hard and soft materials and details to the proposed public open space at Lot 323, in order that the heritage and amenity of the former pastoral uses will be interpreted, and an appropriate level of amenity be provided for the community;
- The buffer planting is to be extended in the form of a single row of Tulip trees to the south and southeast along the proposed boundary to Lot 91 to meet the Park Street boundary, so as to provide an appropriate buffer of suitable tree planting between the new subdivision and subsequent houses and the curtilage identified in the applicant submission;
- A Landscape Plan is to be prepared for the buffer planting and the associated maintenance and fencing, to ensure that the plants and construction will prove to be sustainable and grow to provide the anticipated buffer;
- Roll-over concrete curbing with dark grey oxide coloured concrete is to be utilised where overland flow conditions permit, within the subdivision, so as to continue the general character of Millthorpe within the new layout in place of comparable standard developments in the Orange region. There is no evidence within the village that parking behaviour will be affected by the design of the curbing and in terms of current standards for sustainability and water-sensitive urban design (WSUD), it is recommended that the project adopt the best practice and a design which clearly identifies the character of Millthorpe.

Based on the review of the SoEE, SoHI and comments received from Council's Heritage Advisor, it is assessed the proposed development can be conditioned to ensure that impacts on the heritage listed cottage (I273) and the Millthorpe Heritage Conservation Area are satisfactory. A number of conditions have been included in the recommendation to this assessment report to ensure important heritage elements of the site / proposal are appropriately managed.

Based on the review of the SoEE, SoHI and comments received from Council's Heritage Advisor, it is assessed the proposed development can be conditioned to ensure that impacts on the heritage listed cottage (I273) and the Millthorpe Heritage Conservation Area, with commentary on the Heritage Advisors recommendations as follows:

- Heritage Interpretation - The Heritage Advisors recommendations relating to the floating stones, interpretation of site heritage into landscape design for proposed Lot 323, and retention of historic fencing is supported and has been conditioned.
- Landscape Plan - by a qualified Landscape Architect, with the comments provided by David Scobie Architects being presented as a matter for consideration in the preparation of the Landscape Plan.
- Tree Protection - it is not recommended that the Box Gum Eucalyptus trees located on the site be protected under a condition of consent. Instead, the retention and / or protection of the trees should also be given consideration as part of the preparation of the Landscape Plan.
- Planning Proposal - It is not recommended that the preparation of an amendment to the BLEP 2012 be conditioned as a requirement of DA 146/2021. This would be a matter for Blayney Shire Council to action as part of any future review of the items to Schedule 5 of the BLEP 2012 relating to Millthorpe.
- Heritage Asset Action Plan - The proposal has demonstrated that a sufficient curtilage is to be achieved around the heritage listed cottage (I273) and that no physical changes or alterations are to be made to the building. On this basis, the requirement for a Heritage Asset Action Plan to be conditioned as part of DA 146/2021 is not warranted. Any further development relating to proposed Lot 91 and the heritage listed cottage (I273) would be subject to preparation and lodgement of a Development Application and would give opportunity for Council to require a Heritage Asset Action Plan and / or other appropriate heritage management documents.



Indigenous Heritage

An assessment is required to determine whether the proposed development is likely to impact on Aboriginal place of heritage significance, and whether the proposed development is likely to affect the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at or near the development site.

DA 146/2021 is supported by a SoHI prepared by Heritage Planner Patsy Moppett, dated November 2021. The SoHI provides details on the history of the site and wider Millthorpe, with particular attention to identified heritage items and the Millthorpe Heritage Conservation Area. An assessment of the impacts of the proposed development on listed heritage sites and the Millthorpe Heritage Conservation Area is documented in the SoHI, including assessment against NSW Heritage Themes and Significance Criteria. No substantive assessment of Aboriginal cultural heritage is documented in the SoHI.

Section 4.6.3 of the iPLAN SoEE provides an assessment of Aboriginal cultural heritage issues, including the findings of a search of the AHIMS Web Service. The SoEE advises no records of Aboriginal heritage sites on the site or within close proximity of the site. The SoEE states *'the site is immediately adjacent to the urban area and has been significantly modified by agriculture and urban activities so these are likely to have reduced the potential for artefacts'* and suggests *'further Aboriginal heritage review is unlikely to be required but appropriate conditions will protect any items if they are found during earthworks or the construction process.'*

A visual inspection of the site generally supports the findings in the SoEE and revealed a highly disturbed / modified environment. Significant vegetation on the site is also proposed to be retained. In the circumstances, it is assessed to be unlikely that any items of Aboriginal cultural heritage will be discovered during construction processes associated with the proposed development, and further investigations are not assessed to be necessary. Conditions of consent are recommended relating to the implementation of procedures in the event that an Aboriginal object is uncovered during work associated with the subdivision development. On this basis, the proposed development is assessed to have an acceptable impact in terms of indigenous heritage.

**Other land resources**

Would development have an effect on conserving and using valuable land resources such as:

Productive agricultural land?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Mineral and extractive resources?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Water supply catchments?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Assessment Comments:

The proposed development does not involve land that is zoned for agricultural purposes. The site is not adjoined by land that is used primarily for extensive agricultural purposes. The mineral and extractive resource potential of the site is low given the urban context and setting of the land. The development of the land for residential subdivision purposes is consistent with the zoning framework for the land under the Blayney Local Environmental Plan 2012. The site is not within an important water supply or drinking water catchment. The proposed development is assessed to have an acceptable impact in terms of important land resources.

**Water**

How will development impact on the conservation of water resources and the water cycle in terms of:

The water needs of the development?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Use of water saving devices, for example, toilets, faucets, washing and irrigation equipment?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Water supply sources?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Treatment, reuse and disposal of wastewater and runoff?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Drainage, flow regimes, folding on-site, up, and downstream and in the catchment floodplain?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Groundwater tables?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Tidal influences?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Water quality and pollution of water bodies including groundwater?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Water management plans and monitoring?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

**Assessment Comments:**

A detailed assessment of the proposed arrangements for the provision of a water supply to the development has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 6.8 of the Blayney LEP 2012.

A detailed assessment of the proposed arrangements for the management of stormwater drainage from development has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 6.2 of the Blayney LEP 2012.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- Adequate arrangements are to be made for the connection of each of the proposed 52 development lots to a reticulated water supply. The site is proposed to be connected via an extension of the existing main located within Park Street (Millthorpe Road). The provision of water supply to the development is subject to the specific requirements of Central Tableland Water who is the water supply authority for the township of Millthorpe. Conditions have been recommended relating to the provision of an adequate water supply to the development.
- The stormwater management framework for the site adequately accounts for the proposed changes in impervious surface area and demonstrates that downstream impacts can be suitably mitigated. The proposed public stormwater drainage system is designed to be consistent with the Blayney Shire Council's Guidelines for Engineering Works, which includes the dedication of Proposed Lot 231 for public drainage purposes. Easements are to be created over proposed inter-allotment stormwater pipes. Conditions have been recommended relating to the provision of adequate stormwater drainage from the proposed development.
- The subject land is not affected by vulnerable groundwater resources which have been mapped in Blayney LEP 2012.

- An erosion and sediment control plan will be implemented as part of construction activities associated with Stage 2 and 3 subdivision work to manage surface water quality and mitigate potential environmental impacts. Conditions of consent have been recommended relating to the implementation of the plan.

On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of water quality issues.

**Soils**

What effect would the development have on soil conservation in terms of:

Soil qualities – erodibility, permeability, expansion/contraction, fertility/productivity, salinity, acidity, contaminants?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Instability – subsidence, slip, mass movement?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Proposed movement, formation, use and management of soils?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Soil erosion and degradation?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Sedimentation and pollution of water bodies?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Use of highly fertile/productive soils and topsoils?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Remediation of contaminated soils?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Management of acid sulfate soils?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

Assessment Comments:

A detailed assessment of the proposed arrangements for the provision of a potential land contamination has been detailed in Section 8.1.1 of this assessment report, which deals with the requirements of the Resilience and Hazards SEPP 2021.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- The subject land is suitable for residential use having regard to an assessment of potential land contamination resulting from current and historic land-use activities. As part of a Preliminary Site Investigation, above ground tank was located south-west of the shipping containers on the land, as well as general storage and empty fuel containers which present an amenity hazard. Together these items represent the only sources of potential contamination on the site, and their removal is to be conditioned in accordance with the requirements of the Preliminary Site Investigation.
- An erosion and sediment control plan will be implemented as part of construction activities associated with Stage 2 and 3 subdivision work to manage surface water quality and mitigate potential environmental impacts. Conditions of consent have been recommended relating to the implementation of the plan.

Site inspection of the land did not identify any significant pre-existing issues relating to soil erosion, instability, subsidence, soil erosion or land degradation generally. Site conditions were found to be

generally consistent with the nature of agricultural pursuits (grazing) currently and historically being carried out on the land.

On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of soil quality issues.

**Air and Microclimate**

Is the development going to affect air quality and microclimatic conditions in terms of:

Existing air quality and pollution problems?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
The microclimate, prevailing meteorological conditions and topography?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Emissions of dust, particulates, odours, fumes, gases, and pollutants?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Measures to prevent and mitigate air pollution?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

**Assessment Comments:**

A review of surrounding land-use has not identified any existing activities which are likely to generate adverse air pollution issues for future residential dwellings at the site. The proposed use of the land for urban purposes is not likely to generate unacceptable long term or ongoing impacts on adjoining uses through air pollution or reductions in air quality.

Dust pollution from excessive motor vehicle trips is unlikely to be an issue as all new public roads created by the subdivision development will be sealed, including the length of Richards Lane between the Park Street intersection and the connection point of proposed Road No. 1.

Construction activities associated with Stage 2 and 3 subdivision works will involve significant disturbances to existing site conditions, with resulting impacts on adjoining established residential land-uses if appropriate site management and mitigate strategies are not implemented. The Soil Erosion and Sediment Control Plan submitted with the DA (Drawing No. 21004-ESCP01-04, Rev D) indicates that the construction activity at the site would be staged generally as follows:

1. Establish site and install construction access and barrier fencing.
2. Strip topsoil. Construct diversion drains and sediment basins.
3. Bulk earthworks. Fill lots and shape batter into lots for road construction.
4. Install sewer reticulation and stormwater reticulation.
5. Construct Roads.
6. Respread topsoil over disturbed areas as soon as earthworks and trenching is completed.

The Soil Erosion and Sediment Control Plan also includes general specifications relating to the timely revegetation of disturbed / exposed ground and general rehabilitation of site conditions following construction activities. The plan is assessed to be satisfactory and will need to be submitted and further assessed for suitability as part of the application for a Subdivision Works Certificate relating to Stage 2 and 3 subdivision works.

A condition is also recommended requiring the preparation of a Construction Environmental Management Plan for Stage 2 and 3 subdivision works. The Construction Environmental Management Plan would generally need to address the following matters:

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises schools and properties containing noise sensitive equipment.
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
- d) Noise and vibration monitoring, reporting, and response procedures.
- e) Measures to ensure that dust, and sources of dust, do not have a detrimental impact on the occupants of adjoining or proximate residential properties.
- f) Measures to ensure that noise and vibration from the proposed excavation and construction activities, including noise and construction vehicles.
- g) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
- h) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency (consistent with any conditions of consent).
- i) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
- j) Contingency plans to be implemented in the event of non-compliances and / or noise complaints.

On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of air quality and micro-climate.

#### Flora and Fauna

Focusing on the effects of the development proposal on biodiversity.

Protection and management of critical habitats: threatened species, populations, ecological communities, or their habitats: and other protected species – see any recovery plans or threat abatement plans under Threatened Species Conservation Act?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Adjacent wilderness areas and national parks – see any conservation agreements and plans of management under the National Parks and Wildlife Act?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Wildlife corridors and remnant vegetation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The relationship of vegetation to soil erosion/stability and water cycle?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Weeds, feral animal activity, vermin, and disease?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Disturbance to native fauna and habitats?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

The amount and location of vegetation disturbance and clearance?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
New vegetation – species selection, placement, and purpose?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Assessment Comments:

A detailed assessment of the biodiversity impacts has been detailed in Section 8.1.1 of this assessment report, which deals with the requirements of the Biodiversity and Conservation SEPP 2021.

Section 5.1.1 of the iPLAN SoEE provides an assessment of relevant issues as follows:

*Please see the Demolition Plan that shows which trees will be removed. This application seeks a permit for the removal of that vegetation. There are very limited number of significant trees that would be removed/impacted by this proposal. There is no vegetation removal proposed in the Zone R5 Large Lot Residential area (Remnant Lot) and only limited vegetation removal in the Zone RU5 Village area (the Site for urban subdivision).*

*The Amended Proposal seeks to retain the 2 large eucalypts at the top of the hill so no known Koala feed species will be removed. It will also retain the native and non-native trees within the fenced area immediately around the heritage item. There is a low probability of native grasses as this is urban / modified former extensive agricultural land with modified pastures.*

*The DCP does not declare any particular vegetation to which Part 3 of the Vegetation SEPP applies.*

*There is no mapped sensitive biodiversity on the Site on the Biodiversity Map in BLEP2012 so Clause 6.3 – Terrestrial Biodiversity does not apply.*

*As the Figure below shows, on the Biodiversity Values Map & Threshold Tool there is no mapped Biodiversity Values on the Site or surrounding Sites that would be affected by the Proposed Development. With a MLS of 450m<sup>2</sup> the threshold for clearance of vegetation is 2,500m<sup>2</sup> and this will not be exceeded. There is a low probability of impact on threatened species or ecological communities for the reasons above. Therefore, we suggest that there is no trigger to require a Biodiversity Development Assessment Report (BDAR) for this Site.*

*The Site is >1ha but does not have an approved koala plan of management. Due to the sparse native vegetation or suitable eucalypt trees on the Site and surrounding area it is unlikely to support any koala populations, and none have been seen by the current owner in several decades. The removal of limited native vegetation within an urban area where there is no evidence of any koalas and no connection to other significant eucalypt plantings is highly unlikely to impact on koalas or core koala habitat and we suggest a Plan of Management is not required.*

DA 146/2021 is supported by a Demolition Plan (Drawing No. 21004-DA22, Rev G) which includes sufficient detail to show the extent of existing vegetation to be cleared on the site as a result of the proposed subdivision. This includes a single Box Eucalypt located on proposed Lot 304, a small isolated stand of Box Eucalyptus trees located on proposed Lot 312 and Lot 318, and a row of non-native trees (hawthorn hedge) in the south-eastern corner of the site.

The proposed scope of tree removal does not exceed the threshold for clearance of native vegetation on the site under the Biodiversity Offset Scheme, which is 2,500m<sup>2</sup>. The Blayney DCP 2018 does not declare any vegetation to which Part 2 of the Biodiversity and Conservation SEPP 2021 applies, and a permit is not required from Blayney Shire Council or Local Land Services prior to the removal of the vegetation.

A test of significance under Section 7.3(1) of the Biodiversity Conservation Act 2016 has been carried out in the table below, which concludes no impacts on threatened species.



Consideration	Assessment Comment
(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,	The SEE has not identified any threatened species, endangered ecological communities or critically endangered ecological communities on the subject land that may be impacted by the proposed subdivision.
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—	There is no mapped sensitive biodiversity on the Site on the Biodiversity Map in Blayney Local Environmental Plan 2012.
(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	The site does not contain any mapped biodiversity values on the Biodiversity Values Map and Threshold tool of NSW Environment and Heritage. A search of the Bionet Atlas maintained by the NSW Department of Planning and Environment has been completed. No threatened species have been recorded on the site. Two records belong to the subject site relating to sightings of the following protected species under the BCA Act 2016:
(c) in relation to the habitat of a threatened species or ecological community—	<ul style="list-style-type: none"> <li>- Short beaked echidna (<i>Tachyglossus aculeatus</i>) – last sighted on the land on 30/06/2006.</li> <li>- Brushtail possum (<i>Trichosurus</i> sp.) –last sighted on the land on 30/06/2006.</li> </ul>
(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,	By design, the proposed subdivision avoids the removal of significant vegetation, including groups of trees within the curtilage to the existing cottage and the significant mature eucalypt trees located centrally within the site. The remaining vegetation on the site is sparsely located and does not feature in the landscape as part of larger remnant community. The removal of this vegetation is generally unavoidable due to the scope of construction works associated with the subdivision.
(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),	The likelihood that the removal of these trees will result in adverse impacts on threatened species, endangered ecological communities or a critical endangered ecological community is judged to be low.
(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	Given the scope of proposed vegetation removal and the characteristics of known biodiversity values on the land, the proposal satisfies the test of significance and further studies are not deemed to be necessary.

On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of flora and fauna.

**Waste**

Is the development going to provide waste facilities and controls for:

Solid, liquid, and gaseous wastes and litter?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
The generation, collection, storage, and disposal of waste?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Recycling and composting waste?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Vermin controls and contaminants such as pathogens and bacteria?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

Assessment Comments:

A detailed assessment of the proposed arrangements for the management of waste from the development, including access for garbage collection, has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 6.8 of the Blayney LEP 2012.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- Adequate arrangements are to be made for the connection of the proposed 52 development lots to the reticulated sewerage supply system. The site is proposed to be connected via main extensions from two existing locations along the western boundary. One of these locations requires an easement to be created over adjoining Lot 18 DP 1148965 and evidence has been provided to Blayney Shire Council that this can be achieved as part of the registration of Stage 1 subdivision works. Extensions and upgrades to the existing supply system are required in accordance with the specific requirements of Blayney Shire Council who is the supply authority. Council's engineers have confirmed that Millthorpe Sewer Pump Station has capacity to support the proposed development (as detailed in Council's internal Sewer Capacity Review). Easements are to be created over existing and proposed main location and provision is made for the future connection of sewer to Proposed Lot 90 which is to be created as residual land in the R5 Large Lot Residential zone. Conditions have been recommended relating to the provision of an adequate sewerage supply to Stages 2 and 3 of the development.
- The proposed road design allows for road access by a heavy rigid vehicle, and therefore Council's waste collection vehicle.

On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of waste.

**Energy**

Is development going to conserve energy and be energy efficient in terms of:

Energy needs of the development.	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Measures to save energy – passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

The use of renewable and non-polluting energy sources?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Energy needs in producing building/structural materials?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Energy use by products and waste?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

**Assessment Comments:**

A detailed assessment of the proposed framework for the provision of an energy supply to the proposed development has detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 6.8 of the Blayney LEP 2012.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- The energy needs of the proposed subdivision will be met by connection of each of the 52 developments lots to the existing grid electricity supply network via new underground services. The provision of underground services is assessed to be necessary in order to address impacts related to heritage conservation, character, and amenity.
- Adequate arrangements will be made as part of Stage 2 works for the relocation existing poles and wires required to accommodate the new access connection of Proposed Road No.1 to Richards Lane.
- Arrangements are to be made for the registration of an easement for power supply purposes over Proposed Lot 90 at Stage 1 subdivision works to ensure that a suitable power supply can be augmented to Stage 2 subdivision works.

To ensure the energy needs of the proposal are met, conditions of consent are recommended which require:

- Suitable restrictions on title for Proposed Lots 90 and 92 prior to the issue of the Subdivision Certificate for Stage 1 works. The restrictions will negate the need for the connection of electricity to these lots as part of Stage 1 works on the basis that new development will be prohibited until appropriate servicing arrangements are in place. Blayney Shire Council will be prescribed as the benefitting authority to the restriction.
- The design and installation of a suitable power supply to the subdivision in accordance requirements of the relevant service authority (Essential Energy) for Stage 2 and 3 subdivision works, with any cost burden associated with infrastructure upgrades, extensions and / or installations to be burdened by the applicant.

On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of energy.

**Noise and Vibration**

Will development generate offensive noise pollution or vibration in terms of:

Ambient noise levels in the locality and prevailing meteorological conditions – wind speed/direction and temperature inversions?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Noise generated from the development?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Vibration from development and its effect on the surrounding area?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Noise and vibration mitigation measures and management?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Assessment Comments:

A review of surrounding land-use has not identified any existing activities which are likely to generate adverse noise or vibration pollution issues for future residential dwellings at the site. The proposed use of the land for urban purposes is not likely to generate unacceptable long term or ongoing impacts on adjoining uses through noise or vibration pollution.

A relevant issue identified from the assessment of heritage related impacts is the potential for construction activities associated with Stage 2 and 3 subdivision works to impact on the heritage-listed cottage through vibration. The SEE (Rev G) includes the following statement in Section 4.6.2 dealing with heritage impacts:

*Archaeology & Vibration: It is acknowledged that new roads and constructing underground utilities may involve some vibration and also need to be careful with archaeological finds. Works are now well-setback from the cottage so there is a reduced risk of any vibration impacts (which may have resulted from the previous access road to the south of the cottage). The Statement of Heritage Impact suggests that the core area for likely archaeological items is the yard around the cottage and sheds which is protected. There are no bluestone kerbs in front of the Site in Park St that would be affected. It also recommends a Dilapidation Report for the cottage to ensure that there is no structural damage to the cottage.*

A Dilapidation Report is a document that records the condition of a building or property before and after work has been done on it. Such a report is generally prepared before and after construction work to ascertain the asset's condition and provides evidence of what was present prior to construction. The preparation of a Dilapidation Report is a key recommendation of Section 7.5 of the applicant's Statement of Heritage Impact dealing with mitigation measures – noting that the report was prepared in response to the original subdivision design which involved a new road connection to Park Street in the SW corner of the site immediately adjoining to the cottage. The amended subdivision design involves the relocation of the new road connection to Richards Lane, an increase to the size of the curtilage around the cottage and an establishment of a "no-go zone for machinery" within this curtilage. These design responses are positive changes in terms of mitigating vibration impacts on the cottage, however a Dilapidation Report remains to be a recommendation of the Statement of Heritage Impact and SEE. On this basis, a condition of consent is included in the recommendations to this report relating to the preparation and submission of a Dilapidation Report on the cottage prior to the issue of the Subdivision Works Certificate for Stage 2 works.

Construction activities associated with Stage 2 and 3 subdivision works are expected to involve the use of heavy machinery which will cause disturbance to existing site conditions with resulting impacts on adjoining established residential land-uses if appropriate site management and mitigate strategies are not implemented. A condition is recommended requiring the preparation of a Construction Environmental Management Plan for Stage 2 and 3 subdivision works. The Construction Environmental Management Plan would generally need to address the following matters:

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises schools and properties containing noise sensitive equipment.
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.

- d) Noise and vibration monitoring, reporting, and response procedures.
- e) Measures to ensure that dust, and sources of dust, do not have a detrimental impact on the occupants of adjoining or proximate residential properties.
- f) Measures to ensure that noise and vibration from the proposed excavation and construction activities, including noise and construction vehicles.
- g) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
- h) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency (consistent with any conditions of consent).
- i) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
- j) Contingency plans to be implemented in the event of non-compliances and / or noise complaints.
- k) Measures to prevent unauthorised access to the construction site and mitigate public safety risks.

On the basis of the above, it is assessed that the proposal can be conditioned to have an acceptable impact in terms of noise and vibration.

**Natural Hazards**

Are there any risks to people, property, or biophysical environment from:

Geologic/soil instability – subsidence, slip, mass movement?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Flooding, tidal inundation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Bushfire Risk?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

**Assessment Comments:**

A detailed account of the proposed framework for the management of flooding has been detailed in Section 8.1.1 of this assessment report, which deals with the requirements of Clause 5.21 of the Blayney LEP 2012.

It is assessed that DA 146/2021 has been supported by sufficient plans and supporting documentation which demonstrate that:

- The land has an important function for natural overland stormwater drainage, and that this function does not impact on the ability of the site to support the creation of 52 new development lots for future residential purposes.
- The behaviour of flood water on the land can be appropriately managed through improvements to overland drainage channels and infrastructure design. Flows on downstream properties are not increased as a result of the development.
- The extent of flooding on the land is not such that the safe occupation and / or efficient evacuation of people from the land would be unacceptably compromised. Floodwaters in a 1% AEP are not expected to be deeper than 750mm at the box culvert inlet adjacent to Proposed Road No. 1 (being the only public road connection to Richards Lane), and the design surface level for this road would be sufficient to prevent water breaching the road surface. As an emergency safeguard, physical access to Park Street is also expected to be available through proposed Lot 323 which is to be dedicated to Council as public open space.

- The design will improve environmental outcomes through the management of overland flows through the site in improved, purposefully designed and engineered open channels. There are no riparian areas or riverbanks on the site that are at risk of environmental impact.
- Flooding will not influence the design and scale of future built form on the subdivision lots.
- The design of the subdivision is unlikely to exposure future occupants of the land to an unacceptable risk to life. The development lots are above the 1% AEP flood level + 500mm freeboard and therefore evacuation of the land is unlikely to be necessary in a flood event. Flood free access to the site is to be provided and this will ensure safe evacuation for future occupants if required.
- All development lots will be located above the 1% AEP Flood and as a result there will be no need to modify, relocate or remove buildings in the event of flooding in the surrounding area.

It is assessed that the proposed development will not be adversely affected by flooding. There are no other natural hazards which affect the site. On this basis of the above, the proposal is assessed to have an acceptable impact in terms of risk posed by natural hazards.

**Technological Hazards**

Are there any risks to people, property, or biophysical environment from:

Industrial and technological Hazards	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Land contamination and remediation?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Building fire risk?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

**Assessment Comments:**

The following documents lodged in support of DA 146/2021 provide an assessment of land contamination issues:

- Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd (Rev 0, Report Number R13961c dated 20 December 2021).
- Section 5.1.2 of the SEE (Rev G) which included a summary of the main findings from the Preliminary Contamination Investigation prepared by Envirowest Consulting Pty Ltd.

A detailed assessment of the findings of these documents has been included in Section 8.1.1 of this report, which deals with the matters for consideration under the Resilience and Hazards SEPP 2021. In summary, site investigations located an (unutilised) above ground tank south-west of the shipping containers on the land, but no surface staining or odours were detected around the tank. No other site uses or activities were identified that might give rise to potential land contamination concerns. The reports recommended the removal of general storage and empty chemical drums on the site and did not identify the need for further investigations or actions. These drums are located on a part of the site which will remain as undeveloped land (Proposed Lot 90- being the cottage lot), and it is assessed they do not pose unacceptable risk to the future use of the wider site for residential purposes provided they are removed in accordance with the findings of the Preliminary Site Investigation. This work is to be completed as part of Stage 1 subdivision works and a condition of consent has been recommended to this effect.

An inspection of the site has not identified any evidence of past or current site activities that give rise to concerns about potential land contamination which have not been adequately addressed by the documents submitted in support of DA 146/2021. Aside from contamination, there are no other technological hazards which have been identified that could pose a risk to the development. On the basis



of the above, the technological hazards of the site are well understood, and mitigation strategies are to be in place to ensure no significant impacts / risks.

**Safety, Security and Crime Prevention**

Would the development provide safety and security in terms of:

Risk assessment and potential for accident, injury, and criminal activity, particularly in residential areas and commercial/shopping centres?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Measures used for safety, security, and crime prevention such as situational measures and environmental design?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Natural surveillance and visibility in public areas, including active uses on adjacent ground floors and building frontages/edges, and lighting?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Maintaining the condition and use of public areas, reinforcing territoriality, and reducing fear of crime?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Access controls and activity management?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Target hardening and target removal?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Assessment Comments:

Based on an inspection of the site and a review of the plans and documents submitted with the DA, the key issues relating to safety, security and crime prevention are:

- Consideration of the subdivision against the well established principles of CPTED (Crime Prevention Through Environmental Design).
- Ensuring that appropriate arrangements are in place during construction of the proposed subdivision to prevent unauthorised access and reduce the risk of accident or injury by the general public.

The table to Section 5.3 of the SEE (Rev G) includes an assessment of safety and surveillance, as required by the Section F7.6 of the Blayney DCP. The SEE advises as follows:

*The proposed loop roads with a strong rectangular shape are easy to navigate and promote good straight sightlines and safety. Nearly all lots have a wide (>20m) road frontage that allow for dwellings within good street frontage and casual surveillance of the street. There is a clear & defined boundary between the public street and the private land (likely to have low fences – future application for each dwelling). Street lighting is likely to be conditioned if it suits the heritage conservation area. There is overlooking of the informal recreation areas of the small park and OSD basins by adjacent dwellings (if access is permitted by Council)*

It is assessed that:

- The proposed subdivision design is generally satisfactory when considered against the following principles of CPTED.

- Surveillance. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. The subdivision design promotes surveillance through appropriately designed roads, lots with suitable frontage widths that will allow for primary living spaces (in future built form) to overlook the public domain. Proposed Lot 323 is generally suitable in terms of location. The space is adjoined by existing and future residential uses and will benefit from existing street lighting in Park Street and new street lighting servicing the proposed street network within the development site.
- Access Control. Access control is about decreasing opportunities for crime by controlling access to a crime target, increasing the effort required to commit a crime and by creating a perception of risk to an offender. Physical and symbolic barriers can be used to attract, channel, or restrict the movement of people. The subdivision design is assessed to be satisfactory in terms of access control, as there will be delineation between the public street environment and the private development lots.
- Territorial Reinforcement (ownership). This is about clearly defining private space from semi-public and public space in order to create a sense of ownership. The subdivision design is assessed to be satisfactory in terms of access control, as there will be delineation between the public street environment and the private development lots.
- Space Management. This is about formal supervision, control, and care of an urban space. Public perceptions are affected by the appearance of a place. A well-maintained urban environment is essential in sustaining confidence and helping to control crime. The subdivision is designed to meet standards acceptable to Blayney Shire Council. Public spaces will be dedicated to Blayney Shire Council who will accept responsibility for future maintenance. There is a low risk that the subdivision would result in a development outcome that is unsatisfactory in terms of space management.
- The construction of the subdivision will unlikely create an unacceptable risk to public safety. A condition of consent is recommended requiring the preparation of a Construction Environmental Management Plan for Stage 2 and 3 subdivision works. The matters to be addressed by the Construction Environmental Management Plan have been detailed in a previous section of this report but would include measures to prevent unauthorised access to the construction site and mitigate public safety risks.

On this basis of the above, the proposed development is assessed to have an acceptable impact in terms of safety, security, and crime prevention.

**Social & Economic Impact**

What would be the social benefits and costs of the development in terms of:

The health and safety of the community?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Social cohesion?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Community structure, character, values, and beliefs?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
A sense of place and community?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Community facilities and links?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The interaction between new development and the community?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Social equity, social-economic groups, and the disadvantaged?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Social displacement?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

Social change management?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
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What would be the economic benefits and costs of development in terms of:

Employment generation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Economic income?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Existing and future businesses?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Property values as indicator of environmental impacts?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Assessment Comments:

The iPLAN SoEE does not provide a section dealing with socio-economic impact assessment, although it broadly addresses a number of issues which are of socio-economic importance to the site, surrounding environment, and township of Millthorpe more generally.

An assessment of potential impacts of the proposed development has been undertaken with regards to the scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. The table below provides an assessment of the proposed development against the SIA Guideline.

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
<b>Amenity</b>				
Acoustic	Way of life;	Unlikely	Negative	Noise emissions are unlikely to impact on nearby sensitive receptors.
Visual	Surroundings	Likely	Negative	Subject to appropriate conditioning of the consent, the proposal is assessed to have an acceptable impact in terms of views. impact on views.
Odour	Surroundings	Unlikely	Negative	The proposal is not expected to produce odour.
Microclimate	Surroundings	Unlikely	Nil	The proposal will not significantly impact microclimate.
<b>Access</b>				
Access to property	Way of life;	Unlikely	Nil	The proposal will not impact on access to neighbouring properties.
Utilities and public transport	Access to infrastructure, services, and facilities;	Unlikely	Negative	The proposal will be connected to appropriate utilities and services. Existing public transport options in Blayney will be available to the proposed development.

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
Road and rail	Personal and property rights.	Likely	Negative	The proposal gains access to the public road network. Upgrades to public roads are assessed to be necessary in order to mitigate the likely impacts of the proposal on local traffic conditions.
<b>Built Environment</b>				
Public domain	Community;	Unlikely	Nil	The proposal will not impact the public domain as it will be located on private land.
Public infrastructure	Access to infrastructure, services, and facilities;	Unlikely	Nil.	The proposal will not preclude public access to public infrastructure.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil	The proposal will not preclude public access to built assets.
<b>Heritage</b>				
Natural	Way of life;	Unlikely	Nil	The proposal will not impact natural heritage values.
Cultural	Community;	Unlikely	Nil	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Likely	Negative	The proposal will implement the unexpected finds procedure at construction phase.
Built	Surroundings.	Likely	Negative	The proposal has been designed to address Council's planning requirements relating to the preservation of the heritage-listed cottage and heritage values within the Millthorpe Conservation Area.
<b>Community</b>				
Health	Health and wellbeing;	Unlikely	Nil.	The proposal will not impact on public health and well-being.
Safety	Surroundings	Likely	Negative	The proposal has satisfied as assessment against for the four key principles under the CPTED guidelines.
Services and facilities	Way of life, Access to infrastructure, services, and facilities;	Unlikely	Nil	The proposal does not impact access to public services or facilities.

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
Cohesion, capital, and resilience	Way of life; Community; Culture	Unlikely	Nil.	The proposal will not impact community cohesion or resilience.
Housing	Way of life, Personal and property rights.	Likely	Positive	The proposal will provide increased opportunities for housing accommodation in Millthorpe.
<b>Economic</b>				
Natural resource area	Way of life;	Unlikely	Negative.	The proposal will not significantly impact the natural resource base.
Livelihood	Surroundings;	Likely	Positive	The proposal will provide employment opportunities for the local community throughout the construction phases
Opportunity cost	Personal and property rights	N/A	Nil	The net benefit to the community outweighs the utilisation of building costs and resources.
<b>Air</b>				
Air emissions.	Surroundings	Likely.	Negative	The proposal is unlikely to generate unacceptable impacts on air quality. Conditions have been recommended to mitigate impacts.
<b>Biodiversity</b>				
Native vegetation and fauna	Surroundings	Unlikely	Negative	The proposal is unlikely to generate unacceptable impacts on biodiversity.
<b>Land</b>				
Stability/structure, land capability, topography	Surroundings	Unlikely.	Negative	Minimal impacts are likely. Conditions have been recommended to mitigate impacts.
<b>Water</b>				
Quality, availability, hydrological flows	Surroundings	Likely.	Negative	Soil and water impacts have been assessed to be within acceptable limits. Conditions have been recommended to mitigate impacts.

Considering the proposal in the context of the existing neighbourhood as well as the previously addressed issues relating to amenity, traffic, heritage, safety, security and crime prevention, the proposal

can be conditioned to have acceptable impact in terms of land-uses, resident amenity in Millthorpe and the environment.

**Site Design and Internal Design**

Is the development design sensitive to environmental conditions and site attributes including:

Size, shape and design of allotments, easements, and roads?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The proportion of site covered by buildings?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The positioning of buildings?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The size (bulk, height, mass), form, appearance, and design of buildings?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
The amount, location, design, use and management of private and communal open space?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Landscaping?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

How would the development affect the health and safety of the occupants in terms of:

Lighting, ventilation, and insulation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Building fire risk – prevention and suppression?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Building materials and finishes?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
A common wall structure and design?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Access and facilities for the disabled?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Likely compliance with the Building Code of Australia?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

**Assessment Comments:**

The proposed subdivision comprises fifty-two (52) residential lots, one (1) larger residential lot around the existing heritage listed Cottage (I273), one (1) lot for public open space, one (1) lot for public drainage reserve and one (1) residual lot in three (3) stages.

The subdivision design has been developed by iPLAN Projects with inputs from Health Consulting Engineers, Envirowest Consulting, ARC Traffic and Transport, and Heritage Planner Patsy Moppett. The submissions received from three (3) rounds of neighbour notification and exhibition and inputs from Blayney Shire Council Planners, Engineers and Heritage Advisor have also shaped the final design of the subdivision.

Based on the review of all DA documentation and comments received from Council and members of the public, it is assessed the proposal is well designed and responds to all relevant environmental planning instruments, development controls, standards, and guidelines. Particular attention has been invested in the design of the subdivision to address heritage considerations, landscaping, drainage and site access and connectivity.



It is assessed the proposal is suitable for the site and will not create any significant impacts on the receiving environment.

**Construction**

What would be the impacts of construction activities in terms of:

The environmental planning issues listed above?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Site safety?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
In what ways would construction activities be managed to minimise impacts such as:			
Environmental protection measures?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Site safety measures?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Staging construction?	<input checked="" type="checkbox"/> Acceptable, with conditions	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

**Assessment Comments:**

The construction of the subdivision will unlikely create an unacceptable risk to public safety. A condition of consent is recommended requiring the preparation of a Construction Environmental Management Plan for subdivision works. The matters to be addressed by the CEMP have been detailed in a previous section of this report but would include measures to prevent unauthorised access to the construction site and minimise other public safety risks, including security and crime prevention. It is assessed the construction program is well documented to understand the program of work proposed and the various interactions with the site and surrounding lands.

**Cumulative Impacts**

Would any impacts have potential to act in unison in terms of:

Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Individual impacts so close in space that the effects overlap (space crowded effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Repetitive, often minor impacts eroding environmental conditions (nibbling effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

Assessment Comments:

Cumulative impact assessment is generally a measure of the following matters:

- The alignment of the project with the strategic planning framework for the area, having regard to any relevant legislation, plans, policies, or guidelines.
- The project and other potentially relevant future projects that may be developed over the same time period as the project.
- The key matters that could be materially affected by the cumulative impacts of these projects including important natural resources, culturally significance resources, key infrastructure and industries, sensitive land-use zones, local communities, and threatened species.

An assessment of the likely cumulative impacts has been completed and documented as follows:

- The proposed development is located within the R1 General Residential and R5 Large Lot Residential zones. The subdivision of the land is permissible in the zones.
- The proposed development is assessed to be consistent with the relevant matters for consideration under Blayney LEP 2012 and the Blayney DCP 2018.
- Council's strategic planning for the Millthorpe Township has not identified future uses for this area of Millthorpe that are likely to be incompatible with the proposed development.
- The proposed subdivision design creates lots that are larger than minimum that is prescribed by Blayney LEP 2012 to be possible for the site. The further subdivision of the proposed lots is generally not possible with variations to the current minimum lot size framework applying to land in the R1 General Residential. Further intensification of residential land-use within the subdivision is not expected to occur.
- Environmental impact assessment has been completed for the proposed development (and detailed in previous sections of this report) and impacts are assessed to be within acceptable limits. Conditions are recommended to control certain aspects of the proposal and to mitigate impacts.

Overall, it is assessed that the proposal is likely to make a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact. On the basis of the above, the proposed development is assessed to have an acceptable cumulative impact.

**8.1.7. Section 4.15(1)(c) The suitability of the site for the development**

The assessment work presented in the previous sections of this report confirm that the site has the capacity to support the proposed development without creating adverse impact on the site or on adjoining and nearby land-uses. Conditions of consent are recommended to ensure that impacts appropriately mitigated.

**8.1.8. Section 4.15(1)(d) Any submissions made in accordance with this Act or the regulations**

DA 146/2021 has been notified and exhibition in accordance with the requirements of Part B of the Blayney DCP 2018 and the Blayney Community Participation Plan. An overview of the consultation process is described as follows:

- DA 146/2021 was originally submitted to Blayney Shire Council on 1 December 2021. The original proposal related to a fifty-two (52) lot residential subdivision (including 1 lot around the cottage and 2 lots dedicated to stormwater drainage), with access direct from Park Street (Millthorpe Road) in the south easter corner of the subject land.

- DA 146/2021 was first placed on public exhibition and neighbour notification in December 2021 / January 2022. Council received a number of submissions from the community relating to a variety of matters including design, heritage, traffic, stormwater management and visual impact.
- As a result of the issues raised during the first round of consultation, DA 146/2021 was amended in June 2022. The amended proposal relocated the new entrance road to the subdivision from Park Street (Millthorpe) to Richards Lane. The number of lots was also changed from fifty-two (52) in total to fifty-six (56) in total. The amended proposal was again placed on public exhibition and neighbour notification during November / December 2022. Council again received a number of submissions from the community raising similar concerns.
- DA 146/2021 was again placed on public exhibition and neighbour notification in September / October 2023. The need for consultation to be completed a third time (and last time) was considered necessary by Council due to further information being submitted regarding traffic impact assessment. Council again received a number of submissions from the community raising similar concerns.

The public exhibition and notification of DA 146/2021 has generated significant public interest within the Millthorpe community. An evaluation of the issues, comments and concerns raised by the community is necessary. This work is completed in Attachment A to this report, which includes the following detail:

- The name of the person(s) making the submission to Blayney Shire Council.
- A brief summary of the issues, comments or concerns raised in the submission.
- An assessment response.

iPLAN Projects has also completed a report titled 'DA2021/146 Consolidated Response to Submissions for Discussion with Council including submissions received 31/10/2023'. A copy of this report is to be presented to Council (along with all other relevant plans and supporting documents) when this assessment report is considered at the relevant Meeting. The contents of this report have been considered, as necessary, as part of the review of public submissions completed in this assessment of DA 146/2021.

On the basis of the work presented in Attachment A to this report, a summary of the findings of public consultation is detailed as follows:

- DA 146/2021 has been notified and exhibited in accordance with Council policy requirements.
- A total of 45 submissions were received by Council in relation to the first phase of public exhibition / notification during December 2021 / January 2022.
- A total of 13 submissions were received by Council in relation to the first phase of public exhibition / notification during November / December 2022.
- A total of 11 submissions were received by Council in relation to the first phase of public exhibition / notification during September / October 2023.
- The issues raised in the submissions have been evaluated. The primary concerns raised in the public submissions relate to impacts in terms of Access, transport and traffic, views, and character, built form, accessibility, stormwater drainage, community benefit, amenity, heritage, lot density, vegetation removal, site suitability, infrastructure capacity, recreation opportunities, landscape suitability and Environmentally Sustainable Development.
- In some instances, the issues, comments, or concerns raised in the public submissions (particularly those which were received during phase one and phase two consultation) have been addressed through amendments made to the subdivision design or can be addressed through recommended conditions of consent. In other instances, the issues, comments, or concerns remain relevant to the final design of the proposed subdivision.
- The assessment of the proposed subdivision development under DA 146/2021 concludes that there is likely to be insufficient grounds for refusal of the application based on an assessment of relevant

statutory / policy considerations, the merits of the application and an evaluation of the issues raised as part of the public consultation.

**8.1.9. Section 4.15(1)(e) The public interest**

Are there any Federal, State or Local Government and/or Community Interests?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Do any policy statements from Federal or State Governments have relevance?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any relevant planning studies and strategies?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is there any management plan, planning guideline, or advisory document that is relevant?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any credible research findings, which are applicable to the case?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Have there been relevant issues raised in public meetings or inquiries?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any outstanding public submissions that have not been properly assessed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the health and safety of the public be affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Assessment Comments:

A number of planning studies have been submitted in support of DA 146/2021. These have been considered as part of the assessment of the proposal and documented as necessary against relevant matters for consideration.

The public exhibition and notification of DA 146/2021 generated considerable public interest. An evaluation of the issues, comments and concerns raised in submissions has been completed. There are no outstanding public submissions that have not been assessed. Further details are included in Section 8.1.8 of this report and in Attachment A.

The assessment of DA 146/2021 concludes that it is in the public interest to determine the application by the granting of consent subject to conditions.

**9. CONTRIBUTIONS ASSESSMENT**

An assessment has been completed to determine whether the proposed development triggers the requirement for payment of developer contributions under the relevant plans of Blayney Shire Council including:

- Blayney Local Infrastructure Contributions Plan 2013.
- Blayney Local Infrastructure Contributions Plan 2022.
- Blayney Shire Council Development Servicing Plan for Sewerage Services:

This assessment is detailed in the following sections:

**9.1. Blayney Local Infrastructure Contributions Plan 2022**

In accordance with Section 5.1 of the Blayney Local Infrastructure Contributions Plan 2022, the plan applies to any development application lodged on or after the date this plan commenced. Blayney Shire Council records show that DA 146/2021 was lodged on 1 December 2021 which is prior to the commencement date of this plan, being 13 January 2023.

For the purposes of calculating the contribution liability applying to DA 146/2021, the Blayney Local Infrastructure Contributions Plan 2013 remains to have applicability, even though it was repealed on commencement of the 2022 plan.

**9.2. Blayney Local Infrastructure Contributions Plan 2013 (repealed)**

The Blayney Local Infrastructure Contributions Plan 2013 applies to the following development types:

- a) Residential accommodation development that will or is likely to require the provision of or increase the demand for local infrastructure within the Blayney LGA.
- b) Heavy haulage development that will or is likely to accelerate the deterioration of the pavements on council roads.
- c) Development that is not included in (a) or (b) above that has a proposed cost of development of more than \$100,000.

The Blayney Local Infrastructure Contributions Plan 2013 applies the following contribution rates to new development, as indexed in accordance with Section 2.18 of the plan and shown in the Blayney Shire Council 2023/2024 Schedule of Fees and Charges.

Contribution Type / Development Type	Levy Rate
<b>Section 7.11 Contributions</b>	
Residential accommodation on development resulting in additional dwellings or lots	\$7,417 per dwelling or lot
Heavy Haulage Development	\$0.24 per ESA per km of regional sealed road \$0.54 per ESA per km of local sealed road \$0.27 per ESA per km of local gravel road
<b>Section 7.12 Levies</b>	
Where the proposed cost of carrying out the development:	
Is more than \$100,000, and up to and including \$200,000.	0.5% of that cost.
Is more than \$200,000	1% of that cost.

Having regard to the above table, the proposed development is liable for the payment of Section 7.12 contributions totalling \$385,684 calculated at \$7,417 per new development lot. A breakdown of the total contribution liability based on the proposed staging arrangements for the subdivision is included as follows:

- Stage 1 Subdivision Works – Proposed Lots 201 to 230 (creating 30 new lots) - \$222,510.
- Stage 2 Subdivision Works – Proposed Lots 301-322 (creating 22 new lots) - \$163,174.

An appropriate condition of consent has been included in the recommendation to this report requiring payment of the contributions prior to the issue of the Subdivision Certificate for each stage of work.

DA 146/2021 is not liable for the payment of Section 7.12 Levies under the Blayney Local Infrastructure Contributions Plan 2022

Assessment Note. Section 8.1.4 provides details in relation to a Voluntary Planning Agreement that Blayney Shire Council is proposing to enter into with Charms Developments Pty Ltd & Fenlor Group Pty Ltd under Section 7.4 of the Environmental Planning Assessment Act 1979). The VPA does not exclude DA 146/2021 from the provisions contained in Sections 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979. This means that the development is still liable for the payment of monetary

contributions to Blayney Shire Council in accordance with the Blayney Shire Local Infrastructure Contributions Plan 2022.

### **9.3. Blayney Shire Council Development Servicing Plan for Sewerage Services**

The Blayney DSP has been prepared in accordance with 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 306 (3) of the Water Management Act 2000. The DSP allows Council to levy a monetary contribution for the provision of sewerage services, proportional to the demands generated by new development in Blayney and Millthorpe.

Section 3.3 of the Blayney DSP provides that the plan applies to all land within the Blayney Shire Council Local Government Area that is within the sewerage service areas and will be connected to the sewerage systems after development (subdivision and / building) or redevelopment (change of use). A review of the Blayney LGA Sewer Service Coverage Map included in Appendix A to the DSP shows that the subject land is included within the coverage area applying to the township of Millthorpe. The Blayney DSP is therefore assessed to apply to DA 146/2021.

The scope of works proposed under DA 146/2021 will trigger a contribution liability under the DSP as the subdivision development generates an additional 52 ET loadings. A single ET represents a single new subdivision lot.

It is assessed that the proposed development is liable for the payment of a Sewerage Developer Charge totalling \$441,584 calculated at \$8,492.00 per new development lot (ET). The calculation accounts for the indexing of charges in accordance with Section 3.7 of the Plan as shown in the Blayney Shire Council 2023/2024 Schedule of Fees and Charges. A breakdown of the total contribution liability based on the proposed staging arrangements for the subdivision is included as follows:

- Stage 1 Subdivision Works – Proposed Lots 201 to 230 (creating 30 new lots) - \$254,760.
- Stage 2 Subdivision Works – Proposed Lots 301-322 (creating 22 new lots) - \$186,824.

### **9.4. Central Tableland Water Headworks Contribution Plan**

Based on the calculations performed in Section 9.2 relating to CTW DSP charges for sewerage services, it is likely that the proposed development will require payment of CTW DSP charges for water. An appropriate condition of consent has been recommended requiring the payment of any necessary charges to Central Tablelands Water prior to the issue of the Subdivision Certificate for Stage 2 and 3 subdivision works.

## **10. Internal Referrals**

Development Application No. 146/2021 was referred to Council's Design and Development Engineer for review. The comments received have been documented in relevant sections of this report and considered as part of the overall assessment of engineering matters relating to subdivision proposal. Recommended conditions have also been incorporated into the draft notice of determination. A copy of the referral advice is included in Attachment B to this assessment report.

Development Application No. 146/2021 was also referred to Council's Heritage Advisor for review. The comments received have been documented in relevant sections of this report and considered as part of the overall assessment of engineering matters relating to subdivision proposal. Where agreed, recommended conditions have also been incorporated into the draft notice of determination. A copy of the referral advice is included in Attachment B to this assessment report.



## 11. Summary / Conclusion / Recommendation

Development Application No. DA 146/2021 is for the proposed subdivision of Lot 101 DP 872388 into Fifty-six (56) Torrens Title Lots, comprising fifty-two (52) residential lots, one (1) larger residential lot around the existing heritage listed cottage (1273), one (1) lot for public open space, one (1) lot for public drainage reserve and one (1) residual lot.

DA 146/2021 proposes a staged development, as follows:

- Stage 1: comprising a three (3) lot subdivision of existing Lot 101 DP 872388 to create proposed Lots 90, 91 and 92.
- Stage 2: comprising a thirty-one (31) lot subdivision of proposed Lot 92 to create proposed Lots 201 to 230 for residential purposes, as well as proposed Lot 231 for a public drainage reserve and proposed Lot 232 to remain as a residual lot.
- Stage 3: comprising a twenty-three (23) lot subdivision of proposed Lot 232 to create proposed Lots 301 to 322 for residential purposes, as well as proposed Lot 323 for a public open space.

There are also road upgrades proposed at the intersection of Millthorpe Road and Richards Lane and utility infrastructure upgrades and connections that have all been considered in the assessment of the proposal.

DA 146/2021 has been assessed against the following final documents that were submitted in support of the proposed subdivision:

- Amended Statement of Environmental Effects (SoEE) - 56 Lot Subdivision, prepared by iPLAN Projects, dated 26 October 2022.
- Consolidated Response to Submissions for Discussion with Council – 56 Lot Subdivision, prepared by iPLAN Projects, dated 17 November 2023.
- Preliminary Contamination Investigation prepared by Envirowest Consulting, dated 20 December 2021.
- Traffic Impact Assessment - Millthorpe Residential Development Proposal, prepared by ARC Traffic and Transport, dated 14 February 2023.
- Statement of Heritage Impact - 1279 Milthorpe Road, Millthorpe, prepared by Patsy Moppett, dated November 2021.
- Stormwater Management Plan - Proposed Subdivision of Lot 101 in DP 872388 Park Street, Millthorpe, prepared by Heath Consulting Engineers, dated 21 October 2022 (Revision E).
- Subdivision Plans prepared by Heath Consulting Engineers, as follows:
  - Drawing No. 21004-DA01 - Cover Sheet & Locality Sketch, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA02 - Existing Boundaries & Site Detail, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA02A - Existing Boundaries & Site Detail, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA03 - Proposed Boundaries Stage 1, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA03A - Proposed Boundaries Stage 1, Rev D dated 21 October 2022.
  - Drawing No. 21004-DA04 - Proposed Boundaries Stage 2, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA04A - Proposed Boundaries Stage 2, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA05 - Proposed Boundaries Stage 3, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA05A - Proposed Boundaries Stage 3, Rev E dated 18 May 2023.
  - Drawing No. 21004-DA06 - Proposed Bulk Earthworks, Rev D dated 21 October 2022.

- Drawing No. 21004-DA07 - Overall Road Plan, Rev D dated 21 October 2022.
- Drawing No. 21004-DA08 - Road Longitudinal Sections Road No. 1 and Road No. 3, Rev D dated 21 October 2022.
- Drawing No. 21004-DA09 - Road Longitudinal Section Road No. 2, Rev D dated 21 October 2022.
- Drawing No. 21004-DA010 - Road Longitudinal Section Road No. 2 Continued, Rev D dated 21 October 2022.
- Drawing No. 21004-DA011 - Typical Cross Sections Road No. 1, Rev D dated 21 October 2022.
- Drawing No. 21004-DA012 - Typical Cross Sections Road No. 2, Rev D dated 21 October 2022.
- Drawing No. 21004-DA013 - Typical Cross Sections Road No. 3, Rev D dated 21 October 2022.
- Drawing No. 21004-DA014 - Overall Road Vehicle Turnpath, Rev D dated 21 October 2022.
- Drawing No. 21004-DA015 - Proposed Stormwater Reticulation Layout, Rev D dated 21 October 2022.
- Drawing No. 21004-DA016 - Proposed Sections 1 & 2, Rev D dated 21 October 2022.
- Drawing No. 21004-DA017 - Stormwater Catchment Plan, Rev D dated 21 October 2022.
- Drawing No. 21004-DA018 - Site Stormwater Reticulated Calculations, Rev D dated 21 October 2022.
- Drawing No. 21004-DA019 - HEC-RAS Flood Modelling Results 1% AEP, Rev D dated 21 October 2022.
- Drawing No. 21004-DA020 - Proposed Sewer Reticulation Layout, Rev D dated 21 October 2022.
- Drawing No. 21004-DA021 - Proposed Water Reticulation Layout, Rev D dated 21 October 2022.
- Drawing No. 21004-DA022 - Demolition Plan, Rev D dated 21 October 2022.
- Drawing No. 21004-ESCP01 - Cover Sheet & Notes, Rev D dated 21 October 2022.
- Drawing No. 21004-ESCP02 - Erosion & Sediment Control Plan Stage 2 continued, Rev D dated 21 October 2022
- Drawing No. 21004-ESCP03 - Erosion & Sediment Control Plan Stage 2, Rev D dated 21 October 2022.
- Drawing No. 21004-ESCP04 - Erosion & Sediment Control Plan Stage 3, Rev D dated 21 October 2022.
- Traffic Impact Assessment, prepared by Stantec, dated 31 August 2023.

An assessment of the proposal in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 has been completed, with the main findings summarised as follows:

- The scope of the proposed subdivision is clearly articulated in the DA documentation. A total of 56 Lots will result in three stages. The uses on proposed new lots are for future residential purposes (Lots 201 to 230 and Lots 301 to 322), existing heritage listed cottage (Lot 91), public open space (Lot 323), public drainage reserve (Lot 231) and a residual allotment (Lot 90).
- The submitted plans, drawings and reports that have been prepared by the various consultants in support of the DA contain sufficient information to allow Blayney Shire Council to make an informed decision on the proposal.
- The proposed subdivision is consistent with all relevant provisions under the Blayney Local Environmental Plan 2012 and Blayney Development Control Plan 2018.

- Notification and public exhibition of the proposed subdivision has been completed in accordance with the requirements of the Blayney Community Participation Plan 2020. Since the lodgement of the DA, notification and public exhibition has been carried out three (3) times, in response to multiple revisions / variations to the design of the proposed subdivision. As a result of the public exhibition and notification processes, Council has received a total of 71 submissions from adjoining landowners and the general public, some of which are objections to the DA or raised concerns, and others in support of the proposal. An assessment of issues raised in the submissions has been completed detailed in Attachment A to this assessment report.
- Final assessment of the proposed subdivision, including all finalised plans, drawings and reports, submissions received, and referral advice from Council planning and engineering staff, heritage advisory consultant, and other government authorities, concludes the proposal is unlikely to pose unacceptable impacts on the environment and has merit for approval, subject to conditions.
- Draft conditions of consent have been included in the recommendation to this report to address all aspects of the proposed development, including compliance with the approved plans, drawings and reports relating to traffic and access, servicing and infrastructure, easements, stormwater management, landscaping, heritage, preservation of natural environment elements, community contributions and the dedication of land for public purposes.
- A Voluntary Planning Agreement has been drafted between Blayney Shire Council, Charms Developments Pty Ltd and Fenlor Group Pty Ltd in accordance with Section 7.4 of the Environmental Planning Assessment Act 1979 to facilitate the dedication of land to Blayney Shire Council for a public drainage reserve and public open space. A condition of consent relating to the implementation of the Voluntary Planning Agreement is included in the recommendation.
- Blayney Shire Council also proposed to enter into a Works Deed with the developers of the subdivision. A copy of the Draft Works Deed is intended to be separately reported to Council.

It is the recommendation of this Section 4.15 Assessment Report that DA 146/2021 be granted conditional approved as per the draft conditions in Section 14.

## 12. Attachments to Assessment Report

Attachment A	Consultation Report and Review of Public Submissions
Attachment B	Referral Advice – Heritage Advisor to Blayney Shire Council
	Referral Advice – Blayney Shire Councils Design and Development Engineer

### 13. Statement of Reasons – DA

#### 13.1. The Decision

Development Application No. 146/2021 for the proposed subdivision of Lot 101 DP 872388 into Fifty-six (56) Torrens Title Lots, comprising fifty-two (52) residential lots, one (1) larger residential lot around the existing heritage listed cottage (I273), one (1) lot for public open space, one (1) lot for public drainage reserve and one (1) residual lot is recommended for approval subject conditions.

#### 13.2. The Date of The Decision

The decision was made on the 13 December 2023.

#### 13.3. The Reasons for the Decision (having regard to any statutory requirements applying to the decision)

Development Application No. 146/2021 was assessed using current procedures developed by Blayney Shire Council and other resource information. This includes:

- The requirements of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 which states:

##### Section 4.15(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
    - (i) any environmental planning instrument, and
    - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
    - (iii) any development control plan, and
    - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
    - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.
  - (c) the suitability of the site for the development.
  - (d) any submissions made in accordance with this Act or the regulations.
  - (d) the public interest.
- The requirements of Blayney Local Environmental Plan 2012.
  - The requirements of Blayney Council Development Control Plan 2018.

**13.4. How Community Views Were Considered in Making the Decision**

In making the decision, the assessment considered the submissions received from public exhibition / neighbour notification in accordance with the Blayney Community Participation Plan 2020.

Since the lodgement of DA 146/2021, public exhibition and neighbour notification has been carried out three (3) times, in response to multiple revisions / variations to the design of the proposed subdivision.

As a result of the public exhibition and notification processes, Council has received a total of 69 submissions from adjoining landowners and members of the general public, some of which are objections to the DA or raise concerns, and others in support of the proposal.

An assessment of issues raised in the submissions has been completed detailed in Attachment A to this assessment report.

## 14. Draft Conditions of Consent

### APPROVED PLANS

#### 1. DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

Development is to take place in accordance with:

Plan / Doc No.	Plan / Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	iPLAN PROJECTS	G	26/10/22
	Statement of Heritage Impact	Patsy Moppett	-	November 2021
21004-DA01	Cover Sheet & Locality Sketch	Heath Consulting Engineers	D	21/10/22
21004-DA02	Existing Boundaries & Site Detail	Heath Consulting Engineers	D	21/10/22
21004-DA02A	Existing Boundaries & Site Detail	Heath Consulting Engineers	D	21/10/22
21004-DA03	Proposed Boundaries Stage 1	Heath Consulting Engineers	D	21/10/22
21004-DA03A	Proposed Boundaries Stage 1	Heath Consulting Engineers	D	21/10/22
21004-DA04	Proposed Boundaries Stage 2	Heath Consulting Engineers	E	18/05/23
21004-DA04A	Proposed Boundaries Stage 2	Heath Consulting Engineers	E	18/05/23
21004-DA05	Proposed Boundaries Stage 3	Heath Consulting Engineers	E	18/05/23
21004-DA05A	Proposed Boundaries Stage 3	Heath Consulting Engineers	E	18/05/23
21004-DA06	Proposed Bulk Earthworks	Heath Consulting Engineers	D	21/10/22
21004-DA07	Overall Road Plan	Heath Consulting Engineers	D	21/10/22
21004-DA08	Road Longitudinal Sections Road No. 1 and Road No. 3	Heath Consulting Engineers	D	21/10/22
21004-DA09	Road Longitudinal Section Road No. 2	Heath Consulting Engineers	D	21/10/22
21004-DA010	Road Longitudinal Section Road No. 2 Continued	Heath Consulting Engineers	D	21/10/22



21004-DA011	Typical Cross Sections Road No. 1	Heath Consulting Engineers	D	21/10/22
21004-DA012	Typical Cross Sections Road No. 2	Heath Consulting Engineers	D	21/10/22
21004-DA013	Typical Cross Sections Road No. 3	Heath Consulting Engineers	D	21/10/22
21004-DA014	Overall Road Vehicle Turnpath	Heath Consulting Engineers	D	21/10/22
21004-DA015	Proposed Stormwater Reticulation Layout	Heath Consulting Engineers	D	21/10/22
21004-DA016	Proposed Sections 1 & 2	Heath Consulting Engineers	D	21/10/22
21004-DA017	Stormwater Catchment Plan	Heath Consulting Engineers	D	18/11/21
21004-DA018	Site Stormwater Reticulated Calculations	Heath Consulting Engineers	D	21/10/22
21004-DA019	HEC-RAS Flood Modelling Results 1% AEP	Heath Consulting Engineers	D	21/10/22
21004-DA020	Proposed Sewer Reticulation Layout	Heath Consulting Engineers	D	21/10/22
21004-DA021	Proposed Water Reticulation Layout	Heath Consulting Engineers	D	21/10/22
21004-DA022	Demolition Plan	Heath Consulting Engineers	D	21/10/22
21004-ESCP01	Cover Sheet & Notes	Heath Consulting Engineers	D	21/10/22
21004-ESCP02	Erosion & Sediment Control Plan Stage 2 continued	Heath Consulting Engineers	D	21/10/22
21004-ESCP03	Erosion & Sediment Control Plan Stage 2	Heath Consulting Engineers	D	21/10/22
21004-ESCP04	Erosion & Sediment Control Plan Stage 3	Heath Consulting Engineers	D	21/10/22
R01_21004	Stormwater Management Plan	Heath Consulting Engineers	E	21/10/22
R13961c	Preliminary Contamination Assessment	Envirowest Consulting	0	20/12/2021
P0371r1v4	Transport Assessment Millthorpe Residential Development Proposal for Landorange Partnership	arc traffic + transport	V4	14/02/2023

as amended in accordance with any conditions of this consent.

*NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.*

#### **PRESCRIBED CONDITIONS**

##### **2. SIGN – SUBDIVISION WORKS**

A sign is to be erected in a prominent position on any site on which subdivision work is being carried out:

- a) Showing the name, address, and telephone number of the principal certifying authority for the work; and
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out.

<b>Stage 1 Subdivision Work</b>
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#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

##### **3. ACCESS**

A rural road access is to be constructed to Proposed Lot 92 from Richards Lane in accordance with the requirements of WBC Guidelines for Engineering Works. The access location shall be suitable to provide for safe vehicle access to Proposed Lot 92 throughout construction phases associated with Stage 2 subdivision works.

##### **4. CONTAMINATION**

The applicant is to remove all general storage and empty drums from the site in accordance with the recommendations of the Preliminary Contamination Investigation by Envirowest Consulting, Report No. R13961c, Rev O and dated 20 December 2021.

##### **5. FINAL PLAN OF SURVEY**

Prior to the issue of the Subdivision Certificate for Stage 1, the applicant shall provide evidence that adequate arrangements will be made for the:

- e) registration of an easement to drain sewage 3m wide over proposed lot 92 in favour of proposed Lot 90 and Blayney Shire Council.
- f) registration of an easement over any existing sewer main locations on proposed Lots 91 and 92 which are not proposed to be demolished as part of Stage 2 or 3 subdivision work.
- g) registration of an easement to drain sewage 3m wide over adjoining Lot 18 DP 1148965 in favour of proposed Lot 92 and Blayney Shire Council.
- h) registration of an easement for right of access 6m wide over proposed lot 90 in favour of Blayney Shire Council.
- i) registration of an easement for right of carriageway 20m wide over proposed lot 92 in favour of proposed lot 90
- j) registration of an easement for underground power cables 2m wide over proposed Lot 90 in favour of proposed Lot 92 and Essential Energy.
- k) registration of an easement for drainage, variable width, over proposed lot 90 in favour of Blayney Shire Council.

##### **6. RESTRICTIONS ON TITLE**

Prior to the issue of the Subdivision Certificate for Stage 1, the applicant shall provide evidence that adequate arrangements will be made for the registration of restrictions on title under Section 88B of the

Conveyancing Act 1919 which prevent the use of Proposed Lot 90 and 92 for any new development without provision being made for the connection of water, sewer and electricity to each lot in accordance with the requirements of relevant service providers.

**7. LANDSCAPING**

Prior to the issue of the Subdivision Certificate for Stage 1, the applicant is to submit a detailed Landscape Plan to Blayney Shire Council for approval. The Landscape Plan shall:

- l) Be prepared by a suitably qualified Landscape Architect in consultation with Blayney Shire Council.
- m) Consider the locations and species of proposed landscape and screen plantings shown on the Landscape Plan prepared by Heath Consulting Engineers.
- n) Consider the requirements for street tree planting in accordance with Part F7.7 of the Blayney Development Control Plan 2018.
- o) Consider the landscape and screen planting requirements for the proposed subdivision in the context of the Millthorpe Heritage Conservation Area, and advice provided by David Scobie (Heritage Advisor to Blayney Shire Council) in relation to the assessment of DA 146/2021.
- p) Consider the landscape design requirements for hard and soft elements of proposed lot 323 (which is intended to be dedicated as open space) in order that heritage and amenity of the former pastoral uses will be appropriately interpreted.
- q) Consider the requirements of relevant Essential Energy guidelines for plantings near overhead electricity lines.
- r) Develop an appropriate maintenance framework for proposed landscape and screen planting located on land which is to be retained in private ownership.
- s) Develop an appropriate maintenance framework for proposed landscape and screen planting located on land which is to be dedicated to Blayney Shire Council.
- t) Develop an appropriate staging framework for timing of completion of proposed landscape screen planting.

<b>Stage 2 Subdivision Work</b>
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**PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

**8. WORKS DEED – ROAD UPGRADES**

The applicant must enter into a Works Deed with Blayney Shire Council to facilitate the construction of the following physical works required in connection with the subdivision development:

- a) Upgrade of the intersection of Millthorpe Road and Richards Lane, Millthorpe; and
- b) Upgrade of Richards Lane, Millthorpe from gravel to sealed two-way road for 120 metres beyond that intersection.

**9. VOLUNTARY PLANNING AGREEMENT**

The applicant agrees to enter into a Voluntary Planning Agreement in accordance with Section 7.4 of the Environmental Planning and Assessment Act 1979 to facilitate:

- a) The dedication of proposed lot 231 (drainage reserve) to Blayney Shire Council concurrently with the registration of the lots the subject of Stage 2 of the development.
- b) The dedication of proposed lot 323 (open space) to Blayney Shire Council concurrently with the registration of the lots the subject of Stage 2 of the development.

**10. ENGINEERING PLANS**

For any condition requiring the completion of an engineering work, the applicant must submit full engineering plans, specifications and calculations to Blayney Shire Council demonstrating compliance with the WBC Guidelines for Engineering Works.

**11. TRAFFIC GUIDANCE SCHEME**

The applicant is to prepare and implement a Traffic Guidance Scheme that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Guidance Scheme is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

**12. SOIL & WATER MANAGEMENT PLAN**

The developer is to submit a soil and water management plan for the site in accordance with WBC Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing. The measures detailed in the plan are to remain in place until all landscaping is completed.

**13. DESIGN NEW ROAD TO ENGINEERING STANDARD**

Proposed roads 2 and 3 are to be designed and constructed in accordance with WBC Guidelines for Engineering Works as local access roads. Proposed road 1 is to be designed and constructed in accordance with WBC Guidelines for Engineering Works as rural local access road. The road design shall incorporate the following amendments to the scope of Stage 2 road construction work:

- a) Road No. 2 shall be designed and constructed to extend from its existing terminating position at the south-western corner of Proposed Lot 230 to at least a point that services the frontage to Proposed Lot 323.

**14. EARTHWORKS PLAN**

The applicant is to submit a detailed bulk earthworks plan to the satisfaction of the Blayney Shire Department of Infrastructure Services and Department of Planning and Environmental Services. Proposed bulk earthworks must not have a detrimental impact on adjoining property owners.

**15. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

The applicant is to submit a Construction Environmental Management Plan to the satisfaction of Blayney Shire Department of Infrastructure Services and Department of Planning and Environmental Services. The plan shall address the following matters:

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools, and properties containing noise sensitive equipment.
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
- d) Noise and vibration monitoring, reporting, and response procedures.
- e) Measures to ensure that dust, and sources of dust, do not have a detrimental impact on the occupants of adjoining or proximate residential properties.
- f) Measures to ensure that noise and vibration from the proposed excavation and construction activities, including noise and construction vehicles.
- g) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
- h) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency (consistent with any conditions of consent).
- i) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
- j) Contingency plans to be implemented in the event of non-compliances and / or noise complaints.

**16. RETAINING WALLS**

The applicant is to provide Council with an engineering design for the proposed retaining walls located along the western boundary of proposed lots 201, 202, 203, 204, 205 and 206. The engineering design must include details relating to structural adequacy and drainage.

*Note: If the retaining wall design impacts on existing boundary fencing, Blayney Shire Council will require evidence that any legal obligations under the Dividing Fences Act 1991 have or will be satisfied prior to the construction of the retaining wall.*

**17. TREE PROTECTION PLAN**

Prior to the issue of a Subdivision Works Certificate, the applicant is to submit to the Principal Certifying Authority a Tree Protection Plan that is prepared in accordance with AS4970-900 *Protection of trees on development sites*. The Tree Protection Plan must show how the existing mature eucalypt trees shown in the vicinity of proposed Lots 226, 227, 228, 317, 318 and 319 will be protected during all construction activities associated with the proposed subdivision.

**18. DILAPIDATION REPORT**

The applicant is to prepare a Dilapidation Report for the cottage (Heritage Item 273 – Schedule 5 of Blayney Local Environmental Plan 2012) on Proposed lot 91. The Dilapidation Report shall be prepared by a suitably qualified professional and is to document / record the existing condition of the cottage. A copy of the report is to be provided to Blayney Shire Council prior to the issue of the Subdivision Certificate for Stage 2 work.

**PRIOR TO WORKS COMMENCING**

**19. SUBDIVISION WORKS CERTIFICATE**

Unless the development is deemed as exempt, the applicant is to obtain a Subdivision Works Certificate pursuant to Section 6.13 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which complements the detail provided in the development consent, that the proposed works are in accordance with WBC Guidelines for Engineering Works, prior to any subdivision works commencing.

*Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Subdivision Works Certificate or certificates have been obtained.*

*Note 2: The applicant must not commence work until a Subdivision Works Certificate has been received, even if an application for a Subdivision Works Certificate is made at the same time as the lodgement of this development application.*

*Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.*

**20. PUBLIC LIABILITY INSURANCE**

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

**21. HERITAGE ITEM I273 - COTTAGE**

Prior to the commencement of any construction work associated with Stage 2 of the subdivision, the applicant is to arrange for a suitable temporary man-proof fence to be constructed around the curtilage of Heritage Item I273. The fence is to remain in place for the duration of construction work associated with Stage 2 and 3 subdivision work.

**DURING CONSTRUCTION**

**22. ENGINEERING INSPECTIONS**

The applicant is to arrange an inspection of the development/subdivision works by Council’s Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> <li>- Following site regrading, and prior to installation of footway services;</li> <li>- Excavation and trimming of subgrade;</li> <li>- After compaction of sub-base;</li> <li>- After compaction of base, and prior to sealing;</li> <li>- Establishment of line and level for kerb and gutter placement;</li> <li>- Subsoil Drainage;</li> <li>- Road pavement surfacing;</li> <li>- Pavement test results (compaction, strength).</li> </ul>
B	Drainage	<ul style="list-style-type: none"> <li>- After laying of pipes and prior to backfill;</li> <li>- Pits after rendering openings and installation of step irons.</li> </ul>
D	Sewerage	<ul style="list-style-type: none"> <li>- After laying of pipes and prior to backfill;</li> <li>- Main - air pressure testing;</li> <li>- Manhole - water test for infiltration, exfiltration.</li> </ul>
E	Concrete Footway Crossings	<ul style="list-style-type: none"> <li>- After placing of formwork and reinforcement, and prior to concrete placement;</li> </ul>
G	Erosion and Sediment Control	<ul style="list-style-type: none"> <li>- Prior to the installation of erosion measures.</li> </ul>
H	All Development & or Subdivision Works	<ul style="list-style-type: none"> <li>- Practical completion.</li> </ul>
I	Road Openings	<ul style="list-style-type: none"> <li>- Upon completion of works.</li> </ul>

**23. NATURALLY OCCURRING ASBESTOS**

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan must be prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

If Naturally Occurring Asbestos is identified, no further works may be undertaken until an Asbestos Management Plan is prepared to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

**24. CONSTRUCT ROAD, KERB AND GUTTER**

The road is to be constructed and sealed, and the barrier/mountable layback/kerbing and guttering, is to be constructed, to include the provision of street drainage where necessary, in proposed road 2 and 3, for the full frontage of the subject land, to comply with WBC Guidelines for Engineering Works.



**25. CONSTRUCT TEMPORARY ROAD TURNING HEADS**

The applicant is to provide a temporary gravel turning head of minimum 11m radius at the terminating ends of Proposed Road No. 2 in Stage 2 work in accordance with Part F2.8 of the Blayney DCP 2018 and WBC Guidelines for Engineering Works.

*Note: The turning head location for the eastern most stub to Road No. 2 shall be provided to meet the requirements prescribed in condition No. 13.*

**26. TURNING HEADS - BARRICADES**

A permanent-type barricade is to be constructed at the terminating ends of Proposed Road No. 2. These barricades, warning signs, and/or reflectors should comply with all requirements of Australian Standard 1742 - Manual of Uniform Traffic Control Devices, and only be removed upon commencement of Stage 3 subdivision work.

**27. OVERHEAD WIRES – CLEARANCE**

The new intersection with Richards Lane is to have adequate clearance from the top surface of the roadway as constructed, to the underside of any overhead electricity or telephone wires, to the satisfaction of the electrical authority and/or relevant telecommunications authority respectively. Written evidence of compliance with the Authority's requirements is to be provided to Council.

**28. STREET SIGNS**

The developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**29. STREET LIGHTING**

The applicant is required to provide appropriate street lighting for the whole of the development with design in accordance with AS 1158 and the requirements of Essential Energy who will be responsible for maintenance. The use of energy-saving lighting fixtures is required. The design and style of street lighting is to be determined in consultation with Blayney Shire Council to ensure consistency with the Millthorpe Heritage Conservation Area.

**30. FOOTPATHS**

A minimum 1.5 metre wide, 100 mm thick concrete footpath is to be constructed within the footways on the external perimeter of proposed road 2 in accordance with the WBC Guidelines for Engineering Works.

**31. SHARED PATH**

A minimum 2.4 metre wide, 100 mm thick concrete shared path is to be constructed in accordance with Drawing 21004-DA04A. The shared path is required to extent to at least the eastern most boundary of proposed Lot 323 adjoining the road reservation to Park Street.

**32. DETENTION BASIN**

The developer is to design and construct a stormwater detention within the development designed to limit peak outflows from the land to the pre-existing natural outflows up to the 1% AEP. Sufficient allowance shall be provided in the outflow spillway design capacity to safely pass flows of higher probability (that is, a rarer event) without damage to downstream developments.

The design of the retention storage is to be undertaken using an industry recognised hydrologic/hydraulic software model capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report is to be submitted to the Certifying Authority detailing the results of the analysis including:

- A catchment plan showing any sub-catchments under existing and developed conditions.
- A schematic diagram of the catchment model showing sub areas and linkages.

- Details of the model used and the bases for the calculations.
- Tabulation detailing the elevation, storage volume and discharge relationships for the retention storage.
- Tabulation for the range of frequencies analysed detailing the inflows, outflows, and peak storage levels for both existing and developed conditions.
- This report together with engineering design plans of the required drainage system shall be submitted to the Certifying Authority.

**33. SITE MANAGEMENT**

The site shall be managed so that:

- No additional filling shall be placed on the land which may impede the flow of flood waters;
- Any clearing or drainage activities shall not alter the drainage patterns across the site;
- No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

**34. INTERALLOTMENT DRAINAGE**

The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and WBC Guidelines for Engineering Works.

**35. ENERGY DISSIPATING STRUCTURE**

An energy dissipating structure is to be constructed at the outlet into the detention basin at the point where the storm water from the development will enter the basin, in accordance with WBC Guidelines for Engineering Work.

**36. WATER CONNECTION**

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed lot (excepting residual proposed lot 232) in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with WBC Guidelines for Engineering Works.

**37. SEPARATE WATER SERVICE**

The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

**38. WATER SERVICES**

Water services are to be provided to each allotment prior to the issue of the Subdivision Certificate. All costs are to be met by the applicant.

**39. SEPARATE HOUSE DRAINAGE**

Plumbing work is to be carried out so that each lot (excepting residual proposed Lot 232) has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999.

**40. SEWER CONNECTION**

The construction of sewer mains is to occur such that there is a separate and distinct sewer connection to each proposed lot (except Lot 232) in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with WBC Guidelines for Engineering Works.

*Note: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.*

**41. RELOCATE UTILITY SERVICES**

The developer is to relocate any utility services if required, at the developer's cost.

**42. CLEARANCE FROM POWER LINES**

Clearance from power lines is to be provided during and after construction. Minimum distances from powerlines are to be maintained.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**43. ROAD UPGRADES**

Prior to the issue of the Subdivision Certificate, the intersection of Richards Lane and Millthorpe Road must be upgraded in accordance with the terms of Works Deed required by condition 8 and in accordance with any requirements of Transport for New South Wales including the following conditions:

*A channelised right-turn 'short' treatment (CHR(S)) and basic left-turn treatment (BAL) is to be designed in accordance with Austroads Guide to Road Design and relevant Australian Standards and constructed to TfNSW satisfaction prior to the issue of any Subdivision Certificate.*

*The intersection must be appropriately illuminated in accordance with TfNSW TD 93/21, Road Lighting Installations, Requirements for Design of Transport for NSW and Standard Drawings R0600 Street Lighting Series, relevant Australian Standards including AS1158.1, and TfNSW Supplements.*

*Works on the classified (State) road network will require the developer or Council (whichever is to undertake the road work) to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise the powers and functions of the road authority in accordance with Section 64 of the Roads Act 1993, for all works under the WAD.*

*Prior to the commencement of construction work impacting traffic on Millthorpe Road (MR245), the proponent or Council (whichever is to undertake the road work) is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the DA consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed.*

**44. ELECTRICAL AND TELECOMMUNICATIONS AUTHORITIES - SUBDIVISION**

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of street and pathway lighting and/or for the provision of underground electrical power and/or telephone lines, respectively, to serve each lot.

*Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.*

**45. WORKS AS EXECUTED PLAN**

The applicant is to submit to Blayney Shire Council an electronic copy of the works as executed plans for any approved engineering works or engineering works prescribed by conditions of consent. The works as executed plan must:

- a) be provided to Council in AutoCAD 2000 format.
- b) comply with WBC Guidelines for Engineering Works.
- c) Be accompanied by detail relating to the installation and material costs for the works.

**46. SECTION 7.11 CONTRIBUTIONS (TYPE A – RESIDENTIAL)**

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site). The contributions to be paid are currently \$7,417 per new lot created/per new dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment. Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

*Note: As an alternative to the payment of monetary contributions, Blayney Shire Council may agree to enter into a Voluntary Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979*

**47. SEWERAGE HEADWORKS**

The applicant shall contribute (on a per lot basis) towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**48. WATER HEADWORKS**

The applicant shall contribute (on a per lot basis) towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

**49. ROAD INSPECTION FEE**

Payment of \$17.00 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**50. DEDICATION OF ROAD WIDENING**

The dedication as public road is required of that part of the subject land so indicated on the approved plans.

**51. ROAD CONSTRUCTION BOND**

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of six months (6) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

**52. FINAL SURVEY PLAN**

**Easements for Sewer**

The final plan of survey is to show an easement for sewer 3 wide over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

**Easements for Stormwater**

The final plan of survey is to show the creation of easements over all pipelines conveying road and inter-allotment drainage. The easements are to be created under Section 88B of the Conveyancing Act 1919 of Blayney Shire Council and / or the relevant affected lot.

**53. RESTRICTIONS ON TITLE**

Prior to the issue of the Subdivision Certificate for Stage 2, the applicant shall provide evidence that adequate arrangements will be made for the registration of a restriction on title under Section 88B of the Conveyancing Act 1919 which requires roof water from future built form on Proposed Lots 205 and 206 to be plumbed directly to the public street drainage system (Road No.2) in accordance with the requirements of Blayney Shire Council.

**ONGOING**

**54. ROAD AND INTERALLOTMENT DRAINAGE**

All road and inter allotment drainage is to be conveyed to:

- a) The proposed detention basin
- b) The existing stormwater main within Lot 20 DP1148965.

in accordance with WBC Guidelines for Engineering Works.

**55. HERITAGE CONSERVATION**

**Fencing**

All historic fencing (timber post/strainers/wire) associated with the curtilage to Heritage Item I273 is to be retained wherever practical (and in agreement and consultation with Council) throughout the course of construction processes associated with Stage 2 subdivision works. Where removal of the fence is deemed to be practically necessary, the following requirements will apply:

- a) Blayney Shire Council shall be consulted in the first instance.
- b) All materials are to be retained on site in a safe location to prevent theft and or damage.
- c) So as to retain relics which have heritage significance and enhance the character and significance of the Millthorpe Conservation Area, arrangements are to be made for the materials to be utilised in the development of:
  - I. additional boundary fencing associated with the proposed lot 91, and / or
  - II. additional boundary fencing associated with proposed lot 323, and / or
  - III. The entry to the subdivision at the new intersection of Road No. 1 with Richards Lane

**Floating Stones**

Any floating stones found throughout the development site throughout the course of construction of Stage 2 subdivision works must be suitably relocated to proposed Lot 323 so as to retain their heritage significance from the former pastoral use and enhance the amenity of the proposed public open space. The stones are to be placed in a location that is consistent with any advice provided by Blayney Shire Council.

**Stage 3 Subdivision Work**

**PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

**56. ENGINEERING PLANS**

For any condition requiring the completion of an engineering work, the applicant must submit full engineering plans, specifications and calculations to Blayney Shire Council demonstrating compliance with the WBC Guidelines for Engineering Works.

**57. TRAFFIC GUIDANCE SCHEME**

The applicant is to prepare and implement a Traffic Guidance Scheme that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Guidance Scheme is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

**58. SOIL & WATER MANAGEMENT PLAN**

The developer is to submit a soil and water management plan for the site in accordance with WBC Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing. The measures detailed in the plan are to remain in place until all landscaping is completed.

**59. DESIGN NEW ROAD TO ENGINEERING STANDARD**

Proposed Road 2 is to be designed and constructed in accordance with WBC Guidelines for Engineering Works as a local access road.

**60. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

The applicant is to submit a Construction Environmental Management Plan to the satisfaction of Blayney Shire Department of Infrastructure Services and Department of Planning and Environmental Services. The plan shall address the following matters:

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises schools and properties containing noise sensitive equipment.
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
- d) Noise and vibration monitoring, reporting, and response procedures.
- e) Measures to ensure that dust, and sources of dust, do not have a detrimental impact on the occupants of adjoining or proximate residential properties.
- f) Measures to ensure that noise and vibration from the proposed excavation and construction activities, including noise and construction vehicles.
- g) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
- h) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency (consistent with any conditions of consent).
- i) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
- j) Contingency plans to be implemented in the event of non-compliances and / or noise complaints.



**61. TREE PROTECTION PLAN**

Prior to the issue of a Subdivision Works Certificate, the applicant is to submit to the Principal Certifying Authority a Tree Protection Plan that is prepared in accordance with *AS4970-900 Protection of trees on development sites*. The Tree Protection Plan must show how the existing mature eucalypt trees shown in the vicinity of proposed Lots 226, 227, 228, 317, 318 and 319 will be protected during all construction activities associated with the proposed subdivision.

**PRIOR TO WORKS COMMENCING**

**62. SUBDIVISION WORKS CERTIFICATE**

Unless the development is deemed as exempt, the applicant is to obtain a Subdivision Works Certificate pursuant to Section 6.13 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which complements the detail provided in the development consent, that the proposed works are in accordance with WBC Guidelines for Engineering Works, prior to any subdivision works commencing.

*Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Subdivision Works Certificate or certificates have been obtained.*

*Note 2: The applicant must not commence work until a Subdivision Works Certificate has been received, even if an application for a Subdivision Works Certificate is made at the same time as the lodgement of this development application.*

*Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.*

**63. PUBLIC LIABILITY INSURANCE**

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

**DURING CONSTRUCTION**

**64. ENGINEERING INSPECTIONS**

The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> <li>- Following site regrading, and prior to installation of footway services;</li> <li>- Excavation and trimming of subgrade;</li> <li>- After compaction of sub-base;</li> <li>- After compaction of base, and prior to sealing;</li> <li>- Establishment of line and level for kerb and gutter placement;</li> </ul>

		<ul style="list-style-type: none"> <li>- Subsoil Drainage;</li> <li>- Road pavement surfacing;</li> <li>- Pavement test results (compaction, strength).</li> </ul>
B	Drainage	<ul style="list-style-type: none"> <li>- After laying of pipes and prior to backfill;</li> <li>- Pits after rendering openings and installation of step irons.</li> </ul>
D	Sewerage	<ul style="list-style-type: none"> <li>- After laying of pipes and prior to backfill;</li> <li>- Main - air pressure testing;</li> <li>- Manhole - water test for infiltration, exfiltration.</li> </ul>
E	Concrete Footway Crossings	<ul style="list-style-type: none"> <li>- After placing of formwork and reinforcement, and prior to concrete placement;</li> </ul>
G	Erosion and Sediment Control	<ul style="list-style-type: none"> <li>- Prior to the installation of erosion measures.</li> </ul>
H	All Development & or Subdivision Works	<ul style="list-style-type: none"> <li>- Practical completion.</li> </ul>
I	Road Openings	<ul style="list-style-type: none"> <li>- Upon completion of works.</li> </ul>

**65. NATURALLY OCCURRING ASBESTOS**

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan must be prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

If Naturally Occurring Asbestos is identified, no further works may be undertaken until an Asbestos Management Plan is prepared to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

**66. CONSTRUCT ROAD, KERB AND GUTTER**

The road is to be constructed and sealed, and the barrier/mountable layback/kerbing and guttering, is to be constructed, to include the provision of street drainage where necessary, in proposed road 2, for the full frontage of the subject land, to comply with WBC Guidelines for Engineering Works.

**67. ACCESS DRIVEWAY – BATTLEAXE LOTS**

The construction is to occur, within and for the full length of the access handle(s) of the hatchet shaped lot(s) and over the footway, of a concrete vehicular driveway(s) 2400 mm wide, designed to *WBC Guidelines for Engineering Works*. Further, the applicant is to obtain a Compliance Certificate pursuant to Division 6.4 of the Environmental Planning and Assessment Act as amended, or inspection report, at the completion of construction of the footway crossing, from Council or an accredited certifying authority, certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* and that the levels are in accordance with those issued.

*Note: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.*

**68. STREET SIGNS**

The developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**69. STREET LIGHTING**

The applicant is required to provide appropriate street lighting for the whole of the development with design in accordance with AS 1158 and the requirements of Essential Energy who will be responsible for maintenance. The use of energy-saving lighting fixtures is required. The design and style of street lighting

is to be determined in consultation with Blayney Shire Council to ensure consistency with the Millthorpe Heritage Conservation Area.

**70. FOOTPATHS**

A minimum 1.5 metre wide, 100 mm thick concrete footpath is to be constructed within the footways on the external perimeter of proposed Road No. 2 in accordance with the WBC Guidelines for Engineering Works.

**71. SITE MANAGEMENT**

The site shall be managed so that:

- No additional filling shall be placed on the land which may impede the flow of flood waters;
- Any clearing or drainage activities shall not alter the drainage patterns across the site;
- No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

**72. INTERALLOTMENT DRAINAGE**

The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and WBC Guidelines for Engineering Works.

**73. WATER CONNECTION**

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with WBC Guidelines for Engineering Works.

**74. SEPARATE WATER SERVICE**

The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

**75. WATER SERVICES**

Water services are to be provided to each proposed lot prior to the issue of the Subdivision Certificate. All costs are to be met by the applicant.

**76. SEPARATE HOUSE DRAINAGE**

Plumbing work is to be carried out so that each proposed lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999.

**77. SEWER CONNECTION**

The construction of sewer mains is to occur such that there is a separate and distinct sewer connection wholly within the boundary of each proposed lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with WBC Guidelines for Engineering Works.

*Note: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.*

**78. RELOCATE UTILITY SERVICES**

The developer is to relocate any utility services if required, at the developer's cost.

**79. CLEARANCE FROM POWER LINES**

Clearance from power lines is to be provided during and after construction. Minimum distances from powerlines are to be maintained.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**80. ELECTRICAL AND TELECOMMUNICATIONS AUTHORITIES - SUBDIVISION**

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of street and pathway lighting and/or for the provision of underground electrical power and/or telephone lines, respectively, to serve each lot.

*Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.*

**81. WORKS AS EXECUTED PLAN**

The applicant is to submit to Blayney Shire Council an electronic copy of the works as executed plans for any approved engineering works or engineering works prescribed by conditions of consent. The works as executed plan must:

- a) be provided to Council in AutoCAD 2000 format.
- b) comply with WBC Guidelines for Engineering Works.
- c) Be accompanied by detail relating to the installation and material costs for the works.

**82. SECTION 7.11 CONTRIBUTIONS (TYPE A – RESIDENTIAL)**

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site). The contributions to be paid are currently \$7,417 per new lot created/per new dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment. Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

*Note: As an alternative to the payment of monetary contributions, Blayney Shire Council may agree to enter into a Voluntary Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979*

**83. SEWERAGE HEADWORKS**

The applicant shall contribute (on a per lot basis) towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**84. WATER HEADWORKS**

The applicant shall contribute (on a per lot basis) towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

**85. ROAD INSPECTION FEE**

Payment of \$17.00 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

**86. DEDICATION OF ROAD WIDENING**

The dedication as public road is required of that part of the subject land so indicated on the approved plans.

**87. ROAD CONSTRUCTION BOND**

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of six (6) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

**88. EASEMENT FOR SEWER**

The final plan of survey is to show an easement for sewer 3 wide over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

**89. RESTRICTIONS ON TITLE**

Prior to the issue of the Subdivision Certificate for Stage 3, the applicant shall provide evidence that adequate arrangements will be made for the registration of a restriction on title under Section 88B of the Conveyancing Act 1919 which requires roof water from future built form on Proposed Lots 301, 302, 303 and 305 to be plumbed directly to the public street drainage system (Road No.2) in accordance with the requirements of Blayney Shire Council.

**ONGOING**

**90. ROAD AND INTERALLOTMENT DRAINAGE**

All road and inter allotment drainage is to be conveyed to:

- a) The proposed detention basin;
- b) The existing stormwater main within Lot 20 DP1148965.

in accordance with WBC Guidelines for Engineering Works.

<b>Advisory Notes</b>
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**91. NOTICE OF COMMENCEMENT**

Notice of commencement of subdivision works must be lodged on the NSW Planning Portal at least 2 days before any work commences on the site.

**92. ABORIGINAL OBJECTS**

If, during work, an Aboriginal object is uncovered then work is to cease immediately, and the Office of Environment and Heritage is to be contacted urgently. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 60 of the National Parks and Wildlife Regulation 2019.

**93. DIAL BEFORE YOU DIG**

Dial Before You Dig. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to prevent damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (this is the law in NSW). If alterations are required to the configuration, size, form, or design of the

development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of the plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

**94. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800 810 443

**95. ESSENTIAL ENERGY**

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

As part of the subdivision, as required by Essential Energy, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property should be complied with.

Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) must be issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.

Essential Energy's records indicate there is electricity infrastructure within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part SE (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the persons completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overland Power Lines and Code of Practice – Work near Underground Assets".



## **Attachment A**

**Consultation Report and Review of Public Submissions**

DA 146/2021

## 1. Overview

### Public exhibition and notification

DA 146/2021 has been notified and exhibited in accordance with the requirements of the Blayney Community Participation Plan 2020. An overview of the consultation process followed for DA 146/2021 is described as follows:

- DA 146/2021 was received by Blayney Shire Council on 1 December 2021. The original proposal related to a fifty-two (52) lot residential subdivision, including one (1) lot around the existing heritage listed cottage (1273) and two (2) lots to be dedicated for drainage and public open space and direct access from Park Street (Millthorpe Road) in the south-eastern corner of the site.
- DA 146/2021 was first placed on public exhibition and neighbour notified during December 2021 / January 2022. Council received a number of public submissions relating to subdivision design, heritage, traffic, stormwater management, character, views, infrastructure and servicing.
- As a result of the issues raised during the first round of public exhibition / notification, DA 146/2021 was amended in June 2022 to relocate the proposed new entrance road to the subdivision from Park Street (Millthorpe) to Richards Lane. The number of lots was also changed from fifty-two (52) in total to fifty-six (56) in total.
- The amended proposal was placed on public exhibition and neighbour notified during November / December 2022. Council again received a number of submissions from the community raising similar concerns about subdivision design, heritage, stormwater management, character, views, infrastructure and servicing. Traffic was particularly highlighted as an unresolved issue that warranted further investigation.
- As a result of the issues raised during the second round of public exhibition / notification, a Traffic Impact Assessment (TIA) was prepared by ARC Traffic and Transport and submitted as additional information to DA 146/2021. The DA documentation along with the TIA was placed on public exhibition and neighbour notified during September / October 2023. Council again received a number of submissions raising similar concerns about subdivision design, heritage, traffic, stormwater management, character, views, infrastructure and servicing.

The public exhibition and notification of DA 146/2021 has generated considerable public interest. An assessment of the issues, comments and concerns raised in submissions is provided in Sections 2 and 3 of this consultation report, as described below.

### Section 2 - Summary of Submissions

Section 2 of this consultation report includes the following tables:

- Table 1 – Dealing with public submissions received as a result of Round 3 exhibition & notification.
- Table 2 – Dealing with public submissions received as a result of Round 2 exhibition & notification.
- Table 3 – Dealing with public submissions received as a result of Round 1 exhibition & notification.

Each of the Tables includes the following details:

- A summary of the issue(s), comment(s) or concern(s) raised in the submission. Council is asked to refer directly to the copy of the submission for a more detailed account of the issue, comment or concern that has been summarised.
- An assessment response to the issue(s), comment(s) or concern(s).

The tables seek to demonstrate that each submission has been considered as part of the preparation of the 4.15 Assessment Report.

**Section 3 - Assessment Response to Relevant Impacts**

A review of public submissions in Section 2 shows that many of the objections and concerns raised are common to a number of issues, as follows:

- Access, transport and traffic.
- Views and character.
- Built form.
- Accessibility.
- Stormwater Management.
- Community benefit.
- Amenity.
- Heritage.
- Lot density.
- Vegetation removal.
- Site suitability.
- Infrastructure capacity.
- Recreation opportunities.
- Landscape suitability.
- Environmentally Sustainable Development.

To avoid repetition, an assessment response has been prepared for each of the key impact areas. The assessment response generally includes the following detail:

- References to parts of the 4.15 Assessment Report which contain more detailed assessment of the identified key impact area.
- A summary of key assessment findings.

## 2. Summary of Submissions

Table 1 – Public Exhibition Round No. 3 – September / October 2023			
No.	Summary of issue raised	Key Impact	Assessment Comment
1.	Submission - Objection – 18 October 2023 - via email – Council Ref – IS/81549		
1.1	Developer should contribute costs of upgrading Richards Lane and Park Street intersection.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
1.2	Concerns regarding additional traffic on Richards Lane.		
1.3	Adequacy of the SIDRA assessment of traffic impacts.		
2.	Submission - Objection – 20 October 2023 - via email – Council Ref – IS/81609		
2.1	Style of and appearance of future houses should be properly considered to protect village setting.	Built form	Section 3 of this Consultation Report includes an assessment response to this key impact area.
2.2	The development should be designed to avoid an unsightly entrance to Millthorpe.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts.
2.3	Traffic management and impacts to be properly considered.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
2.4	Pedestrian connections are important for school children walking to school	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
3.	Submission – Support – 30 September 2023 - via email – Council Ref – IS/81270		
3.1	The proposed upgrades to the Richards Lane / Park Street intersection provides a more than adequate solution to the possible traffic issues.	Traffic	Support for proposal noted. Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Assessment note – Chris Heap is identified to the landowner for DA 146/2021.
3.2	Disagrees with some findings of the Stantec Report. Council is capable of assessing traffic impacts.		
3.4	Serious traffic incidents have not occurred at other intersections with Park Street (Church Street, Crowson Street and Victoria Road)		
3.5	The subject land is suitable for future growth in Millthorpe.		
4.	Submission – Objection – 03 October 2023 - via email – Council Ref – IS/81325		
4.1	Previous submission made as part of Round 2 consultation.	Other	Noted. The contents of the previous submission have been considered in Table 2.
4.2	Question over correct date on SEE provided as part of round 3 consultation.	Other	The SEE date is correct. The document was not updated prior to the commence of Round 3 public exhibition and notification.
5.	Submission – Objection – 20 October 2023 - via email – Council Ref – IS/81585		
5.1	Objections in previous submission (rounds 1 and 2 consultation) remain valid, except for	Previous Submission	Noted. The contents of the previous submission have been considered in Table 2.

<b>Table 1 – Public Exhibition Round No. 3 – September / October 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
	comments relating to the proposed ingress / egress on Park Street.		
5.2	Assessment of traffic impacts in SEE inadequate. Upgrades to Richards Lane are required. Further degradation of the lane likely to have cost implications for Council.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
5.3	A single road access to the development is an emergency risk that requires series consideration. Alternate access through public park is inadequate.		
5.4	Question whether Council is satisfied with proposed drainage arrangements, dedication of drainage reserve and costs of maintaining this land.	Stormwater Drainage	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
5.5	Development will be a visual blight on Millthorpe, which relies on heritage charm for tourism.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts.
5.6	Does the DA have the landowners support?	Other	Owners consent for DA 146/2021 has been received by Blayney Shire Council.
5.7	The subdivision does not provide a net community benefit. The subdivision only benefits the developer.	Community benefit	Community benefit is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to community impacts.
5.8	The subdivision is not support by the community.		
5.9	The subdivision creates a financial impost on the exiting village in increased rates to cover ongoing road and landscape maintenance costs.		
6.	Submission – Objection – 20 October 2023 - via email – Council Ref – IS/81608		
6.1	The amended design has addressed some of the concerns raised in previous submission	Other	Noted.
6.2	Development will create adverse effects on quality of life, environment, heritage and business.	Amenity	Amenity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to amenity-related impacts.
6.3	Growth in Millthorpe has become unsustainable and is damaging character and amenity.		
6.4	Noise and traffic will be increased by the development.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
6.5	The intersection of Richards Land and Park Street / Millthorpe Road is dangerous due to a blind corner, crest on Millthorpe Road and speeding traffic. Problems increased by additional traffic.		
6.6	Potential for increased traffic through the Village.		
6.7	The proposal is inconsistent with a number of identified provisions the Blayney LEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the Blayney Local Environmental Plan 2012, subject to the

<b>Table 1 – Public Exhibition Round No. 3 – September / October 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
			imposition of conditions. Refer Section 8.1.1 of the assessment report.
6.8	The proposal is inconsistent with a number of identified provisions the Blayney DCP 2018	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the Blayney Development Control Plan 2018, subject to the imposition of conditions. Refer Section 8.1.3 of the assessment report.
<b>7. Submission – Objection – 20 October 2023 - via email – Council Ref – IS/81627</b>			
7.1	Impact on rural views which are characteristic of Millthorpe and important to village entry.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts.
7.2	Impacts on village entry resulting from modern building forms and subdivision density.		
7.3	Impacts on village heritage listed cottage resulting from modern building forms and subdivision density.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.
7.4	Two storey buildings could exceed landscape screening. Height limits, wider setbacks and greater screen planting required.	Built Form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
7.5	Impacts on tourist appeal of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts.
7.6	Safety of access to and from development on Richards Lane.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
7.7	The intersection of Richards Lane and Park Street / Millthorpe Road fails to provide safe conditions for vehicle access and turning.		
7.8	Site not suitable for higher density residential development. A reduction of dwelling lots should be considered.	Lot Density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
<b>8. Submission – Objection – 20 October 2023 - via letter – Council Ref – IS/81628</b>			
8.1	Concerns regarding increased traffic. Stantec Report highlights significant issues and impacts at Park Street intersection. Key problems relate to risk of collision, turning safety and vehicle speed.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
8.2	Building heights will impact on heritage character.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
8.3	Mature eucalypts should be protected from future building processes and will likely pose a safety risk to future landowners.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal.
8.4	Lack of connections to existing village. A single road access and pedestrian connections are inadequate.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
8.5	Despite the zoning, the site is not suitable for residential development at the proposed density.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an



Table 1 – Public Exhibition Round No. 3 – September / October 2023			
No.	Summary of issue raised	Key Impact	Assessment Comment
			assessment response to density / scale related impacts.
9.	Submission – Objection – 24 October 2023 - via email – Council Ref – IS/81672		
9.1	Principal concern is heritage impact on the Millthorpe Heritage Conservation Area.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.
9.2	The amended subdivision has not satisfactorily addressed heritage impacts.		
9.3	Impacts on heritage item on Lot 91, integrity of the village entrance, rural setting, views to and from the heritage conservation area and other heritage items within the village.		
9.4	Number of lots should be decreased in favour of green space.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
9.5	The large established eucalypt tree in the SW corner of the subdivision should be retained.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal.
9.6	Staging arrangements to manage impact on landscape screenings. Planting should be undertaken as early as possible.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts.
10.	Submission – Objection – 30 September 2023 - via email – Council Ref – IS/81255		
10.1	Concerns raised in objection to Round 1 and 2 consultation remain unaddressed by amended subdivision design.	Other	Noted. The contents of any previous submissions have been considered in Tables 2 and / or 3 as relevant.
10.2	The conclusions in the applicant’s Statement of Heritage Impact are not reflected in the amended subdivision design.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.
10.3	The ridgeline and existing vegetation forms part of the rural backdrop and setting of the village and should be protected from development. Impacts on views from Church Street and Pearce Street are likely.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts.
10.4	Development on higher, more elevated and visually prominent locations will compromise the character of the Village, and impacts views from nearby locations.		
10.5	Loss of rural context to the original village.		
10.6	Inadequate protection for mature eucalypt trees. Trees will pose problems for future owners of Lots 226, 227, 228, 317, 318 and 319.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal.
10.7	Impact of future housing (including double storey housing) in terms of views, heritage, vegetation.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
10.8	Despite the permissibility of proposal under existing zoning controls, the development still needs to meet other required legislated outcomes.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.

<b>Table 1 – Public Exhibition Round No. 3 – September / October 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
10.9	Some areas of site are unsuitable for development. Stages 1 and 2 are largely appropriate, but majority of Stage 3 is not suitable.	Site suitability	Site suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the suitability of the site for the proposed development.
<b>11. Submission – Objection – 17 October 2023 - via email – Council Ref – IS/81493</b>			
11.1	Concern regarding traffic and safety impacts of single road into subdivision.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
11.2	The Traffic Impact Assessment fails to properly address impacts on Richards and intersection treatment with Park Street. Key issue relates to congestion, turning safety and road maintenance.		
11.3	The proposal requires a new connection into Stabback Street using the lot already owned by the landowner. Council should consider.		
11.4	The proposal limits the number of lots to avoid concurrence from Transport for New South Wales		
11.5	Concern regarding Council's ability to maintain the new public road connecting the subdivision to Richards Lane.		
11.6	Proposed Road No. lies on two major water plains that transfer water from adjoining areas to the east.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
11.7	Questions raised over the adequacy of the arrangements for stormwater management and drainage. Key issues relate to flood mitigation and prevention, increased flows and impact on Richards Lane.		
11.8	How has Council made the decision to expand Millthorpe without proper consideration of major issues including infrastructure condition and suitability.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.
11.9	Millthorpe doesn't have the infrastructure and facilities for growth, contrary to the statement in the Blayney LSPS relating to Planning Priority No. 4.		
11.10	Lack of design standards for future housing. Concerns relate to green space, heritage, inadequate consideration for the natural landscape, design quality, roofscape, and two storey built form.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
11.11	Reputation of developers.	Other	The reputation of the developers is not a relevant matter for consideration under Section 4.15 of the EP&A Act 1979.
11.12	Millthorpe is heritage listed and protected. Recent examples of developments by the Land Orange Partnership shows buildings will affect outlook and heritage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.
11.13	The proposal is inconsistent with a number of identified provisions the BLEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the Blayney

<b>Table 1 – Public Exhibition Round No. 3 – September / October 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
			BLEP 2012, subject to conditions of consent. Refer Section 8.1.1 of the assessment report.
11.14	The Millthorpe Village Strategy Plan 2018-2022 outlines the strengths and threats to the village. Council should work the community on a larger capacity to ensure new developments do not impact on the village.	Policy	The permissibility of the proposed subdivision is principally controlled under the zoning and special provisions contained in BLEP 2012. The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.
11.15	The proposal is contrary to the aims of the Millthorpe Village Plan as a result of impacts to the natural environment and removal of vegetation.	Policy	The permissibility of the proposed subdivision is principally controlled under the zoning and special provisions contained in BLEP 2012. The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.
11.16	The proposal is a threat to Millthorpe and appears to be an inappropriate subdivision.	Site suitability	Site suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the suitability of the site for the proposed development.
11.17	The proposal will destroy the village, its environmental and historic value, tourist appeal, services and overall feel.		

<b>Table 2 – Public Exhibition Round No. 2 – November / December 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
1.	Submission – Objection – 10 November 2022 - via email – Council Ref – IS/75066		
1.1	An updated traffic report is absent from the amended DA, which is necessary to be able to assess the DA.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
2.	Submission – Objection – 30 November 2022 - via email – Council Ref – IS/75146		
2.1	Amended proposal doesn't address previous objections related to stormwater, infrastructure, safety, traffic, infrastructure, services and outlook.	Other	Noted. The contents of any previous submission have been considered in Table 3.
2.2	Amended design introduced more lots not less.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
2.3	Proposal is inconsistent with aims of BLEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the Blayney LEP 2012, subject to conditions of consent. Refer Section 8.1.1 of the assessment report.
2.4	Millthorpe doesn't the infrastructure to accommodate the scale of the proposal.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.
2.5	Inadequate assessment of stormwater management issues. Questions raised regarding data used to model impacts.	Stormwater management.	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
2.6	Single road in and out to Richards Lane not supported. Traffic congestion likely.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
2.7	Updated Traffic Impacts Assessment is necessary.		
2.8	Traffic impacts on Richards Lane are likely to be significant. Funding to upgrade not guaranteed.		
2.9	TfNSW should be required to consider the traffic implications of the proposal.		
2.10	Should Richard Lane be upgraded, and entry / exit should still be required into Stabback Street to minimise traffic impacts.		
2.11	Road maintenance costs to be considered by Council.		
2.12	Inadequate pedestrian and cycling connections from development to Millthorpe.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
2.13	Road design into development to consider flooding problems.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
2.14	Controls required to ensure future housing doesn't impact on heritage, character and setting.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.

<b>Table 2 – Public Exhibition Round No. 2 – November / December 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
2.15	Proposal requires more green space, as the proposed small park is inadequate.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts.
2.16	Maintenance burden for new landscaped areas.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts.
2.17	Proposal to impact on village heritage outlook and heritage undertaking.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.
<b>3. Submission – Support – 24 November 2022 - via email – Council Ref – IS/74988</b>			
3.1	Proposal is supported and Council is encouraged to approve it.	Other	Noted.
<b>4. Submission – Objection – 28 November 2022 - via email – Council Ref – IS/75068</b>			
4.1	The new access to Richards Lane is an improvement to the design of the development.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
4.2	Development would be improved through an additional access to Church Street or Stabback Streets.		
4.3	The new walkway onto Park Street is an improvement to the development of the development. Connection to Stabback Street required.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
4.4	Scale of proposal will increase population in Millthorpe by 20% without improvements to community infrastructure.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.
4.5	Drainage issues on Crowson Street need to be resolved, as proposal will increase impacts	Stormwater management.	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
<b>5. Submission – Objection – 5 December 2022 - via email – Council Ref – IS/75234</b>			
5.1	Light impacts from traffic entering Richards Lane from proposed new road access.	Amenity	Amenity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to amenity-related impacts.
5.2	How will intersection of Road No. 1 and Richards Lane be designed to facilitate high traffic load entering / exiting the subdivision.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
5.3	Current intersection design of Richards Lane and Park Street poses a hazard to existing users. Upgrades required.		
5.4	Suggest a new road connection from subdivision into Stabback Street via Lot 18.		
5.5	Location of electrical supply infrastructure at new road location needs to be considered.		
5.6	Suggestions provided for road locations to future subdivisions of the land.		

<b>Table 2 – Public Exhibition Round No. 2 – November / December 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
5.7	Water shed from Richards Lane results in gravel being washed into adjoining land.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
5.8	Pedestrian use of Richards Lane will pose a traffic hazard with increase traffic movements.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
<b>6. Submission – Support – 6 December 2022 - via email – Council Ref – IS/75275</b>			
6.1	Support for proposal. Well considered development that complies with Council's planning requirements and has responded to community concerns.	Other	Noted. Assessment Note – Chris Heap is the landowner for DA 146/2021.
<b>7. Submission – Objection – 7 December 2022 - via email – Council Ref – IS/75355</b>			
7.1	Inadequacy of a single road access to the development. Secondary road access should be achieved to Stabback Street.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
7.2	Traffic impacts likely at Richards Lane and Millthorpe Road intersection.		
7.3	Who is responsible for upgrade to Richards Lane.		
7.4	A solution is required to the flooding issues at the Crowson Street end of Richards Lane.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
7.5	NE and N sections of Road 2 and Lots 212-214 are situated too close to the drainage channel from Redmond Oval.		
7.6	Drainage issues at Stabback Street should not be increased by the proposal.		
7.7	Concerns regarding adequacy of the on-site detention design.		
7.8	Proposal does not meet the principles of ESD.	ESD	The proposal is generally consistent with the principles for Ecologically Sustainable Development. The site design appears responsive to identified constraints of the natural and built environment. The design is consistent with prevailing planning controls under the Blayney LEP 2012 and Blayney DCP 2018. The proposal does not exacerbate known environmental problems and appropriately addresses key issues including flooding. The scale of the proposal is within the capacity of the land having regard to infrastructure and service considerations.
7.9	The proposal should be contributing to further infrastructure.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.
7.10	Richards Lane is a popular walking route. Increased traffic on Richards Lane will pose a safety risk for pedestrians.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
<b>8. Submission – Objection – 8 December 2022 - via email – Council Ref – IS/75356</b>			
8.1	Proposal should be rejected by Council	Other	Final assessment of the proposed subdivision, including all finalised plans, drawings and reports,

Table 2 – Public Exhibition Round No. 2 – November / December 2023			
No.	Summary of issue raised	Key Impact	Assessment Comment
			submissions received, and referral advice from Council planning and engineering staff, heritage advisory consultant, and other government authorities, concludes that the site is suitable for the proposed development. The subdivision design appears responsive to identified constraints of the natural and built environment. The nature, scale and density of planned residential development on the site is not inconsistent with the prevailing planning controls for the land under BLEP 2012 or the Blayney DCP 2018. The development is unlikely to generate unacceptable impacts on the environment and has merit for approval, subject to conditions.
8.2	Proposal should be redesigned to improve connectivity and integration with the historic layout of village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
8.3	Proposal should reduce total number of lots.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
8.4	Qualified landscape architect should be engaged to improve green spaces.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts.
8.5	Guarantees should be secured from long term maintenance of vegetation screening.		
8.6	Proposal should be redesigned to incorporate positive visual outcomes.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts.
8.7	Developer contribution to include development of Lot 324 as public green space, with cycle and pedestrian connections to Stabback Street.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts.
8.8	Additional controls are required to protect the setting of the heritage listed cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.
8.9	The heritage conservation objectives of the Blayney DCP to be prioritised.		
8.10	Council should ensure the proposal meets the objectives of the BLEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to conditions of consent. Refer Section 8.1.1 of the assessment report.
8.11	The RU5 zoning should be reconsidered in favour of large lot residential development.	Other	Not a relevant consideration for DA 146/2021. The proposal has been assessed in accordance with requirements of the BLEP 2012 relating to land in the R1 General Residential zone.
9.	Submission – Objection – 8 December 2022 - via email – Council Ref – IS/75371		
9.1	Objections in previous submission (round 1 consultation) remain valid, except for comments relating to the proposed ingress / egress on Park Street.	Previous Submission	
9.2	Proposal needs to reconsider growth needs of Millthorpe.	Scale	The scale of the proposed development is assessed to be within the capacity of the site having regard to permissibility under BLEP 2012, identified constraints of the natural and built environment and general site



<b>Table 2 – Public Exhibition Round No. 2 – November / December 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
			suitability considerations. The proposal is a stage development and release of new lots is likely to be subject to market conditions (supply and demand).
9.3	Site specific DCP likely to be required.	Other	There is no strategic or statutory justification that warrants delay of the determination of DA 146/2021 to carry out an amendment to the Blayney DCP 2018, as there is sufficient information available to make an informed decision on the subdivision of land to create suitable building blocks for residential land-use in accordance with the objectives of the BLEP 2012.
9.4	Amended traffic impact assessment required. Traffic impacts not adequately addressed.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
9.5	Concerns regarding impost of Council having to maintained landscape dedications.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts.
10	Submission – Objection – 8 December 2022 - via email – Council Ref – IS/753372		
10.1	Scale of proposal is inappropriate for Village. Too many lots created.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
10.2	Impacts on property values in Millthorpe.	Economic	There is no evidence to suggest that the proposed subdivision will have direct significant impacts on property values in the Millthorpe area. The proposal is consistent with prevailing planning controls (subject to conditions) and will create opportunities for new residential development in Millthorpe that will not be inconsistent with other established locations of Millthorpe.
10.3	Proposal is out of character with Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts.
10.4	Inadequate arrangements for public drainage.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
10.5	Lot 18 on Stabback Street should be dedicated as public open space.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts.
10.6	Consultation required with adjoining landowners.	Other	Adjoining landowners have been consulted in accordance with the Blayney Community Participation Plan 2020. The findings of consultation are detailed in this Consultation Report.
11	Submission – Objection – 8 December 2022 - via email – Council Ref – IS/75376		
11.1	Proposal will impact on the heritage listed cottage. Building should be protected by the current fence line.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.

<b>Table 2 – Public Exhibition Round No. 2 – November / December 2023</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	<b>Assessment Comment</b>
11.2	Proposal will impact on the heritage integrity and appeal of the village in general.		
11.3	The additional traffic will be detrimental to local traffic conditions.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
11.4	Single road access to Richards Lane is inappropriate.		
11.5	Inadequacy of road connections to Millthorpe.		
11.6	Inadequacy of pedestrian connections to Millthorpe.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
11.7	Future buildings will create visual impacts on the entry to Millthorpe.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts.
11.8	Proposal represents overdevelopment and oversupply of new lots to Millthorpe.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.
<b>12.</b>	<b>Submission – Objection – 8 December 2022 - via email – Council Ref – IS/75377</b>		
12.1	Traffic impacts likely. Single access to Richards Lane not supported.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
12.2	Proposal will increase flooding issues on Richards Lane.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.
12.3	Inadequacy of the pedestrian connections to the village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.
12.4	Future buildings to create visual impacts. Sympathetic and environmentally sustainable building designs required.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
<b>13.</b>	<b>Submission – Objection – 9 December 2022 - via email – Council Ref – IS/75379</b>		
13.1	Development will create adverse effects on quality of life, environment, heritage and business.	Amenity	Amenity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to amenity-related impacts.
13.2	Growth in Millthorpe has become unsustainable and is damaging character and amenity.		
13.3	Noise and traffic will be increased by the development.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.
13.4	The proposal remains inconsistent with a number of identified provisions in the Blayney LEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to conditions of consent. Refer Section 8.1.1 of the assessment report.
13.5	The proposal remains inconsistent with a number of identified provisions the Blayney DCP 2018.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the Blayney DCP 2018, subject to conditions of consent. Refer Section 8.1.3 of the assessment report.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
1	Submission – Objection –10 December 2021 - via email – Council Ref – IS/68298		
1.1	The proposal will ruin the historic nature of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
1.2	Visual impact to traffic entering the village.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
2.	Submission – Objection – 21 December 2021 - via email – Council Ref – IS/68284		
2.1	The proposal will ruin the historic nature of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
2.2	Visual impact to traffic entering the village.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
3.	Submission – Objection – 28 December 2021 - via letter – Council Ref – IS/68365		
3.1	Ambience in Millthorpe to be impacted through visual impacts, lack of vegetation and suburban nature of design.	Amenity	Amenity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to amenity-related impacts.
3.2	Millthorpe lacks infrastructure and services to support new residents.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
3.3	Capacity of Millthorpe public school to accommodate increase in number of students.		
3.4	Extreme overdevelopment of site.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
3.5	Visual impacts to travelling tourists. Tree planting not adequate to minimise impacts.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
3.6	Damage to reputation of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
3.7	Preservation of the originality of the Millthorpe area. Businesses in Millthorpe rely on tourism which is closely linked to the picturesque and historic qualities of the village.		

<b>Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	
3.8	Impact on residents through increased traffic, light pollution, noise pollution and degradation of the natural environment.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
3.9	Lack of public transport.		
3.10	Road access should be moved from Park Street to Richards Lane, and upgrade of the intersection required.		
3.11	Developer has no ties, involvement or association in Millthorpe.	Other	Not a relevant matter for consideration under s4.15 of the EP&A Act 1979.
3.12	Inadequate amount of open space for children to play.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
3.13	Proposal will drastically increase population, with impacts on crime and safety.	Crime and safety	An assessment of the subdivision design against the CPTED principles has not identified any significant concerns.
3.14	Approval will set a precedent for overdevelopment. Developers should be encouraged to build more sustainable responsive developments.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
3.15	Greed of developers will impact Millthorpe for generations	Other	Not a relevant matter for consideration under s4.15 of the EP&A Act 1979.
4.	Submission – Support – 4 January 2022 - via email – Council Ref – IEM/68377		
4.1	Agree with development.	Other	Noted.
4.2	Council will do the right thing and consider Stabback, Unwin Streets etc.	Other	
4.3	Good to have the extra 23 or so blocks	Other	
5.	Submission – Objection – 17 January 2022 - via letter – Council Ref – IS/68620		
5.1	The proposal creates 3 lots (201, 202 and 203) south of the heritage listed cottage. The lack of controls relating to the size and height of future dwellings will likely impact the cottage	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to some heritage related concerns.
5.2	The number of new homes created by the proposal will impact nearby heritage items including the Uniting Church.		
5.3	Development on the higher parts of the site is likely to be visually prominent and impact on the character of the Village		
5.4	Lots 201-209 and 220-225 would impact the rural backdrop of Church Street and should be deleted.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
5.5	A single entry / exit to Park Street is concerning and will likely create significant traffic impacts, including congestion and safety problems.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.

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No.	Summary of issue raised	Key Impact	
5.6	The existing plane trees are significant and should not be removed to facilitate access.		Note – the amended design responds to traffic related concerns.
5.7	Stabback Street would be more suitable for access to a smaller development but would still need upgrading.		
5.8	Traffic impacts should not be compared with other intersections along Park Street.		
5.9	A more integrated approach to access is required. Single access road is unsuitable. Links to Stabback Street suggested.		
5.10	Existing site drainage issues. Flooding known to occur on Stabback Street, Unwin Street and Richards Lane. Proposed impacts to be properly considered.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
5.11	Significant cumulative impacts through other development approvals in this area.	Cumulative impact	Cumulative impacts have been assessed in Section 8.1.6 of the 4.15 Assessment Report. The proposal (as amended) is consistent with BLEP 2012 and Blayney DCP 2018, subject to conditions. Overall, it is assessed that the proposal is compatible with the site and surrounds and does not contribute to having a significant cumulative impact.
5.12	Inadequacy of proposed vegetation screening. Issues with maintenance responsibility, access to sunlight, and effectiveness in reducing visual impacts.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to landscape / view related concerns.
6.	Submission – Objection – 18 January 2022 - via email – Council Ref – IS/68624		
6.1	The proposal creates a significant increase in new houses, which will detract from the heritage, aspects, size and feel of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
6.2	Proposal conflicts with identified characteristics of Millthorpe including culture, community life, history, uniqueness, heart. These should be enhanced not detracted.		
6.3	Road access should be changed from Park Street to Richards Lane, with a dam for flood mitigation.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
6.4	Walking access to Stabback Street should be provided.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes aspects of the site design related to accessibility and connectivity.
6.5	The design requires more green area. The lot with the heritage cottage should be community land with dedicated green area, community gardens and something historic for the cottage.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts.

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No.	Summary of issue raised	Key Impact	
			Note – the amended design changes the location and design of public open space dedications
6.6	The design should provide for east-west running houses to maximise solar efficiency.	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
6.7	Building conditions and styles to incorporate heritage design and embrace all modern eco concepts.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
7.	Submission – Objection – Duplicate of Submission No. 6		
8.	Submission – Objection – 19 January - via email – Council Ref – IS/68686		
8.1	The community doesn't feel heard regarding their concerns.	Consultation	The findings of consultation
8.2	An eco-village would instead be a significant addition to Millthorpe, with tracks, landscaping, wildlife, wet areas, heritage assets and walking paths.	Design	Blayney Council is obligated to assess the design of the subdivision that is presented in DA 146/2021.
9.	Submission – Objection – 16 January 2022 - via email – Council Ref – IS/68708		
9.1	Proposed likely to generate view impacts for residents living on the edge of Millthorpe.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
9.2	Existing landscape plantings and sight lines along Millthorpe should not be compromised by new development.		
9.3	Proposal is inconsistent with a number of identified provisions in the BLEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.
9.4	Proposal is inconsistent with a number of identified provisions in the Blayney LSPS.	Policy	The permissibility of the proposed subdivision is principally controlled under the zoning and special provisions contained in BLEP 2012. The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.
9.5	Proposal represents a threat to Millthorpe, as identified in the Millthorpe Village Strategy Plan 2018-2022.		
9.6	Existing roads are already experiencing traffic and drainage problems. Proposal will generate additional impacts.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
9.7	Single entry / exit road not supported. Traffic congestion likely. Richards Lane option still likely to result in impacts.		
9.8	Traffic impacts likely at new Park Street intersection. Intersection also too close to Church Street.		
9.9	Objection to the removal of trees within the site.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
9.10	Service demands created by the proposal not consistent with ESD principles.	ESD	The proposal is generally consistent with the principles for Ecologically Sustainable Development. The site design appears responsive to identified

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No.	Summary of issue raised	Key Impact	
			constraints of the natural and built environment. The design is consistent with prevailing planning controls under the BLEP 2012 and Blayney DCP 2018. The proposal does not exacerbate known environmental problems and appropriate addresses key issues including flooding. The scale of the proposal is within the capacity of the land having regard to infrastructure and service considerations.
9.11	Proposal is inconsistent with the heritage provisions in the BLEP 2012.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
9.12	Proposal will impact on heritage listed cottage and other nearby heritage items. Impacts relate to context and setting, views.		
9.13	The rural vistas of Millthorpe to be protected from over development.		
9.14	Site specific controls required for new housing to ensure heritage impacts and requirements for greens spaces are addressed. Key issues relate to heritage design, roof colours, building heights.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
9.15	Inadequacy of the proposed arrangements for the management of stormwater drainage. Impacts on surrounding road network and adjoining properties identified.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
9.16	Inadequacy of the proposed pedestrian connections to the development	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
9.17	Inadequacy of the proposed landscaping arrangements for the development.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
9.18	Cumulative impact of multiple approvals for new subdivision in Millthorpe	Cumulative impact	No cumulative impacts are assessed to apply, as the proposed subdivision is consistent with BLEP 2012.
10.	Submission – Objection – 24 January 2022 - via letter – Council Ref – IS/68773		
10.1	Road connection to Park Street is dangerous and unsafe. Alternative access should be considered from Richards Lane.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
10.2	Size of the development is not consistent with residential housing in Millthorpe and will impact on village entry.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.



Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
10.3	Increase in houses will have a major impact on local infrastructure.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
10.4	Flooding impacts from stormwater.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
10.5	Impacts on infrastructure, services and telecommunications.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
10.6	Visual impact on heritage appearance of Millthorpe.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
11.	Submission – Objection – 23 January 2022 - via email – Council Ref – IS/68758		
11.1	The proposal conflicts with the Blayney LEP 2012 and in particular the following provisions <ul style="list-style-type: none"> <li>- Clause 1.2(2)(a) – character, lifestyle, environmental considerations, ambience.</li> <li>- Clause 1.2(2)(b) – ecologically sustainable development.</li> </ul> Consider an eco-village instead of current proposal.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the Blayney Local Environmental Plan 2012, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.
11.2	Concerns with new access to Park Street, as it is located too close to the school, playground and sports ground and heritage listed cottage. Requires tree removal. Richard Lane is the preferred access location.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
11.3	Concerns with removal of mature eucalypt trees, and disturbance to natural environment	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
11.4	No amount of landscaping will screen the future roofscape of the development. Open parkland should be located on the ridge.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
11.5	Future buildings will not be in keeping with historic aspects of Millthorpe.		
11.6	North / south lot orientation limits solar efficiency.	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
11.7	Statistics show an increasing number of dwellings in Millthorpe. Proposal creates too many lots in a single development.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			assessment response to density / scale related impacts.
11.8	Infrastructure, facilities and services can't cope with increased traffic and resident numbers.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
11.9	Scale of proposal not consistent with sustainable development goals.	Scale	The scale of the proposed development is assessed to be within the capacity of the site having regard to permissibility under Blayney LEP 2012, identified constraints of the natural and built environment and general site suitability considerations. The proposal is a stage development and release of new lots is likely to be subject to market conditions (supply and demand).
11.10	Lack of pedestrian linkages into the Village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
11.11	Adequacy of stormwater management arrangements.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
11.12	Landscape screens should be on public land.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
11.13	Zone rules should be changed to prevent further subdivision of lot with the heritage listed cottage.	Other	Any further subdivision of the heritage lot is subject to a new DA with Blayney Shire Council and consideration of heritage related impacts. Conditions are recommended relating to the need to protect the heritage significant of the cottage.
11.14	Proposed road access is too close to the heritage listed cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
11.15	Heritage listed cottage should be gifted to the community, given as a developer contribution or purchased by Blayney Shire Council.		
11.16	The proposal does not protect the high scenic value of the approach into Millthorpe.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
11.17	Adequacy of Aboriginal archaeological research.	Aboriginal Cultural heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			Note – the amended design responds to heritage related concerns.
11.18	Village plan considers inappropriate subdivisions as a threat to Millthorpe. Size, style and character impacts make it inappropriate.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
11.19	Consider covenants to prevent further subdivision.	Other	The permissibility of subdivision is principally controls under the provisions of BLEP 2012. Proposed lots sizes are designed to prevent the further subdivision of the land in most instances.
11.20	Proposed tree screening should be designed as a walking trail.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
12.	Submission – Objection – 23 January 2022 - via email – Council Ref – IS/68757		
12.1	Access to Park Street is not supported.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
12.2	Access should be via Stabback Street.		
12.3	Access via single busy road not supported.		
12.4	Protection of heritage listed cottage. Access is too close to the heritage listed cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
12.5	Adequacy of stormwater drainage.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
12.6	Impacts on the village entry from Orange.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
12.7	Maintenance burden for proposed landscaping.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
12.8	Proposal unlike other developments in Millthorpe – similar to gated community.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns.
12.9	Walking / cycling paths needs to link the development with the village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
12.10	Concerns regarding impact of two storey dwellings on views.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
13.	Submission – Objection – Duplicate of Submission No. 11		
14.	Submission – Objection – 23 January 2022 - via email – Council Ref – IS/68783		
14.1	Intersection with Park Street is dangerous and there is insufficient width to manage traffic flow.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
14.2	Existing open space in Millthorpe is already over utilised and inadequate to cater for population increase.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
14.3	Public services, including doctors and emergency services, already under strain.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
14.4	Stormwater impacts on surrounding farmland.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
14.5	Size and location of the development inappropriate.	Scale	The scale of the proposed development is assessed to be within the capacity of the site having regard to permissibility under BLEP 2012, identified constraints of the natural and built environment and general site suitability considerations. The proposal is a stage development and release of new lots is likely to be subject to market conditions (supply and demand).
14.6	Proposal will impact on small, quiet and historical character of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
15.	Submission – Objection – 24 January 2022 - via email – Council Ref – IS/68759		
15.1	Proposal threatens the attractive qualities of village life.	Amenity	Amenity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to amenity-related impacts.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
15.2	Proposal undermines Council’s views on importance of heritage value.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
15.3	Community values heritage. Impacts on cottage to be given consideration.		
15.4	Future houses to be similar in appearance, with impacts on Millthorpe’s heritage.		
15.5	Single access to Park Street is hazardous, disconnects the site from the village.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
15.6	Adequacy of landscape screening to manage visual impact of new urban form.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
15.7	Proposal unlikely to allow for future homes to achieve ESD principles.	ESD	The proposal is generally consistent with the principles for Ecologically Sustainable Development. The site design appears responsive to identified constraints of the natural and built environment. The design is consistent with prevailing planning controls under the BLEP 2012 and Blayney DCP 2018. The proposal does not exacerbate known environmental problems and appropriate addresses key issues including flooding. The scale of the proposal is within the capacity of the land having regard to infrastructure and service considerations.
15.7	Concerns regarding water retention.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
15.8	Impacts to local infrastructure and public amenities.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
16.	Submission – Objection – 20 January 2022 - via email – Council Ref – IS/68786		
16.1	The site has important historic value, particularly the bluestone cottage. The entry location to the subdivision is concerning and will impact on the heritage setting of the cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
16.2	Other significant heritage buildings in the surrounding area have been impacted by adjacent subdivisions and buildings.		
16.3	A single entry to the subdivision is inappropriate given number of lots and impacts on trees.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.

<b>Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	
			Note – the amended design responds to traffic related concerns.
16.4	Visibility of site from northern entry likely to impact on heritage and outlook.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
16.5	Concerns regarding landscape maintenance and longevity in managing visual impacts.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to landscape / view related concerns.
17.	Submission – Objection – 25 January 2022 - via email – Council Ref – IS/68801		
17.1	Traffic on Millthorpe Road needs to be considered, particularly at the new intersection location. Richards Lane preferred.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
17.2	A single entry / exit to the subdivision is an emergency risk.		
17.3	Proposal will detract from historic characteristics of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
17.4	Future housing not compatible with historic appeal of Millthorpe.		
17.5	Protection of heritage listed cottage.		
17.6	Increase in residents to have social, environmental and sustainability impacts.	Social impact	The proposed subdivision is consistent with the BLEP 2012, Blayney LSPS, Millthorpe Village Strategy Plan 2018-2022 and Blayney DCP 2018.
17.7	Increase in residents to have impacts on infrastructure and facilities.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
17.8	Effectiveness of landscaping.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
17.9	Increase in urban stormwater and impacts on downstream properties.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
18.	Submission – Conditional Support – 26 January 2022 - via email – Council Ref – IS/68809		
18.1	Traffic egress and ingress to be managed in a safe way with no plane trees removed.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.

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No.	Summary of issue raised	Key Impact	
18.2	Planning guidelines being introduced to ensure compatibility with village.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
18.3	Landscape screening to be mature fast-growing trees	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
18.4	Developer contributions being directed to upgrade existing community facilities.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
18.5	Stormwater management to address Stabback Street problems.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
19.	Submission – Objection – 26 January 2022 - via email – Council Ref – IS/68811		
19.1	TfNSW review and concurrence would be required, however this is unclear in application. The proposal should be reject without TfNSW concurrence.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
19.2	Concerns regarding proposed access location to Park Street. Impacts on heritage, plane trees and Millthorpe Public School.		
19.3	Other intersections with Park Street are not comparable for traffic impact assessment.		
19.4	BAL/BAR considered appropriate intersection treatment at Park Street. Street trees should not be removed.		
19.5	Richards Lane should be used for access.		
19.6	Previous DA's have relevance to the assessment of DA 146/2021.	Other	The focus of the s4.15 Assessment Report is on the subdivision proposal created by DA 146/2021. The validity of other approvals is a separate matter for consideration.
19.7	Hawthorn hedge is an important part of the landscape gateway to Millthorpe and should not be removed.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
19.8	Council should reject proposal for tree removal.		
19.9	Developer should acquire 29 and 31 Church Street and fund upgrades to kerb and gutter.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.



<b>Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	
19.10	Proposal fails to demonstrate community benefit.	Community benefit	Community benefit is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to community impacts.
19.11	Proposal inappropriately located, with impacts on context and setting.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
19.12	Impacts on Millthorpe Heritage Conservation Area and other listed heritage items.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
20.	Submission – Objection – 27 January 2022 - via email – Council Ref – IS/68837		
20.1	Impacts on village character and ambience	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns.
20.2	Proposal does not meet ESD principles	ESD	The proposal is generally consistent with the principles for Ecologically Sustainable Development. The site design appears responsive to identified constraints of the natural and built environment. The design is consistent with prevailing planning controls under the Blayney LEP and Blayney DCP. The proposal does not exacerbate known environmental problems and appropriately addresses key issues including flooding. The scale of the proposal is within the capacity of the land having regard to infrastructure and service considerations.
20.3	No details on solar passive design for future houses. North/south lots should be facing east/west	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
20.4	Inability of infrastructure, facilities and services to cope with increases traffic and residents	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
20.5	Proposal does not enhance scenic value of Millthorpe	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to some view related concerns.
20.6	Remove of plane trees not supported, with resulting impacts on village entry and amenity.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
20.7	Lot 412 should be dedicated as green space. Impacts on existing public open space are likely.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications.
20.8	Lots 221 and 222 should be dedicated as green spaces.		
20.9	Access to subdivision via Staback Street will create unacceptable traffic impacts.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
20.10	Proposed landscaping will detract from the establish and welcoming appeal of the village.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
20.11	Established trees should be planted to minimise visual impact immediately.		
20.12	Landscaping unlikely to screen future development on more elevated parts of the site	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
20.13	Proposal to create view impacts on Village entry.		
20.14	Need for a suitable footpath to connect the development into the village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
20.15	Pedestrian footpaths should be upgraded to accommodate the additional foot traffic.		
20.16	Proposal does not address stormwater impacts on Richards Lane from the Railway.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
20.17	Stormwater runoff from the development should be appropriately managed.		
20.18	Natural springs on subject site (lower end of Staback Street) have not been considered.		
20.19	Likely flooding impacts on 30 Staback Street. Capacity of basin to properly considered.		
20.20	Planned increase in homes to have major impact on services (medical, postal, education).	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
21.	Submission – Objection – 27 January 2022 - via letter – Council Ref – IS/68829		
21.1	Proposal not consistent with Millthorpe heritage qualities.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
21.2	Scale of proposal requires at least 50% of land dedicated to green space. Focus should not be on lot yield.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
21.3	Design does not include facilities for walking and cycling, including wheelchair and mobility scooters.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
21.4	Site is flood prone. Proposal could increase impacts. Consider a water feature in design to manage impacts.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
22.	Submission – Objection – 27 January 2022 - via email – Council Ref – IS/68832		
22.1	Proposal does not respect, honour or compliment the unique character and amenity of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
22.2	Proposal does not meet ESD principles.	ESD	The proposal is generally consistent with the principles for Ecologically Sustainable Development. The site design appears responsive to identified constraints of the natural and built environment. The design is consistent with prevailing planning controls under the BLEP 2012 and Blayney DCP 2018. The proposal does not exacerbate known environmental problems and appropriately addresses key issues including flooding. The scale of the proposal is within the capacity of the land having regard to infrastructure and service considerations.
22.3	Increase in houses will impact on local services (medical, postal and education) and infrastructure.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
22.4	Access should not require removal of plane trees on Park Street.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
22.5	Richards Lane should be used for access to the subdivision.		
22.6	No support for access through to Stabback Street.		
22.7	Lot 412 should become a green space and park.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
22.8	Increase in residents to impact on Redmond Oval.		

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
22.9	Inadequacy of proposed landscaping. Established trees should be used.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to landscape / view related concerns.
22.10	Existing site vegetation should not be removed.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
22.11	Inadequacy of provision and design for pedestrian paths. Crossing of Park Street a problem.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
22.12	Stormwater impacts on Richards Lane / Railway / Stabback Street.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
22.13	Proposal has not addressed natural springs on the subject land.		
22.14	No consideration given to solar passive design.	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
22.15	North / south facing lots should be facing east/west to maximise winter sun.		
23.	Submission – Objection – 27 January 2022 - via email – Council Ref – IS/68835		
23.1	Impacts on the heritage significant, setting, integrity and character of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
23.2	Poor environmental outcomes.	Site suitability	Site suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the suitability of the site for the proposed development.
23.3	Poor socio-economic outcomes.		
23.4	Lack of public and green space.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
23.5	Proposal is inconsistent with aims of BLEP 2012 and Blayney DCP 2018.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012 and the Blayney DCP 2018, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
23.6	The importance of heritage conservation is recognised in the strategic planning framework for Millthorpe, the BLEP 2012 and the Blayney DCP 2018. Heritage should be at the forefront of consideration.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.  There is no strategic or statutory justification that warrants delay of the determination of DA 146/2021 to carry out an amendment to the Blayney DCP 2018, as there is sufficient information available to make an informed decision on the subdivision of land to create suitable building blocks for residential land-use in accordance with the objectives of the BLEP 2012.
23.7	Proposal will impact on heritage conservation area, the heritage listed cottage, and nearby heritage listed items.		
23.8	Proposal includes limited measures to protect heritage significance of the cottage.		
23.9	Site specific DCP recommended to address heritage significance.		
23.10	Consideration to be given to the Draft Design and Place SEPP.	Other	Consideration has been given to relevant State Environmental Planning Policies. DPE advise that the Draft Design and Place SEPP is no longer being progressed. Refer Section 8.1.1 of the assessment report.
23.11	Site and layout not supported.	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
23.12	Single access to Park Street a problem.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to some traffic related concerns.
23.13	New intersection to Park Street a potential hazard.		
23.14	Inadequate pedestrian and cycle connections.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
23.15	Significant increase in dwellings within the village, higher than demand.	Scale	The scale of the proposed development is assessed to be within the capacity of the site having regard to permissibility under BLEP 2012, identified constraints of the natural and built environment and general site suitability considerations. The proposal is a stage development and release of new lots is likely to be subject to market conditions (supply and demand).
23.16	Inappropriate scale of development. Number of lots and density of lots is not supported.		
23.17	Inadequacy of proposed arrangements for stormwater management.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
23.18	Landscaping provides an inadequate solution to the management of view impacts to northern entry.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
23.19	The proposal will result in unacceptable view impacts.		
23.20	Impact on Millthorpe’s rural setting.		
23.21	There are unresolved issues in the DA including:	Other	Note – the amended design changes aspects of the proposal relating to heritage, landscaping and

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
	<ul style="list-style-type: none"> <li>- Protecting the R5 zoned land and the cottage lot from future subdivision.</li> <li>- Ownership and maintenance of landscaping.</li> <li>- Opportunities and constraints of OSD basins.</li> <li>- Proposed fencing for perimeter of subdivision.</li> <li>- Community benefit.</li> </ul>		stormwater management. Refer generally to assessment of key impact areas in Section 3 of this Consultation Report.
24.	Submission – Objection – 27 January 2022 - via email – Council Ref – IS/68836		
24.1	Overall heritage impact. Proposal inadequately addresses the protection of the rural landscape, the upper ridge line of the site, rural-residential transitions, and the cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
24.2	Proposal inadequately addresses potential for naturally occurring asbestos.	Soils	A condition of consent has been recommended relating to the management of soils involving naturally occurring asbestos.
24.3	Proposal should retain existing mature eucalyptus trees. Lots should be redesigned accordingly.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
24.4	Inadequate screening and visual barriers.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
24.5	Vegetation easement widths should be increased.		
24.6	Early landscaping plantings required.		
24.7	Appropriate arrangements for landscape maintenance required.		
24.8	Stormwater impacts on lower Richards Lane.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
24.9	Traffic impacts are a concern. Richards Lane a better alternative for access. New intersection at Park Street not supported.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
24.10	Negative impacts associated with a single road connection.		
24.11	Proposal should be linked to Richards Land and Stabback Street.		
24.12	Inadequate pedestrian connectivity to village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.

<b>Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	
24.13	DCP amendment require to include specific controls for this site, dealing with roofscapes, building design and fencing.	Other	There is no strategic or statutory justification that warrants delay of the determination of DA 146/2021 to carry out an amendment to the Blayney DCP 2018, as there is sufficient information available to make an informed decision on the subdivision of land to create suitable building blocks for residential land-use in accordance with the objectives of the BLEP 2012.
24.14	Lack of services and recreational infrastructure.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.  Note – the amended design includes changes to planned infrastructure improvements.
24.15	Opportunity for improved outcomes within the riparian zone, including public shared and useable space.	Water	The plans and documents submitted with DA 146/2021 provide sufficient information for Council to conclude that the proposal will have a satisfactory impact in terms of water resources.
24.16	Adequacy of proposed stormwater design and impacts on downstream properties.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts.  Note – the amended design responds to stormwater / drainage related concerns.
24.17	Need for dedication of land within subdivision for public open space.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts.  Note – the amended design changes the location and design of public open space dedications
25.	Submission – Objection – 27 January 2022 - via email – Council Ref – IS/68837		
25.1	Proposal to impact significantly in Millthorpe Heritage, which is part of its tourist appeal and identity.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts.  Note – the amended design responds to heritage related concerns.
25.2	Traffic and parking impacts.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts.  Note – the amended design responds to traffic related concerns.
25.3	Environmental impacts associated with loss of trees and vegetation.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal.  Note – the amended design changes some aspects of the proposal involving removal of vegetation.
25.4	Capacity of local infrastructure including electricity.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.



Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			Note – the amended design includes changes to planned infrastructure improvements.
26.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68861		
26.1	Scale of proposed subdivision to impact on village character.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to some heritage related concerns.
26.2	Proposed design is out of context in the Millthorpe Heritage Conservation Area.		
26.3	Proposal to impact on the bluestone cottage.		
26.4	Building design controls required to management heritage impacts.		
26.5	Scale of proposed subdivision to impact on resident quality of life.	Amenity	Amenity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to amenity-related impacts.
26.6	Significant increase in local population with resulting environmental impacts.		
26.7	Traffic impacts on Park Street, Millthorpe School and Redmond Oval.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
26.8	Impacts on local infrastructure (internet, services, shopping, parking).	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
26.9	Proposal is inconsistent with a number of provisions in the BLEP 2012.	Policy	The proposed subdivision is assessed to be consistent with all relevant special provisions under the BLEP 2012, subject to the imposition of conditions. Refer Section 8.1.1 of the assessment report.
27.	Submission – Objection – 28 January 2022 - via email – Council Ref – IEM/68863		
27.1	Proposed scale of the subdivision is too large in proportion to the size of Millthorpe.	Scale	The scale of the proposed development is assessed to be within the capacity of the site having regard to permissibility under BLEP 2012, identified constraints of the natural and built environment and general site suitability considerations. The proposal is a stage development and release of new lots is likely to be subject to market conditions (supply and demand).
27.2	Proposal has no links to Millthorpe. Connections via Stabback Street and Richards Lane must be considered	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to some traffic related concerns.
27.3	Inadequacy of landscape buffers.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to some view related concerns.
27.4	Impacts on entrance to the village.		
27.5	Objection to removal of plane trees.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
27.6	Controls required for future built form (fencing, roof colours, roof pitches and roof types).	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
28.	Submission – Objection – 28 January 2022 - via email – Council Ref – IEM/68864		
28.1	<p>Presentation of the findings of community consultation undertaken via:</p> <ul style="list-style-type: none"> <li>- Online survey.</li> <li>- Community meeting and workshop.</li> <li>- Observations and notations obtained from Q&amp;A session.</li> <li>- Multiple small group discussions.</li> </ul>		Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report.
28.2	<p>Key findings of consultation identified to include:</p> <ul style="list-style-type: none"> <li>- Majority of respondents do not support the proposal, or believe it requires major revision.</li> <li>- Majority of respondents expressed concern about heritage impacts, traffic impacts, visual impacts, pedestrian connectivity, population impacts and scale of the subdivision.</li> </ul>	Various	Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report.
28.3	<p>Key benefits of proposal identified to include:</p> <ul style="list-style-type: none"> <li>- Additional future rates contributions.</li> <li>- Economic boost to area (jobs).</li> <li>- Potential enrolments in primary school.</li> <li>- New housing supply.</li> <li>- Growth opportunity for Millthorpe.</li> <li>- More customers for local businesses.</li> </ul>	Various	Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report.
28.4	<p>Key concerns of proposal identified to include:</p> <ul style="list-style-type: none"> <li>- Proposal does not integrate with surrounding area.</li> <li>- Inappropriate scale of proposal.</li> <li>- Population increase.</li> <li>- Gated community – out of character.</li> <li>- Style of development out of character.</li> <li>- Environmental impacts – vegetation removal.</li> <li>- Vegetation removal.</li> <li>- Loss of historic rural vistas, landscape amenity.</li> <li>- Increased surface water runoff – impacts on downstream users.</li> <li>- Lack of pedestrian linkages.</li> </ul>	Various	Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report. Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
	<ul style="list-style-type: none"> <li>- Lack of recreation/ green space.</li> <li>- Increase in traffic – parking pressures.</li> <li>- Infrastructure capacity.</li> </ul>		
28.5	<p>Proposal does not adequately</p> <ul style="list-style-type: none"> <li>- Benefit Millthorpe.</li> <li>- Fit with character. Modern built form.</li> <li>- Create links to the village community.</li> <li>- Protect or enhance heritage values.</li> <li>- Detail OSD designs.</li> <li>- Consider recreational opportunities.</li> <li>- Deal with validity of DA 79/2005.</li> <li>- Adequately address traffic impacts.</li> <li>- Demonstrate suitability of landscaping.</li> <li>- Mitigate visual impact.</li> <li>- Proper use of development contributions.</li> <li>- Minimise environmental impact.</li> </ul>	Various	Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report.
28.6	<p>Proposed recommendations include:</p> <ul style="list-style-type: none"> <li>- Multiple road access options.</li> <li>- Built form avoided on ridgeline.</li> <li>- Single storey buildings only.</li> <li>- More green space.</li> <li>- Enhanced riparian zone.</li> <li>- Landscaping on public land only.</li> <li>- Landscape architect to design landscaping.</li> <li>- Further subdivision of lots prevented.</li> <li>- Lots orientated for passive solar design.</li> <li>- Increase curtilage of blue stone cottage.</li> <li>- DCP controls updated. Prevent repetition of design.</li> <li>- Engineering design for stormwater.</li> <li>- No tree removal.</li> <li>- Reduce lot yield.</li> <li>- Creation of wetland.</li> </ul>	Various	Refer generally to the assessment responses for key impact areas provided in Section 3 of the consultation report.
29.	Submission – Objection – 27 January 2022 - via email – Council Ref – IEM/68867		
29.1	Proposal fails to consider the effect of the development on the greater heritage fabric of the village.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
29.2	Proposal will impact on the unique character and amenity of Millthorpe.		

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
29.3	Pedestrian, cycle and vehicle connections area inadequate.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
29.4	Access should be gained to Stabback and Church Streets.		
29.5	Single access road to Park Street is inadequate. Intersection design likely to be a problem. Richards Lane preferred.		
29.6	Proposal should be redesign with fewer but larger lots.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
30.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68843		
30.1	Risk of creating a development that is not in keeping with the heritage nature of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
30.2	A new DCP will be required specific to this subdivision to ensure heritage is properly considered.		
30.3	Roofs for future dwellings should not be dark in colour, which will impact the environment and liveability.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
30.4	Benefits in prohibiting two storey homes and mandating timber paling fencing to all lots.		
30.5	Inadequacy of landscape screening to mitigate view impacts, particularly from northern approach.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to landscape / view related concerns.
30.6	Landscape plant choices inconsistent with Millthorpe character.		
30.7	Inadequacy of pedestrian connectivity.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
30.8	Inadequacy of public open provision.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
30.9	Inadequacy of single road access to development, with resulting traffic impacts to Park Street and nearby activities.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
30.10	Millthorpe does not have the capacity to accommodate a large increase in lots and future residents.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			Note – the amended design includes changes to planned infrastructure improvements.
31.	Submission – Objection – 25 January 2022 - via letter – Council Ref – IS/68844		
31.1	Council should require a standard type and colour of fencing.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
32.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68852		
32.1	Endorsement of letter written by Helen Russ.	Other	Noted.
32.2	Proposal will impact on the various qualities that make Millthorpe a tourism attraction.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
33.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68857		
33.1	Scale of proposal is too large for the capacity of existing amenities and services in Millthorpe.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
33.2	Proposed number of lots should be reduced in favour of an additional park.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
33.3	Inadequacy of pedestrian and cycleway connections.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
33.4	The site is highly visible. A modern development is a threat to the heritage character of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
33.5	Inappropriate setbacks to the heritage-listed cottage.		
33.6	Uncertainty regarding maintenance arrangements for proposal landscaping.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to landscape / view related concerns.
33.7	Inadequacy of proposed landscape screening given site location and topography.		
33.8	Consider restrictions on building height.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
33.9	Existing problems with site drainage connecting to Stabback and Unwin Streets.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to some stormwater / drainage related concerns.
33.10	Proposal to create additional stormwater impacts.		

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
34. Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68858			
34.1	Park Street access is concerning. Traffic and pedestrian conflicts likely.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
34.2	Removal of plane trees not supported.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
34.3	Pedestrian links into Stabback Street and Richards Lane should be considered.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
34.4	Inadequacy of proposed landscape arrangements. Species selection, irrigation important.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
34.5	Lot design should incorporate a 5m buffer zone for new tree plantings.		
34.6	Mature eucalypt trees and plane streets should not be removed.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
34.7	Proposal should be redesigned with larger lots.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
35. Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68860			
35.1	Park Street access to result in traffic impacts.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
35.2	Despite proposed landscape screening, roofscape to remain visible.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
35.3	Inappropriately sized curtilage provided around the heritage-listed cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
35.4	Scale of proposal will impact on character.		

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
35.5	Inadequate pedestrian connections into village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
35.6	Lot orientation does not allow future homes to maximise solar benefits.	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
35.7	Additional infrastructure required in Millthorpe to cater for increase in families.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
36.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68862		
36.1	Development should provide appropriate green space.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
36.2	Controls should be in place to limit dark roofs and paved areas to control micro-climate.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
36.3	Development should provide for future dwellings with northern aspects to maximise solar energy.	Lot Design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
36.4	Examples provided of poorly designed subdivisions and better designed subdivisions.		
37	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68866		
37.1	Proposal will impact on the heritage listed cottage and surrounds.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
37.2	Proposal will impact on the heritage integrity of the Millthorpe village in general.		
37.3	Proposal will increase existing traffic issues in village.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
37.4	Single road entry / exit not supported, with impacts likely on Redmond Oval and Millthorpe Public School.		
37.5	Future buildings will generate visual impacts.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to some view related concerns.
37.6	Inadequate landscaping to mitigate future built form impacts.		
37.7	Scale of proposal is inappropriate for village, resulting in impacts on service and infrastructure.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			Note – the amended design includes changes to planned infrastructure improvements.
38.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68875		
38.1	Proposal does not respect, honour or compliment the unique character, charm, heritage or amenity of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns.
38.2	Scale of proposal inappropriate for Millthorpe.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
38.3	Proposal doesn't meet the principles of ESD. More green space required, and more connections to Millthorpe.	ESD	The proposal is generally consistent with the principles for Ecologically Sustainable Development. The site design appears responsive to identified constraints of the natural and built environment. The design is consistent with prevailing planning controls under the BLEP 2012 and Blayney DCP 2018. The proposal does not exacerbate known environmental problems and appropriate addresses key issues including flooding. The scale of the proposal is within the capacity of the land having regard to infrastructure and service considerations.
38.4	Landscape species must be drought tolerant.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to some landscape / view related concerns.
38.5	Proposal likely to impact on nearby heritage items through impacts on views, setting and future built form.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to some heritage related concerns.
38.6	Northern approach to Millthorpe is of high scenic value. The hill and mature eucalypts are important and should be maintained as greens space	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to some view related concerns.
38.7	Removal of london plane trees not supported.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
39.	Submission – Objection – 28 January - via email – Council Ref – IS/68874		
39.1	Proposal represents unsustainable growth. History of recent approvals in Millthorpe to create pressure on housing and local service provision.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.



Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
39.2	Proposal is poorly integrated into the village. Single road access not supported.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
39.3	Lots should be redesigned to have an east/west orientation.	Lot design	The proposed lot design is consistent with the requirements of Blayney DCP 2018.
39.4	Vacant block in Stabback Street should be incorporated into the design to facilitate pedestrian links and a park.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
39.5	Covenants should be imposed to prevent further subdivision of the proposed lots.	Other	The permissibility of subdivision is principally controls under the provisions of BLEP 2012. Proposed lots sizes are designed to prevent the further subdivision of the land in most instances.
39.6	Concerns over management of water and drainage from the proposal.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to some stormwater / drainage related concerns.
39.7	Building controls necessary to manage mix of building materials, colours and architecture.	Built form	Built form is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to built form related impacts.
39.8	Support for submission by Helen Russ	Other	Noted.
40.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68875		
40.1	Correction to type in original submission.		Noted. Refer to submission No.38 for assessment of issues raised.
41.	Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68876		
41.1	General support for lot design that considers dual occupancy and potential subdivision risk.	Lot Design	Noted.
41.2	Scale of proposal is inappropriate for village – which is now focused on tourism.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
41.3	Site access to Park Street is inappropriate. Access should be moved to Stabback Street or Richards Lane.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
41.4	Inappropriate pedestrian connections to village.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
41.5	Road is too close to the heritage listed cottage.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
41.6	Potential impacts on Richards Lane drainage, which is already problematic.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
41.7	Developers should be responsible for infrastructure upgrades.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
42. Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68877			
42.1	Inadequate management for stormwater from on-site detention basin no. 1. This should be redirected to the north with the consequence of additional flow managed there.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
42.2	Proposal likely to increase existing flooding issues on Richards Lane.		
42.3	Transport assessment fails to adequately assess traffic and transport issues.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
42.4	Intersection with Park Street requires an upgrade and cannot be constructed due to existing limitations.		
42.5	Alternate access is required (Richards Lane or Stabback Street). Upgrades to these roads would be required.		
42.6	Park Street access location will present a safety hazard to cyclists.		
43. Submission – Objection – 28 January 2022 - via email – Council Ref – IS/68878			
43.1	Scale of proposal represents a significant expansion of the village.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
43.2	Reduction in number of lots proposed.		
43.3	Mixture of lot sizes required.		
43.4	Scale of proposal will impact on Millthorpe character.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
43.5	Road design (single access road) does not fit with established heritage streetscapes.		
43.6	Site is highly visible to Millthorpe entry and nearby heritage items. Likely impacts to historic character of Millthorpe.	Views	Views is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to view related impacts. Note – the amended design responds to view related concerns.
43.7	Higher, more elevated parts of the site need to be kept clear.		

<b>Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022</b>			
<b>No.</b>	<b>Summary of issue raised</b>	<b>Key Impact</b>	
43.8	Additional landscape screening required. Screening buffers should be increased in width.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design has responded to landscape / view related concerns.
43.9	Single access road not supported. Traffic impacts likely.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
43.10	Road connections required to other roads including Stabback Street, Church Street and Richards Lane.		
43.11	Inadequacy of pedestrian links to surrounding locations.	Accessibility	Accessibility is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to accessibility impacts. Note – the amended design changes some aspects of the site design related to accessibility and connectivity.
43.12	Removal existing plane trees not supported.	Vegetation removal	Vegetation removal is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to impacts related to vegetation removal. Note – the amended design changes some aspects of the proposal involving removal of vegetation.
43.13	Upgrades required to stormwater infrastructure.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
43.14	Proposal should be designed to include more green space.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
44.	Submission – Objection – 30 January 2022 - via email – Council Ref – IS/68879		
44.1	Reference to survey conducted by the Millthorpe Village Committee.	Other	Refer Submission No. 28 for assessment of issues.
44.2	Proposal is out of keeping with the historic nature of Millthorpe.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
44.3	Proposal would destroy the character of Millthorpe.	Character	Character is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to character related impacts. Note – the amended design responds to character related concerns
44.4	Proposal overburdens Millthorpe in terms of population.	Scale	The scale of the proposed development is assessed to be within the capacity of the site having regard to permissibility under BLEP 2012, identified constraints of the natural and built environment and general site

Table 3 – Public Exhibition Round No. 1 – December 2021 / January 2022			
No.	Summary of issue raised	Key Impact	
			suitability considerations. The proposal is a stage development and release of new lots is likely to be subject to market conditions (supply and demand).
44.5	Proposal will increase existing flooding impacts on Richards Lane.	Stormwater management	Stormwater drainage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to stormwater drainage impacts. Note – the amended design responds to stormwater / drainage related concerns.
44.6	No satisfactory solution to traffic to and from Park Street.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
44.7	Proposal overburdens Millthorpe in terms of infrastructure.	Infrastructure capacity	Infrastructure capacity is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to infrastructure and servicing related issues. Note – the amended design includes changes to planned infrastructure improvements.
44.8	Inadequate landscaping to mitigate visual impacts.	Landscape suitability	Landscape suitability is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to landscape related impacts. Note – the amended design responds to landscape / view related concerns.
44.9	Inadequate open space provision within the development.	Recreation	Recreation is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to the recreation related impacts. Note – the amended design changes the location and design of public open space dedications
44.10	Lot numbers should be decreased.	Lot density	Lot density is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to density / scale related impacts.
45.	Submission – Objection – 31 January 2022 - via email – Council Ref – IS/68884		
45.1	Additional information to 21/1/22 submission	Other	Noted
45.2	Proposal will likely require concurrence from TfNSW due to new access to classified road. Proposal has created 49 lots on purpose to beat concurrence provisions.	Traffic	Traffic is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to traffic related impacts. Note – the amended design responds to traffic related concerns.
45.3	Proposal likely to impact structural integrity of heritage listed cottage due to proximity of new road access.	Heritage	Heritage is an identified key impact area. Refer to Section 3 of this Consultation Report for an assessment response to heritage related impacts. Note – the amended design responds to heritage related concerns.
45.4	Insufficient curtilage around heritage listed cottage. Proposal likely to detract from the significance of the cottage.		

### 3. Assessment Response to Key Impact Areas

#### Traffic

An assessment of traffic related impacts has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 5.21 of the Blayney LEP 2012 – Flood Planning. The road design is assessed to be consistent with relevant flood planning requirements.
- Section 8.1.1 dealing with Clause 6.2 of the Blayney LEP 2012 – Stormwater Management. The road design is assessed to be consistent with the Blayney Shire Council Guidelines for Engineering Works
- Section 8.1.1 dealing with Clause 6.8 of the Blayney LEP 2012 – Essential Services. Suitable road access is provided to the development. Traffic impacts on road conditions have been considered and upgrades to Richards Lane and its intersection with Park Street (Millthorpe Road) are assessed to be required.
- Section 8.1.1 dealing with the Transport and Infrastructure SEPP 2021. The proposal has demonstrated that access to the development can be achieved from the local road network (Richards Lane). The proposal is not traffic-generating development within the meaning of the SEPP. Advice has been received from TfNSW listing their requirements for Council's planned upgrades to the intersection of Richards Lane and Park Street (Millthorpe Road).
- Section 8.1.3 dealing with Part F of the Blayney DCP 2018. The proposal has demonstrated consistent with the requirements of Part F relating to access, new public road design, road hierarchy and terminating roads.
- Section 8.1.6 dealing with access, transport and traffic which are relevant matters for consideration under Section 4.15 of the EP&A Act 1979. Traffic impacts on road conditions have been considered, with upgrades to Richards Lane and the intersection of Richards Lane and Park Street (by the Council) being incorporated into the recommendation.
- Road design to be consistent with Blayney Council Guidelines for Engineering Works.
- Implementation of a Works Deed between Council and the developers which commits Council to the upgrade of the Richards Lane / Millthorpe Road intersection and to the sealing of Richards Lane for 120m metres beyond that intersection. Works to be completed in accordance with requirements of TfNSW prior to registration of the lots for Stage 2 subdivision works.

Subject to conditions that address the above matters, DA 146/2021 is assessed as having an acceptable impact in terms of traffic.

#### Views and Character

An assessment of the likely visual impacts has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 2.7 of the Blayney LEP 2012 – Demolition. The subdivision does not propose the removal of existing significant trees which contribute to the visual setting of the land, including the London Plane trees on Millthorpe Road and mature Box Eucalypt trees on the site.
- Section 8.1.1 dealing with Clause 5.10 of the Blayney LEP 2012 – Heritage Conservation. Community concerns regarding visual impact on the heritage listed cottage (I273), the Millthorpe Heritage Conservation Area and other significant items in the vicinity have been given particular consideration, including two rounds of advice from Heritage Architect David Scobie. The curtilage to the cottage is assessed to be satisfactory. Subdivision layout and conceptual landscaping plans are generally suitable, subject to a more detail Landscape Plan being prepared by a qualified Landscape Architect to ensure potential impacts on views and the heritage context and setting of the land are properly managed.
- Section 8.1.6 dealing with context and setting as well as heritage matters. Community concerns about impacts on heritage, character and views have been given particular consideration. The curtilage to the cottage is assessed to be satisfactory. Subdivision layout and conceptual landscaping plans are generally suitable, subject to a more detail Landscape Plan being prepared by a qualified Landscape Architect to ensure potential impacts on views and the heritage context and setting of the land are properly managed. Other conditions have also been recommended by the Heritage Advisor to Blayney Shire Council and these feature in the recommendations to this assessment report where supported.
- Subject to the provision of a Landscape Plan prepared by a qualified Landscape Architect prior to the issue of a Subdivision Works Certificate for Stage 1, and implementation of the recommendations of such a plan, the subdivision is unlikely to result in unacceptable view impacts.

#### **Built Form**

DA 146/2021 relates only to the subdivision of the land, and does not include any plans, details or documentation relating to the construction of future dwellings. The potential impacts of future built form on the land have been considered as part of the assessment of the proposal (refer Section 8.1.6 relating to context and setting).

Blayney DCP 2018 provides the current development control framework to manage the design, style, appearance and general form and function of dwellings and associated structures on land in Millthorpe (including the subject land). The Blayney DCP 2018 includes provisions relating to development occurring within a Heritage Conversation Area, including the Millthorpe Heritage Conservation Area. The need to amend the Blayney DCP 2018 to include specific controls and requirement for the subject land is a decision of Blayney Shire Council in consultation with the community that is separate to the relevant matters for consideration in determining DA 146/2021.

There is no strategic or statutory justification that warrants delay of the determination of DA 146/2021 to carry out an amendment to the Blayney DCP 2018, as there is sufficient information available to make an informed decision on the subdivision of land to create suitable building blocks for residential land-use in accordance with the objectives of the Blayney LEP 2012.

#### **Accessibility**

An assessment of the proposed arrangements for pedestrian /cycling accessibility has been undertaken and documented in the following sections of the Section 4.15 Assessment Report:

- Section 8.1.4 dealing with the provisions of the Draft Voluntary Planning Agreement (VPA) that Blayney Shire Council is proposing to enter into with the developers of the subdivision. Changes are recommended to the VPA, requiring the dedication of proposed Lot 323 (public open space) as part of Stage 2 works. This is necessary to facilitate a requirement for construction of the full length of the new shared path connection to Park Street as Part of Stage 2 works.
- Section 8.1.6 dealing with access, transport and traffic which are relevant matters for consideration under Section 4.15 of the EP&A Act 1979. Amendments to the proposed staging arrangements are required in order to ensure that the proposed shared path connecting the site to Park Street is constructed as part of Stage 2 subdivision works, and not delayed until Stage 3 works.

Subject to conditions that address the above matters, it is assessed that appropriate arrangements will be made for the provision of suitable pedestrian access within the development and to Park Street.

#### **Stormwater Drainage**

An assessment of the stormwater drainage requirements for the proposal has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 5.21 of the Blayney LEP 2012 – Flood Planning. The proposal adequately addresses flood risk. Roads and development lots are not impacted by the 1% AEP.
- Section 8.1.1 dealing with Clause 6.2 of the Blayney LEP 2012 – Stormwater Management. The proposal demonstrates an adequate understanding of existing hydrological conditions affecting the land and demonstrates that stormwater can be managed within the site to ensure post-development flows do not exceed pre-development flows. The proposal is not expected to generate increased impacts on downstream properties.
- Section 8.1.1 dealing with Clause 6.8 of the Blayney LEP 2012 – Essential Services. The proposal demonstrates an adequate understanding of existing hydrological conditions affecting the land and provides a stormwater management plan to ensure post-development flows do not exceed pre-development flows.
- Section 8.1.6 dealing with water and natural hazard which are relevant matters for consideration under Section 4.15 of the EP&A Act 1979. Adequate arrangements are to be made for stormwater drainage and the management of flood risk.

Subject to conditions that address the above matters, it is assessed that appropriate arrangements will be made for the provision of stormwater drainage from the development.

### **Community Benefit**

Notification and public exhibition of the proposed subdivision has been completed in accordance with the requirements of the Blayney Community Participation Plan 2020. Since the lodgement of the DA, notification and public exhibition has been carried out three (3) times, in response to multiple revisions / variations to the design of the proposed subdivision. As a result of the public exhibition and notification processes, Council has received a large number of submissions from adjoining landowners and the general public, some of which are objections to the DA or raise concerns, and others in support of the proposal.

The findings of consultation have been documented in this assessment report and will be presented to Blayney Shire Council for consideration in determining DA 146/2021.

Final assessment of the proposed subdivision, including all finalised plans, drawings and reports, submissions received, and referral advice from Council planning and engineering staff, heritage advisory consultant, and other government authorities, concludes the proposal is unlikely to pose unacceptable impacts on the environment and has merit for approval, subject to conditions.

### **Amenity**

An assessment of the likely amenity related impacts has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.3 dealing with Part F of the Blayney DCP 2018. The proposal has demonstrated consistency with the requirements of Part F relating to aspects of the subdivision that could impact adversely on local amenity including site planning, topography and earthworks, lot size and arrangement, access, safety and surveillance.
- Section 8.1.3 dealing with Part G of the Blayney DCP 2018. The proposal has demonstrated consistency with the requirements of Part G relating to the need for separation of inappropriate land-uses from sensitive activities. Noise, vibration, odour, dust are not assessed to be key issues associated with long term use of the land for residential purposes.
- Section 8.1.6 dealing with relevant matters for consideration under Section 4.15 of the EP&A Act 1979 including amenity considerations relating to context and setting, heritage, traffic, public domain, water, waste, air and microclimate, flora and fauna, noise and vibration, technological hazards, safety, security and crime prevention, social & economic impacts, site design and construction. The assessment of these matters concludes the proposal is unlikely to pose unacceptable impacts and has merits for approval, subject to conditions. A Construction Environmental Management Plan is required to ensure noise and vibration impacts are managed during construction phases associated with the development.

Subject to conditions that address the above matters, DA 146/2021 is assessed as having an acceptable impact in terms of amenity.

### **Heritage**

An assessment of the likely heritage related impacts has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 2.7 of the Blayney LEP 2012 – Demolition. The development does not propose the removal of the heritage-listed cottage (1273) or other components or the natural or built environment which contribute to the significance of the item. The exception is that a small section of Hawthorn Hedge is proposed to be removed, with impacts to be offset by the public benefit of providing open space and shared path links to the development from Park Street.
- Section 8.1.3 dealing with Part H of the Blayney DCP 2018. The proposal has demonstrated consistency with the requirements of Part H relating to new development within the Millthorpe Heritage Conservation Area as well as new development in the vicinity of heritage items. Key issues relating to siting, scale, proportion have been considered and significant impacts are unlikely. Other considerations relate to built form and are generally not relevant for consideration given the proposal relates to subdivision only.
- Section 8.1.1 dealing with Clause 5.10 of the Blayney LEP 2012 – Heritage Conservation, and Section 8.1.6 dealing with heritage are relevant matter for consideration under Section 4.15 of the EP&A Act 1979. Community concerns regarding potential impact on the heritage-listed cottage (1273), the Millthorpe Heritage Conservation Area and other significant items in the vicinity have been given particular attention. The curtilage to the cottage is assessed to be satisfactory. Subdivision layout and conceptual landscaping plans are generally suitable, subject to a more detail Landscape Plan being prepared by a qualified Landscape Architect to ensure potential impacts on views and the heritage context and setting of the land are properly managed. Other conditions have also been recommended by

the Heritage Advisor to Blayney Shire Council and these feature in the recommendations to this assessment report where supported. The potential for impacts on matters of Aboriginal cultural heritage significance is low. Subject to conditions that address the above matters, DA 146/2021 is assessed as having an acceptable impact in terms of heritage.

#### **Lot Density**

The proposed subdivision design is consistent with the minimum lot size controls for the land in accordance with Blayney LEP 2012. The majority of the proposed development lots will have land areas that are insufficient to enable future subdivision, meaning lot density is unlikely to be increased in the future. The proposed number and density of new residential allotments is assessed to be satisfactory.

#### **Vegetation removal**

An assessment of the likely impacts relating to the removal of vegetation from the site has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 2.7 of the Blayney LEP 2012 – Demolition. The development does not propose the removal of any London Plane trees or other vegetation which is of significance to the heritage conservation area, site context and setting. A small section of Hawthorn Hedge is proposed to be removed, which has been assessed as acceptable by Heritage Architect David Scobie. Hedge removal is required to provide an active transport pathway along the proposed open space to link to the development from Park Street.
- Section 8.1.1 dealing with the Biodiversity and Conservation SEPP 2021. The proposed clearing of vegetation does not exceed the threshold for clearance of native vegetation on the site under the Biodiversity Offset Scheme, which is 2,500m<sup>2</sup>.
- Section 8.1.6 dealing with flora and fauna which are relevant matters for consideration under Section 4.15 of the EP&A Act 1979. The Blayney DCP 2018 does not require a permit for the clearing of identified site vegetation. A test of significance has been carried out as part of the assessment of DA 146/2021, which concludes no significant impacts on threatened species or their habitats.
- Section 8.1.6 dealing with context and setting as well as heritage are relevant matters for consideration under Section 4.15 of the EP&A Act 1979. Community concerns are valid regarding the importance of retaining an isolated stand of mature eucalypts on the site. Through design, the development proposes to retain these trees within a number of planned development lots. Conditions are required to ensure their protection.

Subject to conditions that address the above matters, the planned removal of site vegetation is not expected to have a significant impact in terms of flora and fauna.

#### **Site suitability**

Assessment of the proposed subdivision, including all finalised plans, drawings and reports, submissions received, and referral advice from Council planning and engineering staff, heritage advisory consultant, and other government authorities, concludes that the site is suitable for the proposed development. The subdivision design appears responsive to identified constraints of the natural and built environment. The nature, scale and density of planned residential development on the site is not inconsistent with the prevailing planning controls for the land under Blayney LEP 2012 and Blayney DCP 2018. The development is unlikely to generate unacceptable impacts on the environment and has merit for approval, subject to conditions.

#### **Infrastructure Capacity**

An assessment of infrastructure-related impacts has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 5.21 of the Blayney LEP 2012 – Flood Planning. The design of the subdivision is not likely to exacerbate flooding impacts on the land or on downstream properties and public infrastructure.
- Section 8.1.1 dealing with Clause 6.2 of the Blayney LEP 2012 – Stormwater Management. The road and drainage design is assessed to be consistent with the Blayney Shire Council Guidelines for Engineering Works
- Section 8.1.1 dealing with Clause 6.8 of the Blayney LEP 2012 – Essential Services. The plans, documents and reports submitted with the DA demonstrate that the essential servicing requirements for the subdivision can be met. Traffic



- impacts on road conditions have been considered and upgrades to Richards Lane and the intersection of Richards Lane and Park Street (Millthorpe Road) are proposed to be incorporated into the recommendations to this report.
- Section 8.1.3 dealing with Part F of the Blayney DCP 2018. The proposal has demonstrated consistency with the requirements of Part F relating to access and new public road design.
  - Section 8.1.6 dealing with relevant matters for consideration under Section 4.15 of the EP&A Act 1979 in relation to infrastructure and servicing, access, transport and traffic, public domain, utilities and servicing, water, waste, social and economic considerations and construction aspects of the development. The plans, documents and reports submitted with the DA demonstrate that the essential servicing requirements for the subdivision can be met. Conditions are required to ensure that the extension and / or upgrade of public infrastructure occurs in accordance with the requirements of relevant service providers.
  - Section 9 of the Section 4.15 Assessment Report dealing with the contributions assessment. DA 146/2022 is liable for payment of developer contributions under the Blayney Local Infrastructure Contributions Plan 2013, Blayney Shire Development Servicing Plan for Sewerage Services and any relevant Central Tablelands Water contributions plan.
  - Section 10 of the Section 4.15 Assessment Report dealing with information provided through internal referral of DA 146/2021. Blayney Shire Council's Design and Development Engineer has not identified any issues, subject to appropriate conditioning of the consent relating to provision of essential public infrastructure.

Subject to conditions that address the above matters, the proposed subdivision is assessed to be within the capacity of local infrastructure and services. Significant impacts are assessed to be unlikely. Improvements to local infrastructure will be made through physical provision of new infrastructure required in connection with the development and through payment of relevant developer contributions towards public infrastructure identified in the relevant plans of Council.

### **Recreation opportunities**

An assessment of the key issues relating to the provision and availability of public open space has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.3, dealing with provisions contained in Part F of the Blayney DCP 2018. The proposal has demonstrated that adequate provision will be made for provision of walking and cycling facilities within the development and that connections will be available between the subdivision and nearby areas of public open space.
- Section 8.1.4, dealing with the provisions of the Draft Voluntary Planning Agreement (VPA) that Blayney Council is proposing to enter into with the developers of the subdivision. Changes are recommended to the VPA, requiring the dedication of proposed Lot 323 (public open space) as part of Stage 2 works. This is necessary to give more certainty to the community regarding the timing of the dedication and also to facilitate a requirement for construction of the full length of the new shared path connection to Park Street as Part of Stage 2 works.
- Section 8.1.6, dealing with public domain as a relevant matter for consideration under s4.15 of the EPA Act 1979. The amount, location and design of public open space within and external to the development site has been considered. Given the adjacency of Redmond Oval and proposed dedication of proposed Lot 323 for public purposes, it is assessed that adequate opportunities for public recreation will be available for future residents.

Traffic impacts on road conditions have been considered and upgrades to Richards Lane and its intersection with Park Street (Millthorpe Road) are assessed to be required.

### **Landscape Suitability**

#### Round 3 Assessment Response – Current Design

An assessment of landscape-related impacts has been undertaken and documented in the following sections of the 4.15 Assessment Report:

- Section 8.1.1 dealing with Clause 2.7 of the Blayney LEP 2012 – Demolition. The subdivision does not propose the removal of existing significant trees which contribute to the visual setting of the land, including the London Plane trees on Millthorpe Road and mature Box Eucalypt trees on the site. A small section of Hawthorn Hedge is proposed to be removed, which has been assessed as acceptable by Heritage Architect David Scobie. Hedge removal is required to provide an active transport pathway along the proposed open space to link to the development from Park Street.
- Section 8.1.1 dealing with Clause 5.10 of the Blayney LEP 2012 – Heritage Conservation. Community concerns regarding visual impact on the heritage listed cottage (I273), the Millthorpe Heritage Conservation Area and other significant items in the vicinity have been given particular consideration, including two rounds of advice from Heritage Architect David Scobie. The curtilage to the cottage is assessed to be satisfactory. Subdivision layout and conceptual landscaping plans are generally suitable, subject to a more detail Landscape Plan being prepared by a

qualified Landscape Architect to ensure potential impacts on views and the heritage context and setting of the land are properly managed.

- Section 8.1.1 dealing with the Biodiversity and Conservation SEPP 2021. The proposed clearing of vegetation does not exceed the threshold for clearance of native vegetation on the site under the Biodiversity Offset Scheme, which is 2,500m<sup>2</sup>.
- Section 8.1.6 dealing with flora and fauna which are relevant matters for consideration under Section 4.15 of the EP&A Act 1979. The Blayney DCP 2018 does not require a permit for the clearing of identified site vegetation. A test of significance has been carried out as part of the assessment of DA 146/2021, which concludes no significant impacts on threatened species or their habitats.
- Section 8.1.6 dealing with context and setting as well as heritage matters. Community concerns about impacts on heritage, character and views have been given particular consideration. The curtilage to the cottage is assessed to be satisfactory. Subdivision layout and conceptual landscaping plans are generally suitable, subject to a more detail Landscape Plan being prepared by a qualified Landscape Architect to ensure potential impacts on views and the heritage context and setting of the land are properly managed. Other conditions have also been recommended by the Heritage Advisor to Blayney Shire Council and these feature in the recommendations to this assessment report where supported.

The following condition has been drafted to ensure that relevant landscape requirements are met for the development, including considerations relating to location, design, species selection, heritage context and maintenance.

#### **LANDSCAPING**

*Prior to the issue of the Subdivision Certificate for Stage 1, the applicant is to submit a detailed Landscape Plan to Blayney Shire Council for approval. The Landscape Plan shall:*

- a) *Be prepared by a suitably qualified Landscape Architect in consultation with Blayney Shire Council.*
  - b) *Give consideration to the locations and species of proposed landscape and screen plantings shown on the Landscape Plan prepared by Heath Consulting Engineers (Rev E).*
  - c) *Consider the requirements for street tree planting in accordance with Part F7.7 of the Blayney Development Control Plan 2018.*
  - d) *Consider the landscape and screen planting requirements for the proposed subdivision in the context of the Millthorpe Heritage Conservation Area.*
  - e) *Consider the landscape design requirements for hard and soft elements of proposed lot 323 (which is intended to be dedicated as open space) in order that heritage and amenity of the former pastoral uses will be appropriately interpreted.*
- a) *Consider the requirements of relevant Essential Energy guidelines for plantings near overhead electricity lines.*
  - b) *Develop an appropriate maintenance framework for proposed landscape and screen planting located on land which is to be retained in private ownership.*
  - c) *Develop an appropriate maintenance framework for proposed landscape and screen planting located on land which is to be dedicated to Blayney shire Council.*
  - d) *Develop an appropriate staging framework for timing of completion of proposed landscape screen planting.*

Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

## Amended Statement of Environmental Effects (SoEE) &

- Addendum to Heritage Assessment
- Response to Request(s) for Further Information (RFI)

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### 56 Lot Subdivision (52 Urban Residential Lots)

No.1279 Millthorpe Road (Park Street)

Lot 101 DP872388

MILLTHORPE NSW



*Figure 1: Photo of Heritage Cottage from Park St entrance.*

**Prepared for/ Applicant:**

Landorange Partnership Pty Ltd

**To be lodged with**

**Authority:** Blayney Council

26 October 2022

Version G (FINAL for DA Lodgement)

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## Document Control

Version	Date	Document	Provided To
A	12 November 2021	Draft for Internal Review	Client
B	23 November 2021	Draft Final	Client/Owner/Blayney Council
C	29 November 2021	Final for DA Lodgement	Client/Blayney Council
D	14 July 2022	Amended Draft Final	Client
E	8 September 2022	Draft Final for Council Mtg	Client/ Blayney Council
F	24 October 2022	Draft Final for DA Lodgement	Client/Chris Heap
G	26 October 2022	Final for DA Lodgement	Client/Blayney Council

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## 1 EXECUTIVE SUMMARY

### 1.1 Summary of Proposed Development

The following table summarises the key aspects of this development application:

<b>Applicant</b>	Landorange Partnership (Mr David Fenton)
<b>Site Description</b>	<b>No.1279 Millthorpe Road, MILLTHORPE NSW (Lot 101 DP872388)</b>
<b>Existing Site Areas</b>	Total Lot ~14.63ha <b>Development Site – Part Lot 101 ~7.27ha (excluding heritage lot and remnant Zone R5 land)</b>
<b>Summary of Proposed Development</b>	<p><u>Subdivision</u>  <b>Torrens Title Subdivision of the existing one (1) lot into fifty-six (56) lots</b> consisting of:</p> <ul style="list-style-type: none"> <li>• Fifty-Two (52) urban residential lots (Lots 201-230/Lots 301-322);</li> <li>• One (1) remnant parcel in Zone R5 Large Lot Residential for future subdivision (Lot 90);</li> <li>• One (1) lot for the existing heritage cottage (Lot 91);</li> <li>• One (1) lot for open space in the south-east corner adjacent to Park St (Lot 323); and</li> <li>• One (1) lot for the drainage reserve and on-site detention (OSD) basin (Lot 324).</li> </ul> <p>This is a <u>three (3) stage subdivision</u> broken down as follows:</p> <p><b>1) STAGE ONE (1): Three (3) Lot Subdivision of Existing Lot 101 DP872388</b> into:</p> <ol style="list-style-type: none"> <li>a) Proposed Lot 90 (~6.25ha) in Zone R5 Large Lot Residential ('remnant lot');</li> <li>b) Proposed Lot 91 (~1.11ha - 'heritage cottage lot') in Zone RU5 Village;</li> <li>c) Proposed Lot 92 (~7.27ha) <u>remnant</u> for Stages 2 &amp; 3 subdivision - split-zoned; and</li> <li>d) Easements for Drainage, Access, Electricity &amp; Sewer (as shown on plans).</li> </ol> <p><b>2) STAGE TWO (2): Thirty-One (31) Lot Subdivision of Proposed Lot 92</b> into:</p> <ol style="list-style-type: none"> <li>a) Proposed Lots 201-230 - Thirty (30) urban residential lots (700-860m<sup>2</sup> per lot) in Zone RU5 Village;</li> <li>b) Proposed Lot 231 (2.51ha) <u>remnant</u> for Stage 3 subdivision (including future drainage reserve with on-site detention (OSD) basin in Zone R5 Large Lot Residential).</li> </ol> <p><b>3) STAGE THREE (3): Twenty-Four (24) Lots Subdivision of Proposed Lot 231</b> into:</p> <ol style="list-style-type: none"> <li>a) Proposed Lots 301-322 - Twenty-two (22) urban residential lots (712-1,221m<sup>2</sup> per lot) in Zone RU5 Village;</li> <li>b) Proposed Lot 323 - One (1) open space lot (1,612m<sup>2</sup>) to be dedicated to Council as Park connecting subdivision to Park St; and</li> <li>c) Proposed Lot 324 – One (1) drainage reserve with on-site detention basin (6,038m<sup>2</sup> + 2,716m<sup>2</sup> = 8,754m<sup>2</sup>) (Once the minimum lot size for this land is reduced to 4,000m<sup>2</sup>).</li> </ol> <p><u>Deferred Commencement for Drainage Reserve in Zone R5 Large Lot Residential</u></p> <p>We note our recent discussions with Council regarding the lot size of Proposed Lot 324 Drainage Reserve which is below the current minimum lot size of 2ha (it is 8,754m<sup>2</sup> but the easement extends this to 3.39ha). Council has proposed that the creation of this lot be a <b>Deferred Commencement Condition</b> as the Planning Proposal reducing the minimum lot size for the Zone R5 part of the Site to 0.4ha is on exhibition (September 2022) and likely to be finalised before this lot is created in Stage 3 so the Drainage Reserve Lot will be fully compliant and, as such, will not require a variation request.</p> <p><u>Ancillary Works</u></p> <p>This includes a number of <b>ancillary works/outcomes</b> including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Removal of limited vegetation and shipping containers/shed (see <b>Demolition Plan</b>);</li> <li>• New intersection/public road access from Site to Richards Lane and new internal loop roads (see <b>Overall Road Plan</b>);</li> <li>• Earthworks (see <b>Bulk Earthworks Plan</b>) &amp; construction of on-site detention basin (see <b>Stormwater Reticulation Layout</b>);</li> <li>• Connection of all urban residential lots to utilities (see <b>Sewer/Water Reticulation Layouts</b>);</li> <li>• Landscaping (see <b>Landscape Plan</b>).</li> </ul>

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<b>App. Type</b>	Development Application only.
<b>Dev. Type</b>	<b>Local Development.</b> The Application involves works within 40m of three (3) marked drainage lines on the topographic map. As reviewed in this SoEE, the south-western watercourse is merely an overland flow path (OFP) and has no formed banks. The central watercourse is a heavily modified drainage channel with no riparian functions. The northern watercourse (in Zone R5) is also an overland flow path (OFP). We have applied the Waterfront Land online questionnaire and it suggests that a Controlled Activity Approval (CAA) is NOT required for works within 40m of these drainage lines. Therefore, the Proposal is NOT nominated integrated development.
<b>Additional Approvals / Concurrences / Referrals</b>	Section 68 <i>Local Government Act 1993</i> approval for utility & stormwater works to be conditioned. Section 138 <i>Roads Act 1993</i> approval to be conditioned for new connection to public road (Richards Lane). The new public road connection to Richards Lane is >90m from Millthorpe Rd (classified road) so it is unlikely to be Traffic Generating Development under Cl.2.121/Schedule 3 of the SEPP (as 56 lots does not exceed the threshold in Column 2). Therefore, we suggest it does not require concurrence from TfNSW/RMS.
<b>Advertising/ Notification</b>	We note under the <i>Blayney Community Participation Plan (CPP) - Section B2.1</i> that the development requires <b>Notification of Neighbours/key stakeholders</b> . Under <i>Section B3.1</i> the development is also likely to be <b>Advertised</b> . The relevant period is <b>14 days</b> (unless it is over December/January holidays). A 14-day period is appropriate considering the previous extended notification period over the 2021-2022 holiday period.

## 1.2 Supporting Plans/Reports

In addition to this *Statement of Environmental Effects* (SoEE), the Application is supported by:

Plan/Report	Consultant	Date/Version
<b>Site Plans</b>	Heath Consulting Engineers	21/10/2022 Version D
<ul style="list-style-type: none"> <li>DA01 – Cover Sheet &amp; Locality Sketch</li> <li>DA02/02A – Existing Boundaries &amp; Site Details</li> </ul>		
<b>Subdivision Plans</b>	Heath Consulting Engineers	21/10/2022 Version D
<ul style="list-style-type: none"> <li>DA03/03A – Proposed Boundaries Stage 1</li> <li>DA04/04A – Proposed Boundaries Stage 2</li> <li>DA05/05A – Proposed Boundaries Stage 3</li> </ul>		
<b>Earthworks &amp; Road (Engineering) Plans</b>	Heath Consulting Engineers	21/10/2022 Version D
<ul style="list-style-type: none"> <li>DA06 – Proposed Bulk Earthworks</li> <li>DA07 – Overall Road Plan</li> <li>DA08/09/10/11/12/13 – Road Longitudinal &amp; Cross Sections</li> <li>DA14 – Overall Road Vehicle Turn Path (12.5m HRV)</li> </ul>		
<b>Servicing, Flood, Stormwater &amp; Demolition (Engineering) Plans</b>	Heath Consulting Engineers	21/10/2022 Version D
<ul style="list-style-type: none"> <li>DA15 – Proposed Stormwater Reticulation Layout</li> <li>DA16/17 – Proposed Sections</li> <li>DA18 – Stormwater Catchment Plan</li> <li>DA19 – Site Stormwater Reticulation Calculations</li> <li>DA20 – HEC-RAS Flood Modelling 1% AEP</li> <li>DA21 – Proposed Sewer Reticulation Layout</li> <li>DA22 – Proposed Water Reticulation Layout</li> <li>DA23 – Demolition Plan</li> </ul>		
<b>Stormwater Management Plan</b> including <b>Erosion &amp; Sediment Control Plan</b> – ESCP01-03	Heath Consulting Engineers	21/10/2022 Version E
<b>Landscape Plan</b>	Heath Consulting Engineers	26/10/2022 Version D
<b>Heritage Impact Assessment (as amended/updated by this SoEE)</b>	Patsy Moppett	November 2021
<b>Contamination Assessment</b>	Envirowest Consulting	November 2021

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We suggest that the following is NOT required to support this application:

- An updated **Heritage Assessment**. This SoEE provides an addendum to the original Heritage Assessment. The curtilage around the heritage cottage has been increased by the Amended Subdivision Application so it reduces impacts and no significant new impacts are proposed. The key recommendations of the Heritage Assessment have been addressed – so we suggest no new heritage assessment is required.
- A **Traffic Assessment**. This SoEE supersedes the original Traffic Assessment. Council and TfNSW have required access to the Site via Richards Lane instead of directly to Park St to reduce traffic impacts on Park St. Internal vehicle movements have been provided on the plans and other requirements can be appropriately conditioned.

### 1.3 Agency Engagement since Lodgement

This Amended SoEE responds to the correspondence and negotiation with Council and other agencies (especially Council's Requests for Further Information (RFIs)) including:

- RFI Email from Daniel Drum of Council dated 22/12/2021
- RFI Email from Daniel Drum of Council dated 10/03/2022 attaching:
  - David Scobie Architects – Heritage Advisory Report dated December 2021
  - Letter from Transport for NSW (TfNSW) dated 23/02/2022
- iPLAN PROJECTS response to Council RFI re DA2005/79 by email dated 18/03/2022
- iPLAN PROJECTS response to TfNSW RFI by email dated 18/03/2022 and email from TfNSW dated 22/03/2022 in response
- Email from Daniel Drum of Council dated 22/03/22 with summary of submissions
- Meeting with Council 22/03/2022
- RFI through Portal dated 22/03/2022 (summarising above RFIs) – THIS IS ADDRESSED BELOW
- iPLAN PROJECTS email to Council dated 13/04/2022 agreeing to relocate the entrance to Richards Lane with draft alternative layouts for consideration including indicative large lot residential layout
- iPLAN PROJECTS email to Council dated 3/05/2022 with updated subdivision concept for the Site including a future concept for the large lot residential lots
- iPLAN PROJECTS email to Council dated 5/05/2022 providing additional justification for the layout prior to the Councillor workshop
- Email from Mark Dicker of Council dated 11/05/2022 providing feedback from the Councillor workshop.
- Regular email/phone discussions with Council on progress of the amended application.
- iPLAN PROJECTS email to Council dated 23/08/2022 with updated DRAFT FINAL of amended plans.
- Meeting with Council on 8/09/2022 to agree on way forward including Drainage Reserve Lot Size.
- iPLAN PROJECTS email to Council dated 8/9/2022 providing updated DRAFT FINAL Statement of Environmental Effects for review.
- Engagement between Council & DPE (Dubbo Office) mid-September re Drainage Reserve Lot Size.
- Email from Claire Johnstone of Council dated 15/09/2022 stating that Council's preferred position was a Deferred Commencement Condition for the Drainage Reserve Lot Size matter.
- Early October – correspondence between Applicant & Council regarding drainage reserve.



Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

## 2 EXISTING SITE & SURROUNDS

### 2.1 Location & Overview

Figure 2: Location of Site and Key Planning Controls.

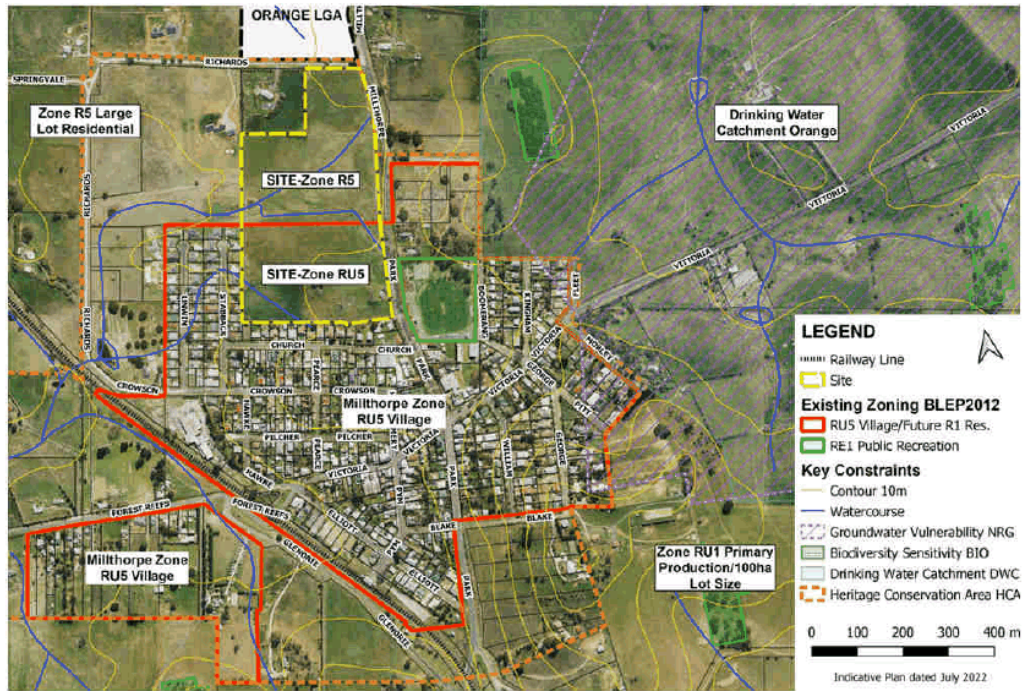


Figure 3: Surrounding Site Context & Key Facilities



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Figure 4: Urban Area - Site Analysis & Indicative Heritage Curtilage/Sightlines for Cottage



As the Figures above (and the historic aerial photos in the Appendices) show, the Site is located to the north of the Town of Millthorpe with frontage to Park St (Millthorpe Road) and Richards Lane. The Site sits across both Zone RU5 Village (the urban zone) and Zone R5 Large Lot Residential (semi-urban zone).

It is an important Site that sits at the northern gateway of the Town of Millthorpe and also close to the interface between the Orange Local Government Area (LGA) and Blayney LGA (gateway to the Shire).

Many of the key historic community buildings & recreation areas are located along Park St (mostly to the east) including a number of churches, the cemetery, Redmond Oval, the Fire & Police Stations, Millthorpe School and Millthorpe Museum. The Uniting Church is located on the ridgeline along Church St adjacent to the Site and used to form part of the Site. Most of the interface to the south (along Church St) and west (along Stabback St) is detached dwellings.

The Site falls to the north and north-west with the southern edge towards the ridge on Church St – and this increases its visibility. There are three (3) 1<sup>st</sup> order watercourses but two are overland flow paths (OFPs) and only the central watercourse (draining from Redmond Oval) has formed banks and this drainage line has been heavily modified. There is no significant riparian vegetation on any of the watercourses.

The Site is currently vacant except for a heritage-listed stone cottage and a couple of sheds. It is used for extensive agriculture (grazing) but the surrounding land is effectively developed for residential uses.

There are good views towards Mount Canobolas to the west/north-west of the Site.



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## 2.2 Site Photos

Figure 5: Photos of the Lot/Site dated 10/02/2021 & 9/11/2021 (detailed descriptions set out below).



Heritage cottage looking south-west from Park St



Heritage cottage looking west from Park St



Heritage cottage northern facade



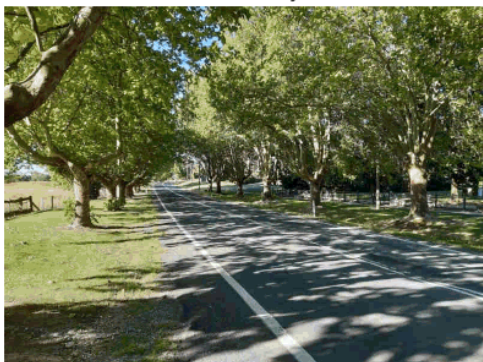
Heritage cottage western facade



Old Shed western facade



Shipping container shed – to be removed.



Park St looking north from proposed new entrance



Park St looking south from proposed new entrance



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Site looking south-west from Park St towards ridge



Site looking west from Park St



Drain B in north-east corner of Site from Park St



Drainage & trees along eastern side of Park St



Rear of Uniting Church viewed from Site



Uniting Church adjacent to Site from Church St



Rear of dwellings along Church St



Rear of dwellings along Church St



Dwellings to the north off Richards Lane.



View south-east towards ridge at top of Site

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### 3 PROPOSED DEVELOPMENT OVERVIEW

This Section of the Report provides a brief overview of the Proposed Development. Key aspects are reviewed in more detail against the controls in the following **Section 4** of this Report.

#### 3.1 Amended Subdivision Plan

In response to feedback received from the lodgement of DA146/2021 in 2021 - the Applicant has agreed to make several key amendments to the Proposal, summarised as follows:

- a) Relocation of the primary vehicle access to Richards Lane through the Large Lot Residential zoned area (that will enable access to future large lot residential lots from this new internal road rather than Park St);
- b) Provision of an additional internal road (as part of the grid layout) to improve access to all proposed lots and provide a road frontage to the proposed drainage corridor;
- c) Integration of the proposed drainage corridor and a new offline on-site detention (OSD) basin in the large lot residential area to improve stormwater outcomes and dedication of this lot to Council as public open space;
- d) Removal of one OSD Basin to the west of the proposed development (consolidation with the main OSD Basin with stormwater redirection as required);
- e) Increase the curtilage and size of the proposed lot for the existing heritage cottage;
- f) Creation of a new public park to the south of the heritage cottage that will enable public pedestrian and cycle access between the subdivision and Park St with relatively direct access to Millthorpe town centre;
- g) Creation of a new shared path connecting Park St through the new park to the subdivision and the OSD Basin area/open space;
- h) Retention of the 2 eucalyptus trees at the top of the hill with alignment of lot boundaries to improve their protection and realigned services to avoid their root zones.

#### 3.2 Subdivision Overview

**Torrens Title Subdivision of the existing one (1) lot into fifty-six (56) lots** consisting of:

- Fifty-Two (52) urban residential lots (Lots 201-230/Lots 301-322);
- One (1) remnant parcel in Zone R5 Large Lot Residential for future subdivision (Lot 90);
- One (1) lot for the existing heritage cottage (Lot 91);
- One (1) lot for open space in the south-east corner adjacent to Park St (Lot 323); and
- One (1) lot for the drainage reserve and on-site detention (OSD) basin (Lot 324).

This is a three (3) stage subdivision broken down as follows:

- 1) **STAGE ONE (1): Three (3) Lot Subdivision of Existing Lot 101 DP872388** into:
  - a) Proposed Lot 90 (~6.25 ha) in Zone R5 Large Lot Residential ('remnant lot');
  - b) Proposed Lot 91 (~1.11 ha - 'heritage cottage lot') in Zone RU5 Village;
  - c) Proposed Lot 92 (~7.27 ha) remnant for Stages 2 & 3 subdivision - split-zoned; and
  - d) Easements for Drainage, Access, Electricity & Sewer (as shown on plans).
- 2) **STAGE TWO (2): Thirty-One (31) Lot Subdivision of Proposed Lot 92** into:
  - a) Proposed Lots 201-230 - Thirty (30) urban residential lots (700-860m<sup>2</sup> per lot) in Zone RU5 Village;
  - b) Proposed Lot 231 (2.51 ha) remnant for Stage 3 subdivision (including future drainage reserve with on-site detention (OSD) basin in Zone R5 Large Lot Residential).
- 3) **STAGE THREE (3): Twenty-Four (24) Lots Subdivision of Proposed Lot 231** into:
  - a) Proposed Lots 301-322 - Twenty-two (22) urban residential lots (712-1,221m<sup>2</sup> per lot) in Zone RU5 Village;
  - b) Proposed Lot 323 - One (1) open space lot (1,612m<sup>2</sup>) to be dedicated to Council as Park connecting subdivision to Park St; and
  - c) Proposed Lot 324 - One (1) drainage reserve with on-site detention basin (6,038m<sup>2</sup> + 2,716m<sup>2</sup> = 8,754m<sup>2</sup>) (Once the minimum lot size for this land is reduced to 4,000m<sup>2</sup>).

This includes a number of **ancillary works/outcomes** including, but not limited to:

- Removal of limited vegetation and shipping containers/shed (see **Demolition Plan**);
- New intersection/public road access to Richards Lane and new internal loop roads (see **Overall Road Plan**);



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- Earthworks (see **Bulk Earthworks Plan**) & construction of on-site detention basin (see **Stormwater Retention Layout**);
- Connection of all urban residential lots to utilities (see **Sewer/Water Retention Layouts**);
- Landscaping (see **Landscape Plan**).

### 3.3 Permissible Land Use, Zoning & Lot Size

#### Urban Residential Subdivision

The Site is a parcel of land where the southern part (for the proposed urban residential subdivision) has been included in the Village Zone (or **equivalent urban zone**) since at least *Blayney Local Environmental Plan 1998* (BLEP1998) and possibly in the original settlement plans that defined the urban boundary of Millthorpe. *Blayney Local Environmental Plan 2012* (BLEP2012) merely translated this into the current Zone RU5 Village.

In BLEP1998 sewered areas of Millthorpe had a Minimum Lot Size for Subdivision of 500m<sup>2</sup> and this was reduced slightly in BLEP2012 to 450m<sup>2</sup> to align with the Town of Blayney. There is a current Planning Proposal (BLEP2012 Amendment) that may see the Site included in Zone R1 General Residential and possible changes to the minimum lot size in Zone R5 Large Lot Residential (subject to amended Gateway Determination & Exhibition).

Therefore, the Site has had a similar development potential for **urban residential use** for more than 20 years. During this time there have been several Village Strategies (2012 & 2020) and, to the best of our awareness, the community has never suggested the removal of the Site from the Village Zone or a significant reduction in its subdivision/ development potential.

Zone objectives, land use permissibility and lot size are addressed in more detail in **Section 4** of this Report. In summary, the proposed subdivision is consistent with the key controls and desired outcomes for this Site. It is important to note that the Proposal has provided an AVERAGE LOT SIZE of around 700-800m<sup>2</sup> whereas the controls permit lot sizes as low as 450m<sup>2</sup> (subject to other constraints) – suggesting this is NOT an overdevelopment of the Site and the application has addressed the heritage and character that is important to this Site.

The subdivision has been designed so the majority of proposed lots (at 700-800m<sup>2</sup>) would not be capable of further subdivision without a variation greater than 10% of the Minimum Lot Size (lot size of 810m<sup>2</sup> or less). There are only nine (9) lots >810m<sup>2</sup> (90% of MLS). One of these is a battle-axe lot with insufficient access handle width for further subdivision. Only two (2) lots are corner lots that would be more easily further subdivided.

The Table below summarises the **URBAN LOT SIZES** in the SITE created at Stages 2 & 3 (excluding remnant lots):

LOT SIZE (m <sup>2</sup> )	Stage 2	Stage 3	TOTAL
700-800	(Lots 207-229) 23	(Lots 306-312, 316-322) 14	(~71.2%) 37 (out of 52)
800-900	(Lots 201-206 + 230) 7	(Lots 301-303, 305, 313) 5	(~23%) 12 (out of 52)
>900	N/A	(Lots 304, 314 & 315) 3	(~5.8%) 3 (out of 52)
<b>TOTAL</b>	<b>30 Urban Residential Lots</b>	<b>22 Urban Residential Lots</b>	<b>52 Urban Residential Lots</b>

#### Deferred Commencement for Drainage Reserve in Zone R5 Large Lot Residential

We note our recent discussions with Council regarding the lot size of Proposed Lot 324 Drainage Reserve which is below the current minimum lot size of 2ha (proposed 8,754m<sup>2</sup> but the easement extends this to 3.39ha). Council has proposed that the creation of this lot be a **Deferred Commencement Condition** as the Planning Proposal reducing the minimum lot size for the Zone R5 part of the Site to 0.4ha is on exhibition (September 2022) and likely to be finalised before this lot is created in Stage 3 so the Drainage Reserve Lot will be fully compliant and, as such, will not require a variation request.

### 3.4 Setbacks

The Subdivision is designed to integrate and logically extend the existing pattern of residential development along Church and Staback St whilst providing good setbacks to Park St to maintain the landscaped gateway and character of Millthorpe as follows:

- Heritage Lot/ Open Space:** The Amended Proposal seeks to retain a wide proposed lot that includes the heritage cottage, sheds and outbuildings, and garden as well as additional open space lot that provides good sightlines to the heritage cottage, a suitable buffer to the cottage for its heritage curtilage, a setback/visual buffer to the new urban subdivision, and an open space that provides pedestrian connection to the Site. The proposed lots for the heritage cottage/open space have greater than 54-60m width and full frontage to Park St within the Village Zone.
- Setbacks to Drainage Corridors:** The primary drainage corridor is the one connecting to drainage from Redmond Oval that runs through the centre of the Site to the existing dam on the Site. Some of this corridor is

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incorporated into the heritage cottage lot and the remainder into either a drainage easement or new drainage reserve to be dedicated to Council that includes an on-site detention basin. Largely the 1%AEP Flood is constrained in the channel or the drainage reserve/easement to minimise impacts on residential areas. Urban dwellings are setback from the on-site detention basin and largely buffered by a new perimeter road.

- c) **Zone Boundary/Open Space Drainage Corridor:** The proposed outer loop road will extend to the Zone Boundary (RU5/R5) but is permissible in both zones with consent. A wide open-space drainage corridor will extend from Park St down past the proposed on-site detention (OSD) basin (offline basin) with room for buffer planting that will further screen the proposed development from Park St.

### 3.5 Lot Orientation, Layout & Residential Amenity

The proposed residential lots have the following characteristics:

- a) Lots are predominantly rectilinear (rectangular) in shape.
- b) There is only one (1) battle-axe residential lot (i.e., with a narrow access handle – Proposed Lot 304). The rest have good street frontages for activating the street areas.
- c) Minimum lot width at building line is >20m (most are larger). Minimum lot depth is >33m. This provides good dimensions for a standard dwelling with reasonable setbacks, particularly for standard front setbacks and a good rear yard.
- d) 42 lots oriented north-south/ 10 lots oriented east-west to respond to the contours whilst still providing sufficient lot width for solar access to rear yards and primary living spaces.
- e) The Site rises to the south-east with views to the north and north-west towards Mount Canobolas.
- f) The heritage cottage is situated on a large lot (1.11ha) that sits near the high-point of the Site and has precedence over the proposed subdivision.

### 3.6 Demolition & Tree Removal

The following structures will be demolished/removed:

- Shipping container shed near heritage cottage;
- Part sewer line through Site to be abandoned (replaced by new sewer line);
- Most internal rural fences (excluding historic post & wire fence around cottage & old shed).

The following trees/shrubs will be removed:

- One (1) tree in south-west corner near Church St;
- Small shrubs/trees/regrowth in southern part of village zoned land (some of these appear to be noxious weeds);
- Small section of Hawthorn hedge on Park St in south-east corner to enable pedestrian & emergency vehicle access only (no public road proposed through this area).

It is intended that all Plane trees in Park St will not be affected, and all buildings/trees within the existing heritage cottage garden fence line will be retained including: Cottage / outdoor kitchen / W.C; old shed / yards; all post & rail fencing – particularly along Park St & existing gate to cottage; and all existing trees within the cottage fenced area. Please see the heritage assessment and landscape reviews in **Section 4** of this Report and attached plans/report for impacts.

### 3.7 Summary Response to Council Request(s) for Further Information

Council provided Requests for Further Information (RFIs) on several dates including 22/12/2021; 10/03/2022; and 22/03/2022. We address the issues in the email dated 22/03/2022 as a consolidated list of RFIs, as follows:

No.	Council RFI Request	Applicant Brief Response
1.	<p><b>Location of the Proposed Intersection.</b></p> <p><i>Given the foregoing issues and the advice provided by Transport for NSW, Council staff recommend that the Development Application be amended to incorporate a new road access to the local road network.</i></p> <p><i>Given the existing conditions of the local road network, it is considered that Richards Lane is likely to present the most suitable location for a new road access subject to an appropriate design being achieved.</i></p>	<p>The Amended Proposal complies with Council/TfNSW's request to relocate primary vehicle access to a new internal road via Richards Lane. Alternative local road access points were considered &amp; discussed with Council and no other suitable connections have been identified that don't significant impact on local residential roads/amenity. <b>Complies.</b></p>

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No.	Council RFI Request	Applicant Brief Response
	<b>Heritage Impact (see issues below):</b>	
2.	<i>The curtilage for the cottage and in particular the southern boundary appears not to have been established or clear in the heritage analysis and proposal drawings. The intent of a statement of heritage impact is that the design process includes heritage issues together with stormwater lot provision and housing provision/orientation as an integrated analysis and resolution. The adequacy of the grounds around the cottage, the setback from the existing rear extension on the cottage and the impact of the access road are not regarded as being acceptable. While there may have been some discussions around alternatives, there is no evidence of analysis or options within the submissions to indicate otherwise;</i>	This SoEE notes that the heritage curtilage of the cottage is most likely defined by a combination of the fenced yard to the south and west of the cottage as well as the sightlines to the cottage from Park St within a reasonable distance. An indicative heritage curtilage and sightlines to the cottage is shown on <b>Figure.4</b> above.  By relocating the vehicle entrance away from the south of the cottage and providing a small park with pedestrian access to the south of the cottage - it has expanded the protection area as agreed with Council.
3.	<i>(Council's RFI) A curtilage study is to be prepared for the cottage, privy and shed to determine the precise locations for new and existing fence lines and planting. This is to ensure that the spaces will be sufficient to protect the character and setting of the historic site, the works will not affect the survival of the existing trees and the new and existing planting will produce sufficient and acceptable long-term mitigation;</i>	The key sightlines to the cottage from Park St are maintained and the size of the heritage lot increased to provide increased protection. This addresses the key concerns. <b>Complies.</b>
4.	<i>The current condition of the heritage site including the grounds, cottage and shed do not sustain the general character and heritage significance of their fabric and setting. They are highly visible and prominent on one of the two primary access routes in and out of the village. The conditions of the buildings and landscape therefore reflect poorly on the proposal. As the cottage and outbuildings form part of the site and have the status of being listed items, it is recommended that a Conservation Management Strategy is prepared for the site (CMS). This standard heritage document will establish appropriate conditions for the fabric and for the subdivision and impacts on the heritage significance of the site;</i>	The Proposal seeks to define the heritage curtilage and future lot boundary of the heritage cottage but does not include works to the cottage. The existing condition of the cottage and grounds have been improved but as the Applicant does not have control or ownership over the cottage it is difficult to address. The land owner will continue to discuss with Council appropriate heritage considerations for the upgrades to the cottage. <b>Improved Heritage Outcome from Amended Proposal.</b>
5.	<i>The Hawthorn hedge along the main road is a rare example of what was once a common element in defining boundaries, protecting stock and marking the transition from village to rural. The hedge on the subject site is therefore significant and its retention is recommended. Replacing planting with new planting has not been successful in Millthorpe for various circumstances. The scale and quality of this particular example and its proximity to the village makes it highly significant. Removal and replacement of the hawthorn hedge will not be supported;</i>	Whilst the Applicant continues to note that the Hawthorn Hedge is a prescribed noxious weed species – the Amended Proposal will retain the majority of the hedge – except for a minor opening where Council agrees the pedestrian access (& emergency narrow vehicle access) should be provided through the proposed park at the rear of the cottage to Park St. <b>Largely complies.</b>
6.	<i>It follows therefore, that an alternate site access to that proposed subdivision off the main road is to be prepared, consistent with the standard process set out in the Statement of Heritage Impact. The reasons for the alternative are the proposed impacts on the planting and curtilage of the cottage. It is appreciated that there are also other issues related to the use of this access point related to traffic safety, the opportunity of using an access from Richards Lane and the anticipated future sub-division of the land south of Richards Lane;</i>	Amended Proposal relocates primary vehicle access to Richards Lane as agreed with Council. <b>Complies.</b>



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No.	Council RFI Request	Applicant Brief Response
7.	<i>The group of eucalypt trees on the central high ground of the site are trees with significance in terms of their size, condition and rarity. They are evident on the early photos and indicate and are associated with the pastoral character of the land use and landscape. They are recommended for retention in a suitable pastoral setting. Inclusion within building lots may not be supported;</i>	Amended Proposal includes retention of the group of eucalypt trees on the ridgeline. Sufficient public open space has been provided elsewhere in the Amended Proposal. We strongly suggest that the trees have been protected by alignment with lot boundaries and redirection of utilities so they do not need to be included in open space. <b>Partly Complies.</b>
8.	<i>The remnant floating stones in the two specific locations are to be relocated to the eucalypt setting and not demolished or removed in order to interpret the earlier pastoral use of the site and landscape;</i>	Key floating stones can be relocated to key public open space areas as agreed with Council to interpret the Site and enhance the landscape setting. <b>Largely Complies.</b>
9.	<i>The proposed planting to the northern and eastern boundaries is comparable with the historic use of windbreak planting in the vicinity. The proposal is supported subject to the width of the planting area, the species and the maintenance conditions being supported by Council's specialist;</i>	Agreed. The Applicant will work with Council to identify appropriate species for the landscape buffers. <b>Will Comply.</b>
10.	<i>The street planting nominated within the subdivision is supported subject to the species, planting conditions and maintenance being supported by Council's specialist. While street planting is not traditional within the village, the proposed street trees will mitigate the visual impact of the contemporary dwellings which will form the character of the new extension to the village;</i>	Agreed. The Applicant will work with Council to identify appropriate species for street tree planting. <b>Will Comply.</b>
11.	<i>In relation to the character and design of the roads and drainage, it is recommended that consideration be given to the use of roll-over curbing where feasible in terms of flow so as to minimise the impact of contemporary curb &amp; gutter – these details are currently in use in the Village, the use of Charcoal oxide in the concrete curb &amp; gutter so as to reflect and interpret the original Basalt in the Village – these details have been used in the Village to mitigate the impact of contemporary stormwater and vehicle access standards.</i>	The proposal includes stand-up kerbs for all of the urban subdivision area and no kerb for the large lot residential area. We suggest that roll-top kerb may not be conducive to the best outcomes as people tend to park on the verge impacting on landscape and pedestrian pathways. Colouring can be discussed with Council and the heritage advisor if required. <b>To be discussed with Council.</b>
12.	<b>Lot Size and Arrangement</b> <i>Further to the heritage advice regarding the curtilage of the cottage, it is considered that proposed Lot 201 and 202 are inconsistent with the objectives and acceptable solutions of F2.3 of the Blayney Development Control Plan 2018. Specifically, it is considered that proposed Lot 201 and 202 should form part of the curtilage around the cottage and that no additional residential lots should front Park Street / Millthorpe Road.</i>	Amended Proposal resolves this by removing any residential lots with frontage to Park St and replacing with a public park at the rear of the heritage cottage. <b>Complies.</b>
13.	<b>On Site Contamination</b> <i>I note the contamination report (R13961c) which has been submitted in support of the Development Application. Could you please provide a supplementary statement from Envirowest to address the following matters: - The empty chemical drum storage area is clearly identified in Figure 2 Site Layout, however the soil sample location shown in Figure 3 appears to have been taken outside the identified area. I note this specifically as there has clearly been some</i>	We have contacted Envirowest Consulting about this request and they have provided an email dated 15/03/2022 stating the following:  <i>I would recommend that the drums and tank are removed as part of site development. Stained soil should be removed at the same time and disposed to landfill. We can then collect validation samples to characterise potential</i>

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No.	Council RFI Request	Applicant Brief Response
	<p><i>spillage / leaks from the chemical drums located within the storage area as shown in the photograph below.</i></p> <p><i>Soil staining around base of chemical / oil drum - Photograph taken during site inspection 3 March 2022.</i></p> <p><i>- While there was no obvious evidence of soil staining around the overhead fuel tank, I thought that there was an odour in the soil immediately below the outlet tap.</i></p>	<p><i>contamination. This work would be undertaken in conjunction with the additional sampling recommended in the yard area.</i></p> <p>We suggest that the validation report will address Council's concerns. <b>Can Comply.</b></p>
14.	<p><b>Storm Water</b></p> <p><i>Council staff continue to review the stormwater management plan. To assist in this matter could you please provide a copy of all data files used to model stormwater flows i.e. both DRAINS and HEC-RAS.</i></p>	<p>Amended Proposal has a significantly increased OSD Basin on the Zone R5 land incorporated into a public open space drainage corridor. We will provide the DRAINS modelling to Council. <b>Will Comply.</b></p>
15.	<p><b>Sewerage System</b></p> <p><i>Council staff continue to review sewerage issues. We will be in contact regarding this matter if necessary.</i></p>	<p>Council has not raised any subsequent issues regarding sewer servicing of the Site from the original design.</p>
16.	<p><b>Public Submissions</b></p> <p><i>A redacted copy of all submissions to the Development Application will be provided in a separate email shortly. Could you please provide a response to the key issues identified in the submissions. In some instances you may find it appropriate to amend the Development Application in response to the issues that have been raised.</i></p>	<p>Please see response to Public Submissions below. I don't believe we received redacted submissions – so we have responded only to Council's summary. Amended Proposal addresses majority of these submissions where valid planning considerations are raised.</p>

### 3.8 Summary Response to Other Agency Submissions

The only other agency submission received was from Transport for NSW (TfNSW) dated 23/02/2022. This was followed up with further email correspondence from TfNSW on 22/03/2022. In essence, TfNSW suggested there was inadequate information to support the proposed primary vehicle entrance from Park St in the south-east corner of the Site. Instead, TfNSW suggested that primary access should be via Richards Lane to the north.

The Applicant has relocated the primary vehicle access to Richards Lane in the amended application based on TfNSW input and negotiations with Council. Therefore, we suggest this submission/agency issues are adequately addressed.

### 3.9 Summary Response to Public Submissions

The exhibition/notification period for this Development Application (DA146/2021) ended on Friday 28/01/2022. The Applicant was not provided with a redacted copy of submissions. Instead, Council provided a summary/snapshot by email on 22/03/2022 with the following key points addressed as follows:

Council summary of Public Submissions (Key Points)	Applicant's Response or Reference
<p>1. <i>The proposed subdivision would have a detrimental impact on the historical significance of Millthorpe Village, individual Heritage Items and the surrounding rural setting</i></p>	<p>The Amended Proposal increases the heritage curtilage around the cottage and yard with a public park added to the south/rear and redirects the primary vehicle access point away from the cottage. There are significant setbacks to Park St and landscape buffers to minimise visual impact. The proposed grid road pattern is similar to existing road pattern in Millthorpe. The Site has been identified for urban growth for several decades so we suggest this is an appropriate heritage response as agreed with Council.</p>
<p>2. <i>The proposed intersection will create congestion and detrimentally impact on traffic safety</i></p>	<p>The Amended Proposal relocates site vehicle access to Richards Lane as agreed with Council and TfNSW. There should be no significant impact on the school during AM/PM peak times as discussed in the original Traffic Report.</p>
<p>3. <i>The proposed subdivision does not integrate with the existing street network and pedestrian footpaths</i></p>	<p>Vehicle connection to surrounding <u>local street network</u> is not recommended/ supported and would result in traffic on local streets. Council &amp; TfNSW prefer single access to Richards Lane. Emergency vehicle access via public park. Pedestrian connections have been provided to Park St (south-east corner),</p>

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Council summary of Public Submissions (Key Points)	Applicant's Response or Reference
	Richards Lane (no footpath), and possibly Stabback St (future connection) that provide good levels of local connectivity to key attractions/services.
4. <i>The existing storm water network and associated infrastructure is inadequate and will be further impacted by the proposed subdivision – in particular the Crowson Street / Richards Lane corner and along the top of Stabback Street and Unwin Street</i>	The Amended Proposal is expanded to include an improved off-line On-Site Detention (OSD) Basin along the edge of existing drainage corridor on the adjacent Zone R5 Large Lot Residential Land. This will address stormwater for the majority of the development and improve existing stormwater issues at the corner of Richards Lane and Crowson St. A large portion of the drainage corridor will be dedicated to Council for public open space and for improved environmental outcomes.
5. <i>Lack of open space / green space within Millthorpe and the proposed subdivision</i>	A public park has been added to the south of the heritage cottage to enable appreciation of the heritage item and pedestrian connection to the subdivision. In addition, the drainage reserve and OSD Basin will be dedicated to Council with road frontage providing access possibly for passive recreation. The drainage reserve will be landscaped to provide an improved ecological & 'green' connection from Redmond Oval into the subdivision.
6. <i>Does not meet the principles of Ecologically Sustainable Development</i>	The lot orientation primarily responds to the contours on the site to minimise cut/fill. The proposed width of the lots will enable dwellings to orient a significant proportion of each dwelling to the north for passive solar orientation. The provision of significant areas for open space, landscape, ecological corridor and drainage will improve environmental outcomes. Logical urban growth close to existing services/utilities is consistent with ESD principles
7. <i>The design of future dwellings would have a detrimental impact on the historical significance of Millthorpe Village and individual Heritage Items.</i>	This is an application for Subdivision. It does not include the design of future dwellings. The Site is in a heritage conservation area so future dwellings are likely to require a Development Application to Council which will consider how they address heritage principles.
8. <i>Rate of growth and impact on services</i>	The Applicant has sought feedback from the relevant agencies for utility provision and there are no major constraints to servicing the proposed development. Whilst the growth of Millthorpe has the potential to increase local services by increasing demand, it is difficult to demand additional services prior to development occurring. In addition, the Site is within 15-20 minutes' drive of Orange for higher level services if required.
9. <i>Culture of the village community</i>	The impact on the culture of the existing community is not usually a planning consideration for a subdivision application and it is difficult for the Applicant to respond to this. The Applicant would hope that the future residents will respect and become an integral part of the Millthorpe community. In addition, the Applicant has worked with Council and to respond to community concerns to improve how the subdivision will integrate with the existing village, protect the curtilage of the heritage cottage/street trees/key sight-lines, adding additional public open space, improving pedestrian/cycle connections, and facilitating logical growth that can make Millthorpe sustainable.
10. <i>Economic impact</i>	Heritage considerations are addressed above and throughout this Report. The Applicant suggests that Council needs to balance growth needs with heritage and tourism considerations and that the Proposal addresses these by protecting the main gateway to town and visual sight-lines without affecting the historic centre of town.

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<b>Council summary of Public Submissions (Key Points)</b>	<b>Applicant's Response or Reference</b>
11. <i>Removal of trees in association intersection</i>	This has been addressed by relocating the vehicle access to Richards Lane so no removal of street trees is required on Park St.
12. <i>Proposed landscape buffer</i>	The proposed species for the landscape buffers will be agreed with Council balancing the need for a range of heights, quick growth, maintenance and solar aspect. Some deciduous species are likely to be included to ensure solar access during winter.
13. <i>Removal of mature Eucalypt trees</i>	The Amended Proposal will retain the existing 2 larger eucalyptus trees on the hill/ridgeline. Lot boundaries have been amended to improve their protection. Sufficient public open space has been provided elsewhere on the Site.
14. <i>Detrimental impact on residential amenity</i>	We suggest normal residential activity is consistent with the existing residential amenity and activity in Millthorpe. The development is governed by NSW laws & regulations regarding noise control. The Site has been identified for urban residential growth for several decades.
15. <i>Developer and owner have no local ties or involvement in the town</i>	Not a planning consideration.
16. <i>Impact on crime rate and safety</i>	There is no evidence this will eventuate. The subdivision has been designed with through-roads & logical navigation, road frontages to public spaces, good casual surveillance of public spaces and appropriate landscape areas to minimise the opportunities for crime.
17. <i>Aboriginal Cultural Heritage not adequately considered</i>	This is a matter for Council to consider and seeks to balance an appropriate level of study to support development based on the likelihood of finding or impacting Aboriginal cultural heritage. This has been addressed in this report.
18. <i>New Development Control Plan to specifically address greenfield development in the Millthorpe HCA to avoid an outcome like 'North Orange'</i>	Council may wish to prepare a site-specific Development Control Plan (DCP). However, until this occurs, the Applicant is entitled to lodge an application for subdivision based on current controls that address the current DCP. The Applicant has worked with Council to address the key community concerns. As stated above, Council is likely to consider heritage issues in assessing future dwelling applications. We suggest the proposed subdivision layout produces good urban outcomes consistent with the controls.



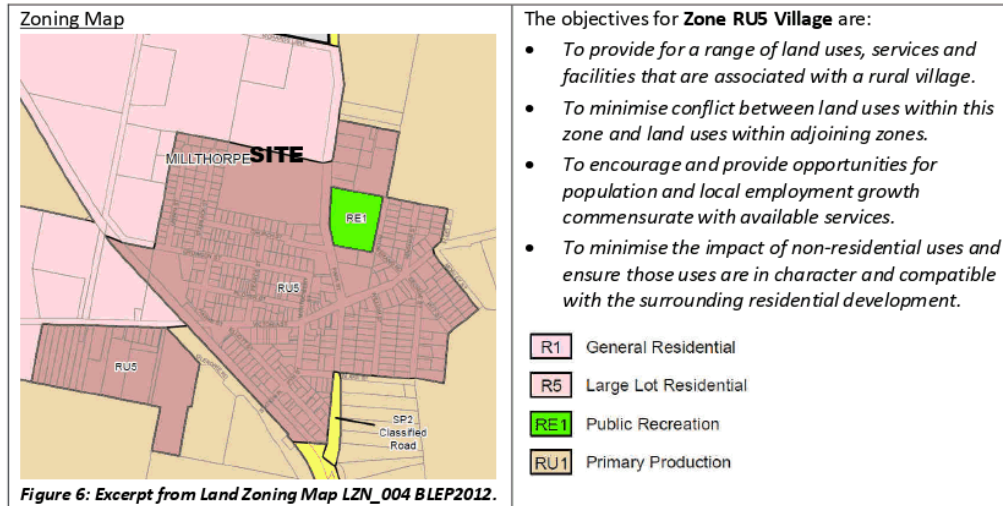
Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

#### 4 KEY DEVELOPMENT ISSUES

This Section focusses on the key development issues that are likely to be important to Council and the community and addresses the relevant controls for each issue in more detail.

##### 4.1 Zoning, Land Use & Potential Conflict

###### 4.1.1 Existing Zoning



###### Split Zoning

The Lot sits across the boundary of Zone RU5 Village (Village Zone) for the southern portion and Zone R5 Large Lot Residential (LLR) for the northern portion. As a result, the lot is on the edge of the urban area of the Town of Millthorpe. The part of the Lot that will be further subdivided for urban residential uses sits entirely within the Village Zone. The drainage reserve and 'REMNANT' part of the Lot (future subdivision) is in Zone R5.

We have only addressed the objectives of **Zone RU5 Village** in detail as that is where the proposed urban subdivision is located. The remaining portion is in Zone R5 Large Lot Residential and will be a remnant parcel for future subdivision (except for the proposed drainage corridor).

###### Zone Objectives

The proposal is a subdivision for future urban residential uses at a lot size (addressed below) that provides a good transition between the core urban area (lots often <600m<sup>2</sup>) and the adjacent large lot residential area. As a result, the proposed uses are likely to be compatible with the surrounding residential uses. **The proposal is consistent with the zone objectives.**

###### Land Use Permissibility

The Village Zone (& possible future General Residential Zone) permits dwelling houses with consent. Detached dwelling houses are likely to be the primary future use of the land (not part of current development application). No commercial/industrial uses are likely to be proposed.

Housing is an important contributor to a normal village, particularly when there is significant growth pressure in place like Millthorpe. Proximity to local services in Millthorpe as well as higher-level services in Orange promotes growth. Whilst the Site is not without constraints, it is one of the more logical sites to develop with good proximity/connections to the town centre to promote improved urban design outcomes and the local economy.

###### 4.1.2 Planning Proposal (Draft LEP Amendment)

The Land Zoning is expected to change in the next 6 months. It is important to note that there is a Gateway Determination for Planning Proposal (Department Ref: PP-2021-3588 dated 16 August 2021) for Millthorpe & surrounds that will change all of the existing Zone RU5 Village area (including part of the Site but excluding the retail/commercial core of Millthorpe) to Zone R1 General Residential. This amendment was on public exhibition until 19 April 2022 so it is addressed here to ensure future consistency.

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This Planning Proposal has subsequently been amended and a new Gateway Determination sought to include a reduction in the minimum lot size for subdivision for the northern (Zone R5 Large Lot Residential) part of the Site (and one neighbour) from 2ha (existing) to 0.4ha (proposed) to be consistent with the lot size for most of North Millthorpe (with the proviso there is a maximum number of lots permitted on the Site). This was publicly exhibited in September/October 2022.

This amendment will resolve the minor issue of the creation of an 8,754m<sup>2</sup> drainage reserve lot (Proposed Lot 324). As stated above, Council has suggested that the creation of this lot will be a Deferred Commencement Condition such that the Planning Proposal amendment must be finalised/LEP amendment commence before this lot can be created.

The proposal (in Zone RU5 Village) is consistent with the future land use zone, objectives, and land use permissibility as the proposed future zone replacing the Village Zone is a residential zone. This will have very limited impact on the proposed subdivision or its future land uses as both zones permit 'dwelling houses' and whilst Zone R1 is more restrictive in prohibiting some commercial/industrial uses – these are not planned for the Site. The zone objectives for Zone R1 are not expected to change. The proposed subdivision is consistent because it will 'provide for a variety of housing types and densities' and 'for the housing needs of the community' consistent with those objectives.

**Note: See Lot Size review below.**

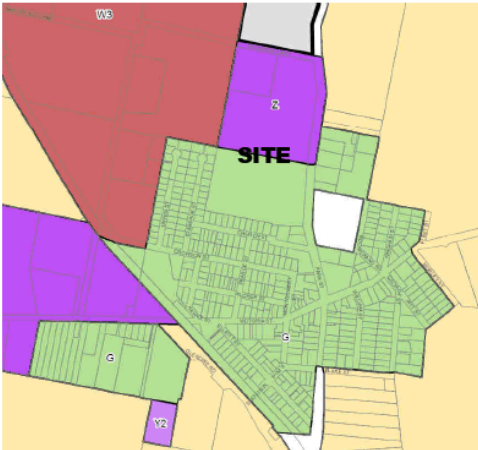
#### 4.1.3 Potential Land Use Conflict

**BLEP2012 Clause 5.16 - Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**  
*The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).*  
*The following matters are to be taken into account—*

- a) the existing uses and approved uses of land in the vicinity of the development,*
- b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

This clause does NOT apply to Zone RU5 Village (or future Zone R1) but it does apply to the subdivision of land in Zone R5 that forms the northern part of the lot. However, the Proposal merely creates a remnant lot in Zone R5. The Site is buffered from Zone RU1 Primary Production (agricultural) land by Millthorpe Rd and other urban development to the north-east as well as large lot residential development to the north and north-west. The Site is opposite Zone RE1 Public Recreation land at Redmond Oval. Therefore, there is a low likelihood of land use conflict based on residential use (heritage & visual impact addressed elsewhere in this report).

#### 4.2 Subdivision & Lot Size

<p><b>Lot Size Map</b></p>  <p><b>Figure 7: Excerpt from Lot Size Map LSZ_004 BLEP2012.</b></p>	<p>The Minimum Lot Size (MLS) for Torrens Title Subdivision in BLEP2012 for the:</p> <ul style="list-style-type: none"> <li>Zone RU5 part of the Site is 450m<sup>2</sup>; and</li> <li>Zone R5 part of the Site is currently 2ha.</li> </ul> <p>In Zone RU5, the proposed urban residential subdivision results in lots that are a minimum &gt;700m<sup>2</sup> and the average is likely to be closer to ~750m<sup>2</sup>. The proposed urban lot sizes <b>significantly exceed</b> the Minimum Lot Size (MLS). <b>Complies.</b></p> <p>In Zone R5 the Proposal includes:</p> <ul style="list-style-type: none"> <li>Proposed Lot 90 (LLR future subdivision) ~6.25ha (Complies); and</li> <li>Proposed Lot 324 Drainage Reserve ~8,754m<sup>2</sup>.</li> </ul> <p><b>Deferred Commencement Condition</b> will defer this until Planning Proposal amends MLS to 4,000m<sup>2</sup> so it will be compliant. <b>Will Comply.</b></p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="text-align: center;"><span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">G</span> 450</td> <td style="text-align: center;"><span style="background-color: #8A2BE2; border: 1px solid black; padding: 2px;">Z</span> 2 ha</td> </tr> <tr> <td style="text-align: center;"><span style="background-color: #DC143C; border: 1px solid black; padding: 2px;">W3</span> 4000</td> <td></td> </tr> </table>	<span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">G</span> 450	<span style="background-color: #8A2BE2; border: 1px solid black; padding: 2px;">Z</span> 2 ha	<span style="background-color: #DC143C; border: 1px solid black; padding: 2px;">W3</span> 4000	
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It is important to note that in BLEP1998, the Zone RU5 Village part of the Site had a Minimum Lot Size (MLS) for Torrens Title Subdivision of 500m<sup>2</sup>. BLEP2012 decreased this slightly to 450m<sup>2</sup> (consistent with the Town of Blayney) for Zone RU5 Village. Whilst efficient use of land would suggest minimising lot size, the Proposal has taken into account some of the site constraints and character of the area.

The proposed urban lot sizes are consistent with the lot sizes of surrounding lots to the south (Church St – average 800m<sup>2</sup>) and west (Stabback St – average 600-700m<sup>2</sup>). It creates a transition in lot size from smaller lot sizes towards the centre of Millthorpe and larger lot sizes in Zone R5 area to the north. It promotes lots with an area that will allow for standard detached dwellings with good rear yards/private open space, setback to adjacent dwellings, the potential for additional landscape and increased amenity.

It acknowledges the Site includes an important heritage item, is in the heritage conservation area, and is on a key gateway to town – so it would not be appropriate to have a highly urbanised outcome of small lots and attached housing with little room for landscape near this frontage.

This Application does not include subdivision of the Large Lot Residential Proposed Lot 90 (~6.25ha – Complies). The Planning Proposal for Millthorpe, discussed above, is unlikely to include any change in Lot Size in Zone RU5 Village (the urban subdivision area) that would affect this land.

Under BLEP2012, Proposed Drainage Reserve Lot 324 in Zone R5 has a Minimum Lot Size (MLS) for Torrens Title Subdivision of 2ha (20,000m<sup>2</sup>). Proposed Lot 324 in this application will have an area of ~8,754m<sup>2</sup> (but as part of a broader 3.39ha area with drainage easement) split across the proposed road connection to Richards Lane. As noted above, there is a current Planning Proposal that is likely to reduce the minimum lot size to 0.4ha prior to the need to create this lot. We suggest that Council is able to approve this reduce lot size as a **Deferred Commencement Condition** on the following grounds:

- a) Proposed Lot 324 is a lot for drainage and open space purposes that will be dedicated to Council. It is not intended to support any future dwellings. The MLS requirement is primarily aimed at ensuring development (mainly residential) lots have sufficient size for amenity and to minimise impacts of subdivision. For a drainage channel reserve, it is both unreasonable and unnecessary to maintain the MLS for this lot. It is in the public interest to facilitate the land being used as a drainage reserve and being dedicated to Council. Council will have the ultimate control over development on that lot (once dedicated to Council) so there is low risk of any impact from the proposed variation;
- b) The drainage channel from Park St (draining Redmond Oval) and the 1% AEP flood area will be contained largely within Proposed Lot 324 Drainage Reserve and the drainage easement so a larger lot is not required. There is additional room on either side of the drainage corridor for plantings, footpaths and passive open space to complement the subdivision and Millthorpe. Therefore, the proposed lot size is suited to purpose and does not need to be any larger;
- c) There is currently a Planning Proposal that affects Proposed Lot 324 that is likely to reduce the MLS for subdivision from 2ha to 0.4ha which is the same Minimum Lot Size on the adjacent Zone R5 Large Lot Residential land to the west. It would appear inconsistent to apply a higher MLS to this Site compared to adjacent similarly zoned development – especially if the lot is not used for dwelling purposes. If this Planning Proposal proceeds to LEP amendment then Proposed Lot 324 will comply with the MLS requirement. As this Planning Proposal has an amended Gateway Determination and has been recently exhibited there is a high likelihood of this LEP amendment proceeding.

As a result, Council have not required a Clause 4.6 Variation Request or application under Clause 5.10 Heritage conservation of the LEP to vary the lot size as it can be addressed by a **Deferred Commencement Condition**.

### 4.3 Vehicle Access & Internal Road

#### 4.3.1 Amended Proposal

The proposed access and internal roads include:

- a) **Entrance:** Primary vehicle access via a new public road from Richards Lane:
  - i) This utilises the existing Richards Lane intersection with Park St/Millthorpe Rd.
  - ii) This avoids the need for a new vehicle access/entrance to/from Park St/Millthorpe Rd (classified road).
  - iii) This minimises the impact of roads/traffic on the heritage cottage.
  - iv) This provides access for a (future) amended subdivision pattern for the large lot residential area.
  - v) This avoids any need for removal of existing street trees, particularly Plane Trees along Park St.
  - vi) The new road through the drainage area will need to be up to 1.1-1.2m above the existing levels near the drainage corridor to enable safe access during a 1% AEP flood.



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- b) **Internal Loop Road(s):** New internal road (15-19m wide) with an outer loop and inner connector in a 'Figure 8' rectangular shape provides:
- i) Safe, legal access for all proposed lots to a public road. Only one residential lot has a 'battle-axe' handle which ensures good rectangular lot shapes/dimensions for dwellings with good setbacks & amenity.
  - ii) Two-way loop road(s) with excellent navigation/way-finding and avoids cul-de-sacs.
  - iii) Loop(s) allow for larger vehicles (such as waste trucks) to service the frontage of all lots and enter and leave the Site in a forward direction without any reversing or difficult manoeuvring.
  - iv) The internal roads as a buffer between the subdivision and heritage cottage and provide frontage to the proposed open spaces/drainage corridor for pedestrian access & casual surveillance.
  - v) Under Council's *Engineering Guidelines*, these are likely to be Urban Local Access Roads (25-100 maximum dwellings served) with a design speed environment of 50km/hr. Whilst an Urban Local Access Road is only required to be 17m wide including two 3.5m verges – it is proposed to increase the width of the outer loop road to 19m with slightly wider verge(s) with it only needing 15m adjacent to the drainage corridor as the verge/shared path can be incorporated into the drainage reserve. This will allow for additional street tree planting and landscape to enhance the character and reduce the visual impact of residential development.

#### 4.3.2 Preferred Vehicle Access Location, Design & Safety/Operation

Council and TfNSW have required the Applicant to move the access for the proposed subdivision from Park St/Millthorpe Rd to Richards Lane and the applicant has agreed. The subdivision is no longer having direct access to a classified road (Park St/ Millthorpe Rd MR245) and the access point is greater than 90m from the classified road. Richards Lane provides access to Millthorpe Rd or back via Crowson St to Millthorpe.

The Applicant has worked closely with Council to review other alternative access points and Council and TfNSW have insisted that access via Richards Lane is the only agreed solution. Therefore, we have not reviewed other alternative access points in this report. See the review of *SEPP (Transport & Infrastructure) 2021* below for more details.

#### 4.4 Kerb & Gutter

The proposal includes stand-up kerbs for all of the urban subdivision area and no kerb for the large lot residential area. We suggest that roll-top kerb may not be conducive to the best outcomes as people tend to park on the verge impacting on landscape and pedestrian pathways.

#### 4.5 Proposed Pedestrian & Cycle Connections

A 2m wide shared path (bicycle and pedestrian) is proposed between Park St (through the proposed public park – with an alternate EMERGENCY vehicle access), along the eastern side of the urban subdivision (western side of the heritage cottage lot) and along the northern edge of the subdivision (southern side of the drainage channel) with a crossing over the new internal road to Richards Lane. A 1.2m wide footpath is proposed to the south and west side of the external loop road (one-side of the road only).

In Millthorpe it is not common to have concrete pathways on most of the local roads except along key desire-lines, and even then, generally only on one side of the road – to retain the landscape character of the village and low densities of pedestrian usage.

The proposed pathway(s) provide the most direct route to/from the subdivision to the key recreational and community facilities along Park St and the Millthorpe Town Centre and connecting to 'regular walking routes' adjacent to or near the Site.

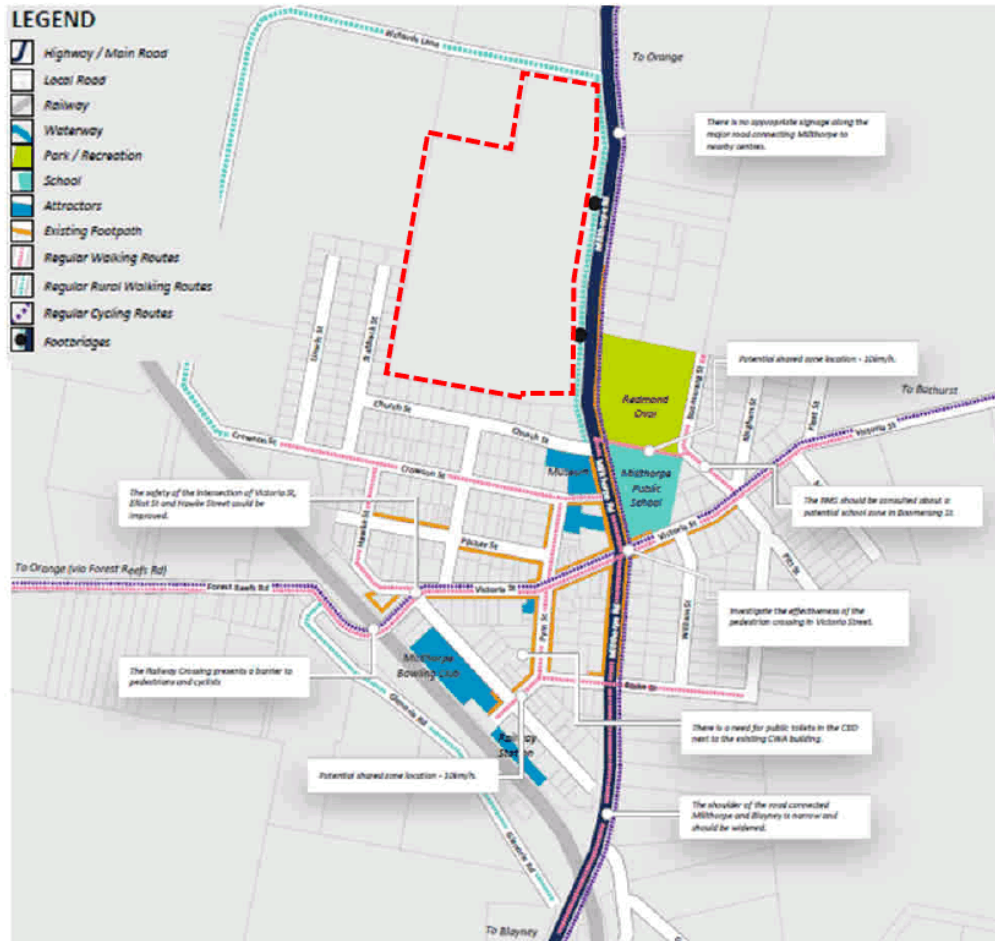
Connections to the town centre are most direct along Park St to Victoria St (or via the rear lane behind the Museum and down to Pym St). There is also a pedestrian crossing over Park St near the Public School and this provides safe access to Redmond Oval on the opposite side of Park St and up to the churches/cemeteries. The proposed connections link in with the key existing and proposed future pathways/upgrades shown in the GHD (2016) *Active Movement Strategy* (see Figure on next page).

There is an informal 'rural' walking trail (no path) that runs up the west side of Park St and around Richards Lane that the Site would connect to and doesn't currently require a formed path and none is suggested in Council's *Active Movement Strategy*.

Whilst there could potentially be a connection to Stabback St via the Zone R5 Large Lot Residential land this will require agreement with the adjacent owner and is not part of this application. There is no existing pedestrian footpath in Stabback St or Church St and as far as we are aware none are proposed in the foreseeable future in the *Active Movement Strategy* though works are proposed along Crowson St (in Stages from Unwin St to Park St). Therefore, connections via these streets are not likely to be appropriate/required.

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Figure 8: Millthorpe Audit Findings Map with Site in red -Active Movement Strategy (2016).



Existing and potential cycle connections in Millthorpe were also reviewed in the *Active Movement Strategy*. The key findings suggest that whilst Millthorpe is used as a destination for road cyclists – they tend to use the road or road verge and do not currently require dedicated on-road or off-road cycle paths. Park St/Millthorpe Rd is a key on-road connector. Children and locals tend to use the local paths or road verges. Therefore, there is not a formal network to connect into and dedicated cycle facilities are unlikely to be required.

Instead, the proposed pedestrian paths and the internal road should provide sufficient cycle connectivity. The internal road is not a through road and has several turns so vehicle speeds are expected to be low and on-road cycling expected to be relatively safe with appropriate precautions.

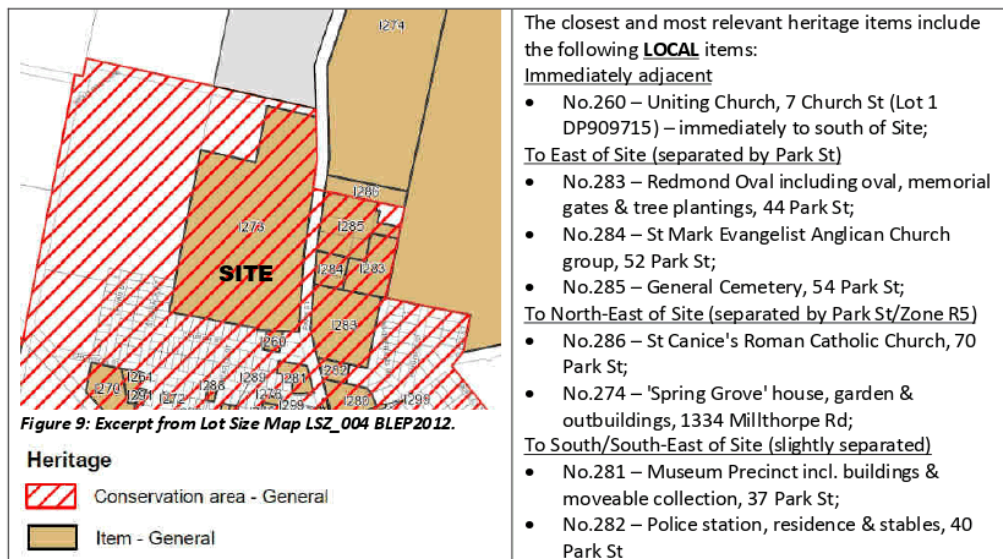
## 4.6 Heritage

### 4.6.1 Non-Indigenous Heritage

Please refer to the detailed assessment in the *Statement of Heritage Impact* as amended by this SoEE below.

As the Figure below shows, the entire Lot is **BOTH a heritage item AND within a heritage conservation area (HCA)**. The Site includes **LOCAL** Item No.273 – 'Cottage' at 1279 Millthorpe Rd which is located in the south-eastern corner of the Site. In addition, there are other heritage items, predominantly to the east and south of the lot that are also listed.

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#### 4.6.2 Addressing or Mitigating Potential Heritage Impacts

It is important to note that the Proposal is an application for Subdivision only, and does not include any demolition or works related to the cottage or its outbuildings. Upgrades to the cottage may form part of a future application and will address heritage impacts at that time. Therefore, the heritage assessment is summarised as follows:

- a) **Heritage Curtilage/Sight-Lines:** The key impact to be assessed is the new lot boundary around the heritage cottage. The existing fenced yard around the heritage item provides a reasonable definition of the heritage curtilage (or buffer) around the cottage and includes the outdoor toilet, old shed (not the shipping containers) and some key established trees around the cottage. In addition, the sightlines from Park St to the north of the Cottage are important to protect as well as the rural/landscaped setting of this gateway to the town/Shire. We suggest that the creation of a ~1.11ha lot that is >54m-60m deep and runs nearly the full frontage of Park St (>100m) is the best way to both protect the cottage and the rural/landscaped setting of the cottage that enhances this important gateway.
- b) **Growth Area:** The second aspect is to assess the impact of the urban residential expansion both on the cottage and the heritage conservation area (HCA). The subdivision Site has been identified for urban growth of Millthorpe consistently for over 20-30 years or more. It is located outside the core heritage conservation area of Millthorpe that is defined by the ridge along Church St to the north. As the Site slopes away from the Church St ridgeline it will not form part of the 'backdrop' to the heritage core of the town. Therefore, its key visual impact lies in its visibility from Park St.
- c) **Setbacks:** The key outcome of the proposed subdivision design is that the majority of proposed urban residential lots are setback behind the proposed cottage lot (>54-60m) plus the depth of the new internal loop road (19m). So even without landscape (see below) the majority of the proposed frontage to Park St is a large rural lot with >73m setback to the urban development so it sits in the background, a bit like the development and Stabback & Unwin Streets do now.
- d) **Tree Retention:** An important recommendation is to protect or replace any significant vegetation on the Site or along Park St. The Proposal does not affect the existing plane trees along Park St. The existing Site is largely cleared of any significant vegetation. The Proposal retains the significant eucalypt trees on the top of the hill and all of the trees in the yard around the heritage cottage. Most of the Hawthorn hedge is retained except for a narrow path entry/exit. Any minor removal will be offset by the proposed landscape plantings (see below).
- e) **New Landscape:** An additional key recommendation is that any new urban residential growth is screened, where possible, from visibility from Park St, particularly when viewed from the north of the cottage. The Proposal provides a **Landscape Plan** that creates a thick planting buffer along the northern edge of the proposed subdivision (see **Section 4.6** below for more detail). The Applicant will work with Council in determining suitable species selection. It is expected that over a short to medium period the vegetation will significantly screen the modern subdivision from Park St with a mix of native/non-native and deciduous/evergreen plantings.




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- f) **Access from Richards Lane:** The access road 20m wide from Richards Lane is setback significantly (>90-100m) from the Park St frontage. Whilst it may be slightly elevated in locations to avoid overland flow issues it will be a rural road with limited visual impact.
- g) **Archaeology & Vibration:** It is acknowledged that new roads and constructing underground utilities may involve some vibration and also need to be careful with archaeological finds. Works are now well-setback from the cottage so there is a reduced risk of any vibration impacts (which may have resulted from the previous access road to the south of the cottage). The **Statement of Heritage Impact** suggests that the core area for likely archaeological items is the yard around the cottage and sheds which is protected. There are no bluestone kerbs in front of the Site in Park St that would be affected. It also recommends a *Dilapidation Report* for the cottage to ensure that there is no structural damage to the cottage.
- h) **Heritage Item/Conservation Area:** It is important to note that this DA (and the Planning Proposal for Millthorpe) does NOT change the existing heritage listing of the Site or conservation area. Therefore, any future applications for dwellings will need to lodge a DA and Council will be able to assess it for impacts on heritage. The conclusion in the Heritage Statement remains relevant to the Amended Proposal, and states that it achieves a good balance of growth and protection.

**4.6.3 Aboriginal Heritage**

*Figure 10: Aboriginal Heritage Basic Search Report (AHIMS website 23/11/2021).*



**AHIMS Web Services (AWS)**  
Search Result

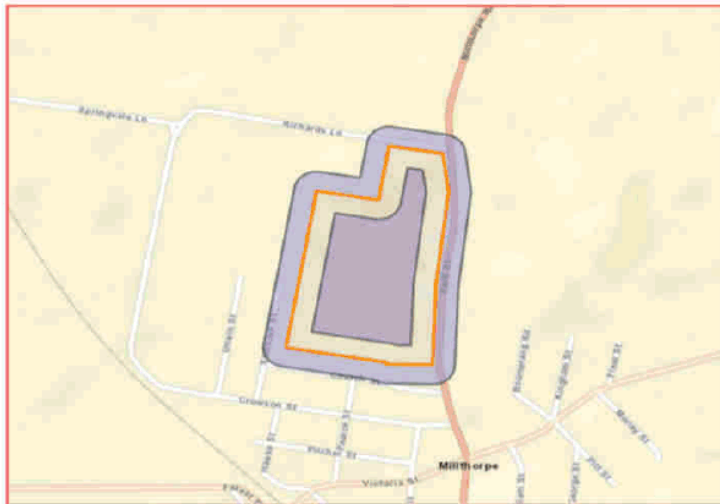
Your Ref/PO Number : Millthorpe  
Client Service ID : 641005  
Date: 23 November 2021

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Andrew Napier  
91 Heifer Station Lane  
Borenore New South Wales 2800  
Attention: Andrew Napier  
Email: andrew@iplanprojects.com.au

Dear Sir or Madam:  
**AHIMS Web Service search for the following area at Lot : 101, DP:DP872388, Section : - with a Buffer of 50 meters, conducted by Andrew Napier on 23 November 2021.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

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During the preparation of the original planning for the North Millthorpe Large Lot Residential area there was some review of Aboriginal heritage items and none identified near the Site. There is a known Aboriginal archaeological site to the north of Millthorpe (see DCP Part F4.4.2 North Millthorpe – Indigenous Heritage). However, it is a significant distance from the Site and would not be affected.

We have conducted an AHIMS Basic Search for Lot 101 and it has not identified any known items in or within 50m of the Lot (see Figure above) and, therefore, we suggest an extensive search is not required.

The Site is not located on a major watercourse or a major landscape element that would suggest a higher likelihood of Aboriginal cultural artefacts or cultural importance. The Site is immediately adjacent to the urban area and has been significantly modified by agriculture and urban activities so these are likely to have reduced the potential for artefacts. We suggest that further Aboriginal heritage review is unlikely to be required but appropriate conditions will protect any items if they are found during earthworks or the construction process.

#### 4.7 Proposed Landscaping & Views to Site

##### 4.7.1 Proposed Plantings

Please see the **Landscape Plan** for more detail. In summary, the Proposal seeks to create an appropriate landscape treatment to offset the visual impact of the urban residential expansion on the views from the Park St gateway and maintain the rural landscape qualities of the entrance to Millthorpe using the following methods:



- a) Buffer planting (see species/images below) along the northern and part eastern boundary of the proposed urban subdivision - within the proposed drainage reserve and heritage lot screening some views on approach to Millthorpe along Park St once the vegetation is established.
- b) Some planting on the western edge of the pocket park (south-east corner) to screen the development from Park St and facilitate an appropriate interface between the park and private development for privacy and amenity and park ecology.
- c) Street trees throughout the development at a rate of an average of one tree per lot minimum (two trees on corner lots) except where not consistent with sight-lines/safety.
- d) Future indicative buffer planting (suggested) at the intersection of Richards Lane and Millthorpe Rd/Park St (in Zone R5) to screen the views to the subdivision and the future large lot residential development on approach to Millthorpe at a higher elevation where younger vegetation will provide earlier screening. This may be a *pinus* (pine) or *cupressocyparis* (cypress) species for quick growth and evergreen vegetation where it impacts less on solar access and is consistent with area character.

**Note:** The Applicant is happy to be guided by Council and the Community on appropriate species selection. To the best of our awareness there is no specified list of species to be used in Millthorpe. The species listed are a preliminary suggestion for discussion with Council.

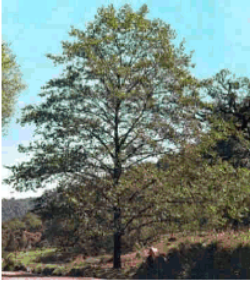

The Applicant has suggested a mix of native and non-native species as well as a mix of evergreen and deciduous species that aims to integrate with & enhance the existing landscape character of the town:

- a) To provide some seasonal colour and changes that link to the deciduous plane trees along Park St;
- c) To enhance local ecology with some native species and provide habitat for local bird species;
- b) To provide fast-growing screening to the new development with a mix of species heights & spreads;
- d) That are suited to the local climate and soils and minimise maintenance.

**Figure 11: Example buffer planting species/characteristics for northern & eastern edges of the urban subdivision.**

<p><i>Callistemon citrinus</i> ('Crimson Bottlebrush') Native / dense under-storey Height up to 8m / Spread: Up to 6m Water needs average/ Maintenance low</p>		<p><i>Liriodendron tulipifera</i> ('Tulip tree') for main tree in buffer <u>Deciduous</u> / oval shape / feature foliage Height: up to 20m / Spread: up to 8-10m Temperate climate / well-drained soils</p>	
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<p><i>Alnus jorullensis</i> (‘Evergreen or Mexican Alder’) Fast growing screening tree Evergreen/ semi-deciduous cool climate Height: up to 10m / Spread: up to 6m Range of soil types</p>		<p><i>Prunus cerasifera</i> 'nigra' ('Black Cherry Plum') Street tree &amp; entrance planting Height: up to 5m / Spread: up to 4m Ornamental flowering plum Deciduous with purple leaves/twigs Deep pink buds early to mid-Spring</p>	
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#### 4.7.2 Visual Impact

As stated in the Heritage Section above, whilst the subdivision design is not reliant on landscape to mitigate some of its visual impacts, the proposed landscape planting scheme will assist in screening it from key public views, particularly from Park St and the northern gateway and maintaining the rural landscape aspect of the Park St entrance to Millthorpe. Subject to species selection (as agreed with Council), it is expected that some relatively quick growing species will enable some screening in the short to medium term (1-5 years).

#### 4.7.3 Maintenance of Landscape Buffers

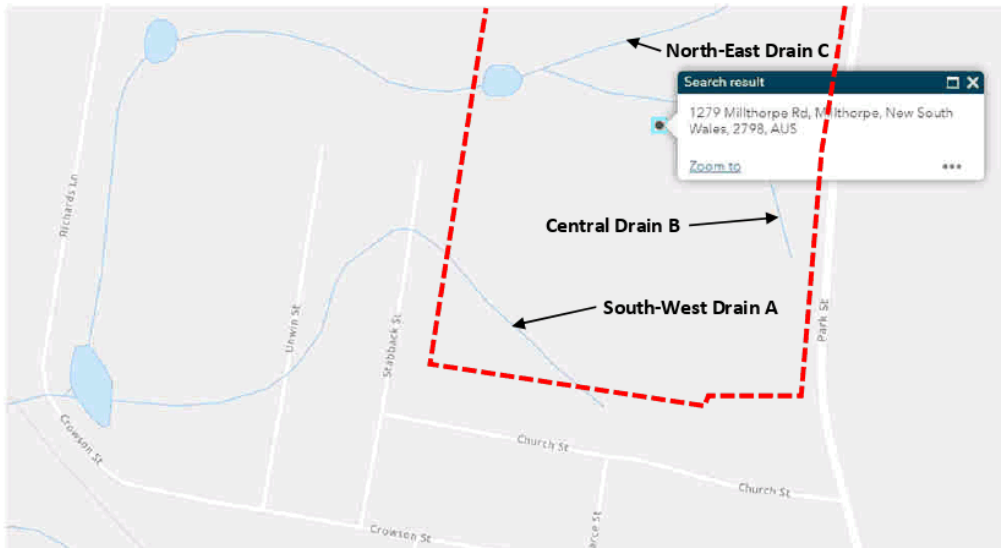
The primary landscape buffers (excluding street trees and trees in the large lot residential area) are proposed on the proposed open space corridor leading to the On-Site Detention (OSD) Basin. The Developer/Applicant would be responsible for initial tree planting. The Amended Proposal dedicates most of the drainage corridor to Council so that the proposed landscape can be accessed and maintained to the satisfaction of Council and the community. Road frontage enables ease-of-access for maintenance as well as appropriate pathways, passive recreation areas and casual surveillance over the park from adjacent development for safety.

### 4.8 Watercourses, Flood Potential & Stormwater/Drainage

#### 4.8.1 Watercourses/Drainage

As the Figures below show, there are three (3) watercourses/drainage lines shown on the Topographic maps that flow in or through the Site:

Figure 12: Hydroline Spatial Data Map (NSW Government) showing Site (red line).





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- a) **Drain A (South West):** This drains from just north of Church St through the south-western corner of Site to Stabback St. This is a 1<sup>st</sup> order watercourse (Strahler Method) as it commences on the Site and has a small catchment. It is an overland flow path (OFP) as it has no visible/defined banks and is likely to only flow during heavy rainfall. However, it is acknowledged that Stabback St has historically had some drainage issues, due-in-part to this overland flow path. There is no formed creek through Stabback & Unwin Streets that links this drainage line to higher-level watercourses. Water will be redirected at the western boundary to either the existing drainage pipe under Stabback St or down to the new On-Site Detention (OSD) Basin (see below).
- b) **Drain B (Central):** The map below suggests this drain commences on site but it picks up water from Redmond Oval & Park St. It travels through the central part of the Site (from east to west) into the existing dam on the Site in the large lot residential area then flows west down to Richards Lane and then back towards the railway line. On historic aerial photographs (see Appendices) this drain is not clearly visible in the 1989 aerial photo so it is likely to have been more recently augmented. On the topographic map this drain is also likely to be a 1<sup>st</sup> order watercourse above the dam as there are no branch flows and 2<sup>nd</sup> order below the dam. The drain experiences intermittent flows. There are no riparian plantings. This watercourse will be incorporated into the Heritage Lot and proposed drainage corridor and does not cross the urban residential subdivision area. An **On-Site Detention (OSD) Basin** is proposed on the western edge of the Site in Zone R5 to manage stormwater from the urban residential subdivision.
- c) **Drain C (North East):** This is a minor 1<sup>st</sup> order drain that originates at Millthorpe Rd and directs some overland flow through the large lot residential area down to the central dam. It does not have clearly defined banks and is intermittent in flow. There are no riparian plantings along this channel. This drainage line will be retained in the Large Lot Residential Area (subject to future subdivision) and is diverted down the side of the new road to Richards Lane to the proposed culvert.

**Figure 13: Photos of the Central Watercourse (Drain B) taken November 2021.**



On 11/11/2021 we submitted a test for each of the above drains to the Waterfront Land E-Tool (NSW Government/ NRAR) and the tests confirmed that they were not formal watercourses and a Controlled Activity Approval (CAA) is not required – so this is not integrated development.

The Proposed Development creates the opportunity to benefit the broader community by providing stormwater detention to minimise issues in Stabback & Unwin Streets and along Richards Lane.

#### 4.8.2 Riparian Corridors

It is suggested that none of the three (3) drains discussed above have any existing qualities as riparian corridors. They are 1<sup>st</sup> order watercourses / overland flow paths above the existing Site dam. They are not identified on the *Riparian Lands & Waterways Map* in BLEP2012 so *Clause 6.6 Riparian land and watercourses* does not apply.

In accordance with NSW Government guidelines, 1<sup>st</sup> order streams generally require a setback for Vegetated Riparian Zone (VRZ) of 10m from top of bank with a total riparian corridor width of 20m + channel width. This will be provided within the proposed Heritage Lot and drainage corridor for the Central Drain B. We suggest that riparian plantings along the south-west Drain A and north-east Drain C are not required due to their limited watercourse qualities.

#### 4.8.3 Stormwater Detention

As stated above, the Amended Proposal seeks to consolidate the on-site detention basins into a single basin that is located adjacent to the primary drainage channel and replace the existing dam in the large lot residential area. Water from Redmond Oval will remain in and be catered for by the existing drainage channel.



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The majority of the new urban subdivision will drain via the road network (See **Site Stormwater Reticulation Plan(s)**) to the OSD Basin. The OSD Basin will charge from the pit in the base of the basin and has a headwall near the new internal road (to Richards Lane) that allows surcharge to the existing drainage channel. A limited number of lots in the south-western corner will drain to the existing drainage pipe to Stabback St (limited to 90L/second flow rate). The OSD Basin is designed so that the post-development flow does not exceed the pre-development flow – and in fact for the 1% AEP it is significantly less than pre-development flow.

#### 4.8.4 Flood Potential

Flood maps are no longer maintained in BLEP2012 with the introduction of the new **Clause 5.21 – Flood Planning** in July 2021. However, prior to that date there were no flood maps in BLEP2012 that related to the Site as there is no adopted Flood Study for Millthorpe.

##### **BLEP2012 Clause 5.21 Flood Planning**

(1) *The objectives of this clause are as follows—*

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Council's advice from Mr Evatt Bourne by email dated 19/05/2021 is that 'a flood study would need to be undertaken to determine the levels of a 1% AEP event through the subdivision, with appropriate building envelopes specified as a result of this.'

As a result, Heath Consulting have prepared flood HEC-RAS modelling for the existing site and proposed development (see **DA20 HEC-RAS Flood Modelling Results (1%AEP) & Stormwater Management Plan(s)** for study).

As the Figure below shows, the 1%AEP potential flood level for the north-eastern drainage line for both the existing and proposed future scenario is confined largely within the modified drainage channel that extends through the north of the heritage lot (away from the cottage) and into the large lot residential area - outside any of the proposed urban residential lots. The drainage channel conveys the 1% AEP flood event + freeboard. It passes under a new dual box culvert under the proposed internal connector road to Richards Lane.

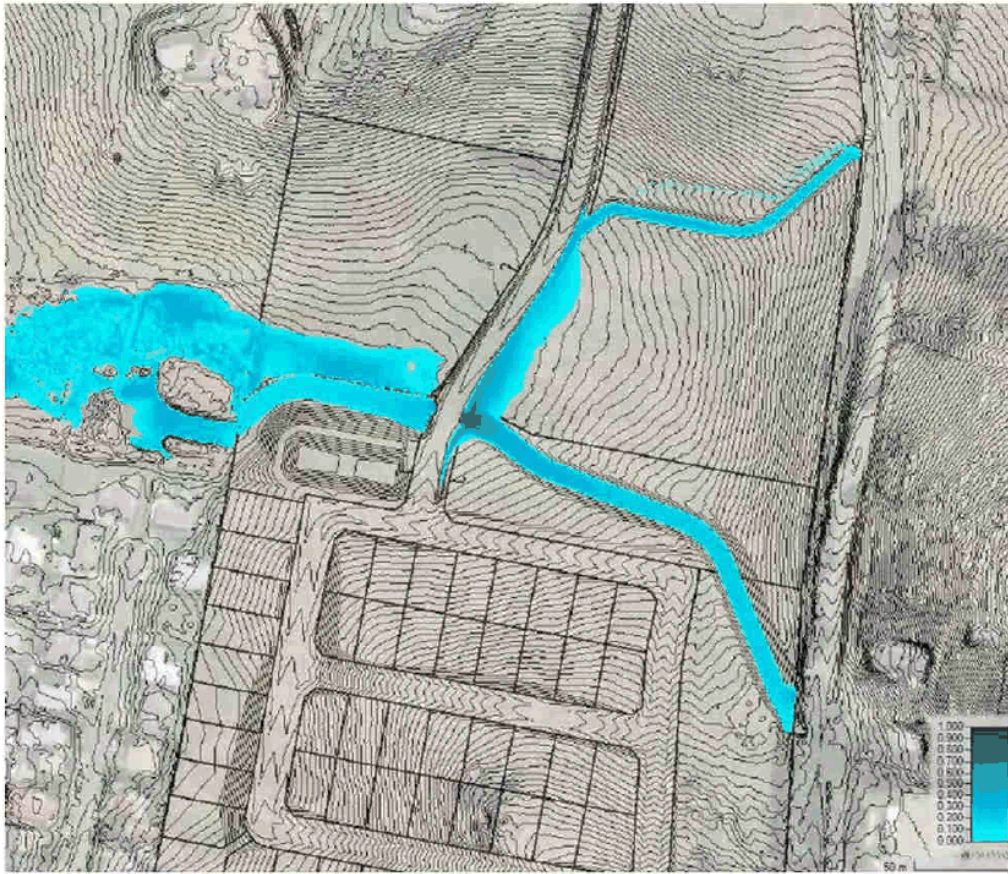
The flood depths at 1% AEP are ~200-300mm deep and only reach up to 1m adjacent to the box culvert during a peak rainfall event, i.e., the culverts convey the 1% AEP flood. The road height is significantly above the 1% AEP flood level at the culvert so this road remains passable during this event.

Access to the Site via the new entrance to Richards Lane is to the north of and at a higher level than drains so it is unlikely to be affected by flooding. Therefore, there is safe occupation and evacuation of the area if required.

The proposed On-Site Detention Basin will ensure that post-development flow does not exceed pre-development levels and will not further exacerbate flooding due to the new urban development (see **Stormwater Plans**).

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Figure 14: Excerpt of DA20 HEC-RAS Flood Modelling (1% AEP Flow Depths – with Modified Site).



#### 4.9 Open Space

The Site is located immediately opposite Redmond Oval which includes significant playground facilities, skate park, tennis courts, basketball court, sports-field, community events, toilets and walking paths. As stated above, proposed pedestrian pathways connect to Park St. Existing pathways on Park St connect via the pedestrian crossing near the school to Redmond Oval.

In addition, there will be an open space corridor and On-Site Detention (OSD) Basin dedicated to Council with planting for the purposes of drainage. The internal access and outer loop road and shared path all provide access to this space and Council may elect to add additional facilities.

There is also a small pocket-park located in the south-east corner of the Site that provides pedestrian connection (shared path and possible emergency alternate vehicle access) back to the Millthorpe Town Centre and key facilities.

We suggest that the Proposal has sufficient passive recreation areas and there is no need to provide additional formal active open space in this development and that there is no additional demand in this location identified in Council's strategies and it is directly opposite Redmond Oval.



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#### 4.10 Utilities & Services

In summary, all urban residential lots will be connected to the standard urban services including reticulated sewer & water, electricity & the required telecommunications. The existing heritage cottage has an existing on-site effluent system but this will be removed once there is approval for internal upgrades to bathrooms (future application). There is already an existing sewer connection on the proposed heritage cottage site.

No development occurs over existing easements (except where the sewer line is relocated). Proposed new easements for sewer and drainage are shown on the Plans.

There are no high voltage electricity easements through the property but low voltage lines run along the eastern side of the Site and there will be no interference. All electricity will be located underground.

Potable water from the Central Tablelands Water (CTW) network runs adjacent to the Site. Heath Consulting Engineers have notified CTW of the Proposal and, as at the date of Lodgement, there was no objection to the Proposal and none we are aware of during the 1<sup>st</sup> public exhibition.

#### 4.11 Slope & Earthworks

The Site has a high point of around ~RL967.5 towards the south-east corner at the back of the Uniting Church and ~RL964.5 at the proposed entrance to Park St. It has a low point of ~RL952 in the north-west corner behind OSD Basin No.2. Therefore, the land falls to the north and to the west. The diagonal slope falls ~15.5m across ~330m (a slope of <5%) which is not a major constraint to an appropriately designed urban residential development.

The slope will result in some earthworks to allow road works and OSD Basin (see **Proposed Bulk Earthworks Plan**). There will also be some fill of limited proposed lots to enable drainage. We understand that the cut/fill is likely to be balanced across the Site so no significant import/export of fill should be required.

The Proposed Lot Size >700m<sup>2</sup> with many >800m<sup>2</sup> with a minimum width of ~20m (at the building line) means that each lot can create a reasonable dwelling pad without excessive cut and/or fill. Some minor retaining walls may be required along the western edge of the Site.

The proposed new road connecting the subdivision to Richards Lane will need to be built up over 1-1.5m over the low point of the Site to ensure it is free of flooding up to the 1%AEP level.

#### 4.12 Staging & Englobo Lots

As discussed above, the Subdivision is broken down into three (3) key stages that provide logical access and servicing of the Site.

The Applicant requests that any condition(s) of consent that provide for staging enable the Applicant to seek separate Notices of Arrangement with key agencies/utility providers for each stage and do not require servicing of the englobo/remnant lots (for future subdivision). The Applicant is willing to have a condition that any englobo/remnant lot has a Section 88B restriction-on-title that prevents any dwelling approval/construction until such time as it is serviced.

It is agreed that proposed Drainage Reserve Lot 324 will have a Deferred Commencement Condition and cannot be created until the LEP amendment to reduce lot size has commenced. This is unlikely to affect the Staging.



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### 5.1.2 SEPP (Resilience & Hazards) 2021 – Contamination Potential

This SEPP requires the suitable remediation of land where there may have been a previous land use that contaminated the site. Under *Section 4.6 – Contamination and remediation to be considered in determining development application*, the development of land (including subdivision) requires a preliminary investigation of contamination to confirm that it is suitable for its intended purpose (in this case – residential use).

For this purpose, we provide a **Preliminary Contamination Investigation** by Envirowest (Dec 2021). Directed soil sampling did not detect elevated levels of analysed heavy metals, there were no hydrocarbons and OCP detected, and all substances evaluated were below the adopted thresholds for residential land-use with access to soil. The recommendations were only for 'removal of general storage and empty chemical drums on the site if no longer required'.

There are no sites registered on the Contaminated Land Register ([www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)) in Blayney Shire but this is not necessarily conclusive.

To the best of our awareness the Site has only ever been used for extensive agriculture and a historic dwelling. We provide excerpts of historical photos from 1964, 1972, 1984, 1989, 1998 (all from the NSW Government Historical Imagery website) and 2017 and 2021 (from Google Earth). All of these photos show that the Site has only ever contained the heritage cottage and small shed(s). It may have been cultivated irregularly but has mostly been used for extensive agriculture (grazing).

The Site does not appear to have been the focus for agricultural infrastructure of a larger historic property. There is one small historic shed & yards that appears to be used as cover for small animals and storage but there is no evidence of hydrocarbon staining or significant chemical storage. The old shed was used for milking a couple of cows (head stalls one side)/shearing a few sheep (other side) but this is unlikely to be classified as 'intensive agriculture'. The yards are not large and there is no evidence of sheep dips or spray areas. The fields have grown some potatoes, lucerne and oats for stock feed but are not irrigated. There are no signs of any orcharding.

There is a more recent set of shipping containers made into a shed (inside not inspected) that is for storage but with floors in the shipping containers the ground has been largely protected. There is some agricultural machinery stored on the Site – but most of these are implements without engines so there is little risk of leakage of fuels etc.

The Site is immediately adjacent to the historic urban area of Millthorpe so it is not in an area known for intensive agriculture and the soils are unlikely to support this activity. Whilst there was historic mining out on the Forest Reefs Rd there is no evidence of mining activity or workings on the Site.

The land has been within Zone RU5 Village since (or its equivalent) since *Blayney Local Environmental Plan 1998* (or possibly earlier) so it has only permitted compatible activities in the last 23 or more years and before that is likely to have been rural zoned land.

We suggest this is a sufficient *Preliminary Contamination Investigation* to not warrant any more detailed investigation and satisfies the SEPP and the *Contamination Guidelines*.

### 5.1.3 SEPP (Resources & Energy) 2021

This SEPP seeks to protect existing/ known mineral resources from incursions by sensitive uses and facilitate development of these areas for economic growth. Under *Part 2.3 (Development Applications – Matters for Consideration)*, Applicants are required to ensure compatibility of proposed development with mining or extractive industries (whether existing or mapped as future potential as being of State or regionally significant resource).

The Site is located on the immediate edge of the historic urban area of Millthorpe and large lot residential development now encompasses the Site. Millthorpe and its environs are not identified on the *Mineral Resource Audit Map* (2012) as being within an existing or potential Mineral Resource Area. On the Common-Ground website there are no Extractive Licences or Titles across the Subject Site. Therefore, we suggest there is a low risk of land use conflict between the proposed intensification of residential use and any future mineral extraction. See also response to *DCP Part G2 – Buffers to Sensitive Land Uses*.

### 5.1.4 SEPP (Transport & Infrastructure) 2021

This SEPP seeks to protect & enable infrastructure development. The most relevant infrastructure is the adjacent classified road (Park St/Millthorpe Rd). The Site is not adjacent to the rail corridor and is setback more than 300m from the rail corridor so there are unlikely to be any noise/vibration issues. There is no other significant state or regional infrastructure affected by this subdivision. *This SEPP Division 17 – Roads & Traffic* sets out a number of relevant controls addressed as follows:

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Control	Response
<p><u>Clause 2.118 – Development with frontage to a classified road</u></p> <p>(1) <i>The objectives of this clause are—</i></p> <p>(a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p>(b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p>(2) <i>The consent authority must not grant consent to development on land that has a <u>frontage to a classified road</u> unless it is satisfied that—</i></p> <p>(a) <i>where <u>practicable and safe</u>, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>(b) <i>the <u>safety, efficiency and ongoing operation of the classified road will not be adversely affected</u> by the development as a result of—</i></p> <p>(i) <i>the design of the vehicular access to the land, or</i></p> <p>(ii) <i>the emission of smoke or dust from the development, or</i></p> <p>(iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>The LOT/SITE has a frontage to Park St which is a classified road so this clause applies.</p> <p>It is understood that the existing Lot 101 has frontage to Richards Lane to the north.</p> <p>The Applicant has agreed to provide the primary vehicle access road from Richards Lane to address community concerns regarding direct access to Park St. This will utilise the existing intersection with Millthorpe Rd and avoid any new access point.</p> <p>Whilst the proposed development is residential, it is largely buffered from vehicle noise/vibration on Park St by the proposed heritage cottage lot + adjacent road corridor (&gt;73.7-79m wide) for all proposed new urban residential lots. Therefore, road traffic noise and vibration are unlikely to be significant or require additional studies. We suggest the proposal <b>Complies</b>.</p>
<p><u>Clause 2.119 Impact of road noise or vibration on non-road development</u></p>	<p><b>Not Applicable.</b> This only applies where there is an annual average daily traffic volume of &gt;20,000 vehicles.</p>
<p><u>Clause 2.121 – Traffic generating development</u></p> <p>(3) <i>Before determining a development application for development to which this clause applies, the consent authority must—</i></p> <p>(a) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i></p> <p>(b) <i>take into consideration—</i></p> <p>(i) <i>any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</i></p> <p>(ii) <i>the accessibility of the site concerned, including—</i></p> <p>(A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p>(B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p> <p>(iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p><b>Concurrence NOT required:</b></p> <p>The Proposed 56 lot subdivision does NOT exceed the threshold in Schedule 2 as the access to Richards Lane is &gt;90m from Millthorpe Rd (classified road) so it does NOT require concurrence of TfNSW.</p> <p>It is also noted that:</p> <ul style="list-style-type: none"> <li>• The heritage lot has its own existing/ unchanged lot access to Park St and generates no new traffic; and</li> <li>• The OSD Basin and drainage corridor lot does not generate traffic;</li> <li>• The remnant lot in Zone R5 Large Lot Residential is subject to a future subdivision application but all future lots are expected to have access via the new road to Richards Lane.</li> </ul>



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### 5.1.5 SEPP (Industry & Employment) 2021

Chapter 3 of this SEPP relates to Advertising & Signage. No new signage is proposed for this development at this time other than street signage & exempt real estate signs.

### 5.1.6 SEPP (Housing) 2021

This application does not rely on (or conflict with) any of the requirements of this SEPP relating to diverse or affordable housing. Future applications will be made for detached dwellings on the Site.

### 5.1.7 SEPP (Building Sustainability Index: BASIX) 2004



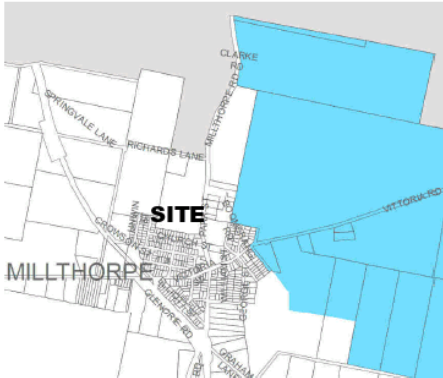

A BASIX Certificate can be provided as part of any future dwelling applications on the proposed lots. SEPP not applicable at this time.

## 5.2 Blayney Local Environmental Plan 2012 ('BLEP2012')

The following is a review and comment on the most relevant provisions of *Blayney Local Environmental Plan 2012* ('BLEP2012') that commenced on 23/11/2012 and applies to the Lot/Site (as in force in November 2021). The key compliance matters are addressed in more detail in **Section 4** of this Report above.

CL.	PROVISION	COMMENT
2.1	<u>Land use zones / Land use table</u>	This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.
2.6	<u>Subdivision</u> : Development consent is required for subdivision. Subdivision cannot be used to subdivide the principal & secondary dwellings on a lot unless they meet the Minimum Lot Size (MLS).	This is a Subdivision Application that requires a development application to Council. It is not exempt or complying development. We are not seeking to subdivide principal/secondary dwellings as there is only one (1) dwelling (heritage item) on the land. <b>Complies.</b>
2.7	<u>Demolition requires development consent</u>	Any demolition is shown on the <b>Demolition Plan</b> .
4.1	<u>Minimum subdivision lot size</u>	This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.
4.1AA – 4.2B	<u>MLS – community title / strata / rural subdivision / dwellings in rural zones / boundary adjustments</u>	<b>Not Applicable.</b>
4.3-4.5	<u>Height of buildings/ Floor space ratio</u>	<b>Not Adopted.</b> There is no LEP limit on height or FSR. However, the future detached dwellings are unlikely to exceed 1-2 storeys.
4.6	<u>Exceptions to development standards</u>	We do not need to rely on Clause 4.6 as all proposed lots exceed the minimum lot size OR will comply once the current Planning Proposal / LEP amendment commences (see Deferred Commencement Condition discussions above). This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.
5.1	<u>Land Reservation Acquisition</u>	No land was identified for acquisition within the LGA at the time BLEP2012 was prepared. <b>Not Applicable.</b>
5.3	<u>Development near Zone Boundaries</u>	Not relied upon. Doesn't apply to Zone R5.
5.4	<u>Miscellaneous Permissible Uses</u>	This is a Subdivision Application only. No affected land uses. <b>Not Applicable.</b>
5.10	<u>Heritage conservation</u>	This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.
5.16	<u>Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones</u>	This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.
5.21	<u>Flood Planning</u>	This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.
6.2	<u>Stormwater Management</u>	This key compliance matter is addressed in more detail in <b>Section 4</b> of this Report.

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CL.	PROVISION	COMMENT
6.3	<u>Terrestrial Biodiversity</u>	<b>Not Applicable.</b> There is no mapped sensitive biodiversity on the Site on the Biodiversity Map so this clause does not apply. The nearest is in the Cemetery to the east. See discussion of biodiversity in <b>Section 6.1</b> of this Report.
6.4	<u>Groundwater vulnerability</u> 	<b>Not Applicable.</b> As the Figure opposite shows, the Lot/Site is not in the mapped drinking water catchment located to the north-east of Millthorpe so this Clause does not apply.   Groundwater Vulnerability
6.5	<u>Drinking Water Catchments</u> 	<b>Not Applicable.</b> As the Figure opposite shows, the Lot/Site is not in the mapped drinking water catchment located to the north-east of Millthorpe so this Clause does not apply.   Drinking Water Catchment
6.6	<u>Riparian Land &amp; Watercourses</u>	<b>Not Applicable.</b> The drainage lines on the Site are not identified on the <i>Riparian Lands &amp; Waterways Map</i> in BLEP2012 so <i>Clause 6.6 Riparian land and watercourses</i> does not apply. See <b>Section 4</b> of this Report for more details.
6.7	<u>Development within a Designated Buffer Area</u>	<b>Not Applicable.</b> The Site is not identified on the relevant maps or in close proximity to a Sewage Treatment Plant or Waste Depot.
6.8	<u>Essential Services</u> <i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i> a) <i>the supply of water,</i> b) <i>the supply of electricity,</i> c) <i>the disposal and management of sewage,</i> d) <i>stormwater drainage or on-site conservation,</i> e) <i>suitable vehicular access.</i>	All standard urban services and suitable vehicle access will be provided to each proposed lot in the subdivision (only heritage lot to retain on-site effluent system in short term). See <b>Section 4</b> of this Report for more details.

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### 5.3 Blayney Shire Development Control Plan 2018 ('DCP')

Blayney Shire Development Control Plan 2018 ('DCP') applies to all land in the Shire. It commenced on 2 July 2018 and to the best of our awareness has not yet been amended since that date.

The key chapters and controls relevant to this application include the following, and are addressed below:

- **PART C – RESIDENTIAL DEVELOPMENT** (but only where relevant to subdivision design);
- **PART F – SUBDIVISION & ROADS:**
  - F1 - Introduction
  - F2 – Site Planning & General Subdivision Requirements;
  - F4 – Large Lot Residential & Rural Subdivision
  - F7 – New or Upgraded Public Roads
- **PART G – ENVIRONMENTAL MANAGEMENT & HAZARDS**
- **PART H – HERITAGE CONSERVATION**

<b>PART C – RESIDENTIAL DEVELOPMENT</b>	
Whilst the Development Application (DA) relates to future residential uses – at this stage it is only a subdivision application and does not include any dwellings (except for retaining the existing heritage cottage). Therefore, DCP Part C cannot be addressed in any detail at this time, suffice to say, that the proposed lot configuration and internal road plan will allow for future dwellings to meet the controls in DCP Part C. Site Planning will be considered more in relation to Part F – Subdivision & Roads.	
<b>PART E – OTHER LAND USES</b>	
<b>E2 Advertising &amp; Signage</b>	
No specific signage forms part of this application. Standard street navigation signage and exempt real estate signs are not required for approval.	
<b>PART F – SUBDIVISION &amp; ROADS</b>	
<b>F1 Introduction</b>	
This is an application for Torrens Title subdivision of one (1) existing lot into <b>56 proposed lots</b> consisting of: <b>fifty-two (52) urban residential lots</b> , one (1) lot for the existing heritage cottage; one (1) lot for on-site detention basin (OSD) and drainage corridor; one (1) small open space/park; and one (1) remnant lot in Zone R5 Large Lot Residential for future subdivision.	
<b>F2 Site Planning &amp; General Subdivision Requirements</b>	
<b>F2.1 Site Planning</b>	There is sufficient site analysis within the Plans by Heath Consulting and this SoEE to demonstrate how the proposed subdivision pattern responds to: <ul style="list-style-type: none"> <li>a) Topography &amp; drainage – with setbacks from retained drainage corridors and all residential development outside 1% AEP flood area. Proposed lots of suitable dimensions/orientation to minimise cut/fill;</li> <li>b) Environmentally sensitive area – there are no mapped ESAs on the Site;</li> <li>c) Land use conflicts – addressed in relation to <i>BLEP2012 Clause 5.16</i> above;</li> <li>d) Legible road network – see response to <i>Access &amp; Traffic</i> Section above;</li> <li>e) Integration with subdivision pattern.</li> </ul> This is addressed in more detail in <b>Sections 3 &amp; 4</b> of this Report above.
<b>F2.2 Topography &amp; Earthworks</b>	See <b>Earthworks Plan DA06</b> . Cut is largely associated with the new internal roads and the drainage corridor and does not exceed 1.06m. Fill is mostly associated with the banks of the new OSD (maximum 2.36m fill) and new internal roads with some limited fill of proposed lots along the western edge. The proposed lots provide sufficient stepping down the site topography to minimise cut/fill. Lot orientation/widths/depths have allowed for slope of land and will minimise future cut/fill.  Minor retaining walls are proposed along the western edge of the Subdivision Application but will be below 800mm in height.  There is unlikely to be any significant import/export of soil from the Site.

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<b>F2.3 Lot Size &amp; Arrangement</b>	See response to <i>BLEP2012 Clause 4.1 Minimum Lot Size (MLS)</i> above and <b>Section 3</b> of this Report regarding proposed lot size and arrangement. Lot sizes have an average of ~700-800m <sup>2</sup> which is substantially larger than the Minimum Lot Size (MLS) of 450m <sup>2</sup> . This lot size provides suitable lot orientation/widths/depths to support future standard detached dwellings. The majority of residential lots are rectangular in shape and have wide road frontages to promote good access/servicing/dwelling shapes/ and residential amenity. No building envelopes are required for urban lots. It provides a natural transition between some smaller lot sizes in the core urban area of Millthorpe and the large lot residential areas to the north.
<b>F2.4 On-Site Effluent Mgmt.</b>	<b>Not Applicable.</b> All proposed urban residential lots will be connected to reticulated sewer. The existing heritage cottage has an onsite effluent system (connected to the external toilet). According to the cottage owner, this effluent disposal system is entirely within the proposed heritage lot and will not be affected by the development.  At the time Council constructed the sewer main to the north of the heritage cottage a connection point was provided on the lot. The owner is currently discussing with Council an application to install an internal bathroom in the cottage to adapt it for modern living. This would be a suitable time to connect the cottage to the reticulated sewer and rehabilitate the existing on-site system. Therefore, connection of the heritage cottage to the reticulated sewer main is NOT part of this application (but is likely to be part of a future application).
<b>F2.5 Access &amp; Entrances</b>	See detailed response in <b>Sections 3 &amp; 4</b> of this Report above.  Proposed new road access will be provided from Richards Lane that connects to internal loop roads (to be dedicated to Council) to service all lots. As a result, all lots will have safe, legal access to a public road. The proposed access location has been agreed with Council/TfNSW.  The use of the existing Richards Lane access to Millthorpe Rd avoids any impacts on the Plane trees and other street infrastructure; provides reasonable sightlines in both directions; is within the 50km/hr zone and outside the 40km/hr school zone to provide safety.
<b>F2.6 Access – Battle-Axe Lots</b>	The proposed internal loop roads are the best arrangement to minimise battle-axe lots, maximise rectilinear lot shapes, and provide excellent access to all lots. Only one (1) battle-axe lot (Proposed Lot 304) for residential use is proposed. See response to <i>Part F3.2</i> below.
<b>F2.7 Utilities/ Easements</b>	Please see more detailed response in <b>Section 4</b> of this Report above. In summary, all lots will be connected to the standard urban services (except the heritage cottage that will utilise existing connections/services until a future application for upgrades). No development occurs over existing easements (except where the sewer main is relocated). Proposed new easements for sewer and drainage are shown on the Plans. All electricity will be located underground.
<b>F2.8 Staging</b>	<b>Plans DA03-05</b> show the proposed staging of subdivision broken down into three (3) stages. There is a logical progression aligned with the proposed new internal road(s) and servicing. Utilities will be constructed as required only for each stage but sized for the entire development. We request that the conditions are drafted to align with each stage.  There is sufficient room at the ends of each terminating road for Stage 2 to provide a temporary cul-de-sac until Stage 3 is constructed.  The Proposed <i>Plan of Subdivision</i> in this Application relates only to the land in Zone RU5 Village (part of the Lot) but leaves a remnant parcel in Zone R5 for future subdivision that will be serviced from the access road to Richards Lane.
<b>F3 Residential Subdivision in Urban Areas</b>	
<b>F3.1 Lot Size &amp; Arrangements- General</b>	The subdivision pattern is relatively simple with the majority of lots having a long axis within 20 degrees of north-south and the remainder having their long axis within 20 degrees of east-west. Therefore, they comply with the AMCORN lot orientation diagram for temperate climates that seeks to promote solar access in Winter and minimise overshadowing. As the slope and views are to the north this will also encourage living spaces facing this direction.  All proposed lots have a minimum width that exceeds 20m at the building line. There are no radial or 'fan' shaped lots and only one (1) battle-axe house lot. The lot shapes are similar to many in the Town of Millthorpe but larger to provide a suitable transition to the large lot residential area to the north.



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<b>F3.2 Access to Battle-Axe Lots</b>	There is only one (1) battle-axe residential lot (Proposed Lot 304) and this is designed for a single dwelling. The access handle width is a minimum 4m wide (one lot).
<b>F4 Large Lot Residential &amp; Rural Subdivision</b>	
<b>F4.1-4.3</b>	Other than the creation of the remnant lot in Zone R5 – no additional subdivision is proposed in Zone R5 Large Lot Residential as part of this application.
<b>F4.4 North Millthorpe</b>	This Part does not apply to the Site/Lot as it is outside the defined area.
<b>F7 New or Upgraded Public Roads</b>	
<b>F7.1 Engineering Guidelines</b>	<p>We believe that the proposed new internal road complies with Council's <i>Engineering Guidelines</i> (latest August 2009 Version 4) and any relevant state policies. The new road meets the following requirements:</p> <ol style="list-style-type: none"> <li>There is a clear new road hierarchy with a 19m wide internal loop road servicing the subdivision connected to Richards Lane at a 'T' intersection;</li> <li>The internal roads are likely to be Urban Local Access Roads (25-100 maximum dwellings served) with a design speed environment of 50km/hr;</li> <li>Width of road reserve – 15-19m (17m required) with 6m of traffic lanes (two-way) / 2m edge parking (both sides) / large verge (both sides) (only 3.5m required) – noting that 15m road needed only as verge is incorporated into drainage corridor adjacent;</li> <li>Stand-up kerb and gutter system will be included to ensure appropriate drainage. Whilst Council's heritage consultant mentioned rolled kerbs – we suggest these will facilitate parking on the verge which is inconsistent with the landscape objectives &amp; pedestrian safety.</li> </ol>
<b>F7.2 Surrounding Road Pattern</b>	The new internal loop road facilitates a grid-road pattern common in Millthorpe – albeit without the additional connections to other local roads as this is not required and through traffic may impact on local residential amenity. The loop avoids cul-de-sacs and provides significantly improved navigation.
<b>F7.3 Road Hierarchy &amp; Design</b>	Road design is noted above. There is a simple hierarchy of the internal loop roads connecting to Richards Lane that provides good connectivity, safety and way-finding/navigation. The swept path for a standard 12.5m long (HRV) vehicle is provided in <b>Plan DA14 – Overall Road Vehicle Turn Path</b> .
<b>F7.4 Cul-de-sacs</b>	The internal loop roads are proposed to avoid any cul-de-sacs.
<b>F7.6 Safety &amp; Surveillance</b>	The proposed loop roads with a strong rectangular shape are easy to navigate and promotes good straight sight-lines and safety. Nearly all lots have a wide (>20m) road frontage that allow for dwellings within good street frontage and casual surveillance of the street. There is a clear & defined boundary between the public street and the private land (likely to have low fences – future application for each dwelling). Street lighting is likely to be conditioned if it suits the heritage conservation area. There is overlooking of the informal recreation areas of the small park and OSD basins by adjacent dwellings (if access is permitted by Council).
<b>F7.7 Street Trees</b>	Street tree planting will be provided in discussion with Council at a minimum of one (1) street tree per lot as shown on the <b>Landscape Plan LS01</b> . A Black Cherry Plum is proposed (subject to input from Council's Parks & Landscape Officer). Other landscape proposed is discussed in <b>Section 4</b> of this Report.
<b>F7.8 Naming of New Roads</b>	It is noted that <i>Council will need to make a resolution for the decision to rename and/or the determination of a new name after community consultation</i>
<b>PART G – ENVIRONMENTAL MANAGEMENT &amp; HAZARDS</b>	
<b>G1 Introduction</b>	
<p>The Site is not affected by any <u>mapping</u> in <i>BLEP2012</i> (or State Policy) relating to (see BLEP review above):</p> <ul style="list-style-type: none"> <li>Flood Planning;</li> <li>Terrestrial Biodiversity;</li> <li>Riparian Lands &amp; Watercourses;</li> <li>Drinking Water Catchments;</li> </ul>	

Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

<ul style="list-style-type: none"> <li>• Groundwater Vulnerability;</li> <li>• Bushfire Prone Lands;</li> <li>• Mineral Potential Area.</li> </ul> <p>These are addressed in <b>Sections 4 &amp; 5</b> of this Report. There are no major conflicts.</p>	
<b>G2 Buffers to Sensitive Land Uses</b>	
<b>G2.1 Application of this Section</b>	Whilst the Proposal involves sensitive residential uses – the SITE is NOT within any of the buffer distances to existing or likely future higher impact land uses. It is located at the interface between the Village Zone and Large Lot Residential areas and is buffered from agriculture by other residential areas for several hundred metres.
<b>G2.3 Noise &amp; Vibration</b>	The Site is >250m to the railway corridor so noise/vibration is likely to be manageable.
<b>G2.4 Odour &amp; Dust</b>	All proposed lots are >50m to Park St (classified road) to minimise traffic noise. The Site is not near any likely odour sources such as a Sewage Treatment Plant.
<b>G2.6 Buffers to Sens. Uses</b>	The recent Planning Proposal changing the Site to Zone R1 seeks to remove the potential for industry or larger commercial uses in the majority of the Town of Millthorpe outside the core commercial area so none is expected near the Site.
<b>G2.7 Buffers/ Landscaping</b>	We suggest that other than Visual Impact in the Heritage Conservation Area – buffers and landscaping is not required to address other impact.
<b>G2.8 Ag. &amp; Right to Farm</b>	Therefore, we suggest that the following studies are NOT required:
<b>G2.4 On-Site Effluent Disposal</b>	<ul style="list-style-type: none"> <li>• <b>Noise (and/or Vibration) Assessment;</b></li> <li>• <b>Odour and/or Dust Assessment.</b></li> </ul>
<b>G3 Stormwater &amp; Drainage</b>	
See detailed response in <b>Sections 3 &amp; 4</b> of this Report above and response above to <i>BLEP2012 Clause 6.2 Stormwater Management</i> .	
<b>G3.3 Stormwater Management</b>	<p>Please see <b>Section 4</b> of this Report and the attached <b>DA15 Proposed Stormwater Reticulation Layout; DA16/17 Proposed Sections; DA18/19 Stormwater Catchment Plan and Calculations. A Sediment &amp; Erosion Control Plan</b> is attached to the <b>Stormwater Management Plan</b>. Council can advise if further information is required.</p> <p>The Proposal ensures that post-development flows do not exceed pre-development flows and in fact may be improved by the development for the 1% AEP scenario. The design seeks to redirect most of the Site water towards the new On-Site Detention (OSD) Basin in the centre/west of the Site and then to the existing drainage corridor. Flows from upstream are redirected around the OSD.</p> <p>Some limited water supply will utilise the existing pipe under Stabback St limited to 90L/sec. Inter-allotment drainage easements are provided for all relevant lots.</p>
<b>G5 Bushfire</b>	
<b>Not Applicable.</b> The land is not shown on the NSW Planning Portal or RFS website as being bush fire prone land. Therefore, a Bushfire Report is not required and referral to the RFS is not required for the subdivision. Whilst there is always a risk of grass fire, the Site is in an urban area and buffered by large lot residential development to the north and urban residential to the other directions - so the risk is relatively low.	
<b>G6 Land Contamination</b>	
See detailed response in <b>Sections 5.1</b> of this Report addressing <i>SEPP (Resilience &amp; Hazards) 2021</i> above.	
<b>G8 Drinking Water Catchments &amp; Ground Water Vulnerability</b>	
The Site is outside the mapped <b>Drinking Water Catchments</b> and <b>Groundwater Vulnerability</b> maps in BLEP2012 so this does not apply. Regardless, connection to reticulated water will avoid reliance on bores and the proposed residential development is a low risk for surface and groundwater systems with appropriate erosion & sediment control.	



Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

G9 Land & Soils	
<b>G9.3 Naturally Occurring Asbestos</b>	A review of the Naturally Occurring Asbestos maps ( <a href="http://www.trade.maps.arcgis.com">www.trade.maps.arcgis.com</a> ) suggests that the entire urban area of Millthorpe is in an area with known geological units with a <b>MEDIUM</b> naturally occurring asbestos potential.  We understand that it is Council's usual practice to condition any development application appropriately to seek appropriate geo-technical reports that determine the risk and appropriate way to conduct earthworks on the Site and this is the best way forward.
<b>G9.4 Erosion &amp; Sedimentation</b>	A <b>Sediment &amp; Erosion Control Plan</b> is attached to the <b>Stormwater Management Plan</b> . Council can advise if further information is required.
Part H – HERITAGE CONSERVATION	
H4 Development in the Vicinity of Heritage Items	
See more detailed response to these controls in <b>Section 4</b> of this Report. In summary, <b>DCP Part H</b> is predominantly concerned with protecting the existing heritage item on the site (the heritage cottage) and managing the impact of built form in the heritage conservation area (future applications). The Proposal demonstrates a sufficient curtilage around the historic cottage and maintenance of important views, particularly from Park St to the front of the cottage.	

#### 5.4 Local Strategic Planning Statement

The *Blayney Shire Local Strategic Planning Statement* (LSPS) acknowledges and seeks to enhance the desired qualities of the Town of Millthorpe but also expects the population to grow due to its proximity to services, employment and quality of life.

Whilst many of the Planning Priorities are relevant to growth in the Shire and Millthorpe we note **Planning Priority No.4 – Provide diverse housing choices and opportunities to meet changing demographics and population needs**. In particular, we note the strategic direction to '*Focus large-scale urban residential development in the town of Blayney and Millthorpe where there are higher levels of service, infrastructure and facilities to support growth*'. The Subject Site has been clearly identified for many decades as the most obvious place for urban growth of the settlement.

We also note **Planning Priority No.6 – Protect and conserve the natural environment and heritage qualities while adapting to the impacts of hazards and climate change**. In particular, we note the strategic direction to protect key heritage assets, heritage streetscapes and town and village entrances by identifying the desired character and ensuring development is sensitive to character in Blayney, Millthorpe, Carcoar & Newbridge. We suggest the Proposal has balanced the need for efficient development with >60m setbacks for the Park St frontage and landscape that will enhance and protect the key gateway to the town and the heritage conservation area. The Site is not constrained by risk of flood or bushfire and has appropriate access to reticulated services to protect the natural environment.

#### 5.5 Notification & Advertising

Notification is governed by the *Environmental Planning & Assessment Act* (EP&A Act) and *Blayney Community Participation Plan* (2019) (CPP). We understand that the Amended Proposal will be re-notified to the community.

The Application involves works within 40m of three (3) marked drainage lines on the topographic map. As reviewed in this SoEE, the south-western and north-eastern watercourses are merely overland flow paths (OFPs) and do not have formed banks. The north-west watercourse is a heavily modified drainage channel.

We have applied the Waterfront Land online questionnaire and it suggests that a Controlled Activity Approval (CAA) is **NOT required** for works within 40m of these drainage lines. Therefore, the Proposal is **NOT nominated integrated development** and is instead **local development**.

**Therefore, under Part B1.1, the CPP applies.**

Under the CPP- *Section B2.1* – that the proposed number of lots exceeds the threshold for NOT requiring Notification (1 additional lot Zone RU5/R5) and is also in the Zone RU5 in Millthorpe so, therefore, **Notification is likely to be required to neighbours or other affected owners and relevant utility providers or government agencies.**

Under CPP *Section B2.4*, DAs requiring notification under the CPP require a notification period of **minimum 14 days** (including weekends and public holidays) but may be extended **up to 28 days** during traditional holiday periods such as December and January.

Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

Under CPP *Section B3.1*, the subdivision also meets the requirements of that clause by creating 20 or more allotments, so it will be **advertised for a minimum of 14 days** from the date notice is placed in the local newspaper (up to 28 days during traditional holiday periods such as December and January).

Under CPP *Section B3.4*, submissions in respect of a Development Application that is notified or advertised under the CPP must be received by Council within the period designated or alternatively within such additional period as may be determined by Council or its delegated officers.

Under CPP *Section B3.5*, Submissions received by Council in relation to a Development Application that has been notified or advertised under this Plan will be considered in full as part of an Assessment Report for the proposed development.

If the substance of the submission can be addressed through a condition in the development consent, the application can be determined under delegation by the Director Planning & Environmental Services. If the substance of the submission cannot be addressed through a condition in the development consent, the application will be determined at a Council Meeting.

We suggest that as the original DA was notified for an extended period over the summer of 2021/2022 and the Amended Proposal addresses the majority of issues raised in those submissions – that the Amended Proposal should be renotified for a maximum period of 14 days with specific notification to previous objectors.

Amended SoEE, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

## 6 APPENDICES

### 6.1 Historic Aerial Photos

1964 – NSW Government Historic Aerial Imagery ([www.portal.spatial.nsw.gov.au](http://www.portal.spatial.nsw.gov.au))



1972 – NSW Government Historic Aerial Imagery ([www.portal.spatial.nsw.gov.au](http://www.portal.spatial.nsw.gov.au))



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1984 – NSW Government Historic Aerial Imagery ([www.portal.spatial.nsw.gov.au](http://www.portal.spatial.nsw.gov.au))



1989 – NSW Government Historic Aerial Imagery ([www.portal.spatial.nsw.gov.au](http://www.portal.spatial.nsw.gov.au))



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1998 – NSW Government Historic Aerial Imagery ([www.portal.spatial.nsw.gov.au](http://www.portal.spatial.nsw.gov.au))



2017 – Google Earth



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**2021 – Google Earth**





*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

## **Statement of Heritage Impact**

***Lot 101 DP 872388, 1279 Millthorpe Road (Park Street), Millthorpe NSW***

**Subdivision of land**



**Applicant: Landorange Partnership Pty Ltd**

***Date: November 2021***

**Patsy Moppett  
Town Planner and Heritage Consultant**

**ABN: 94 284 380 253**

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

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- 2.2 History of the site and the Evans family

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- 7.5 Mitigation measures and sympathetic solutions

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References

Appendix A: Plates

Appendix B: Figures

Appendix C: Subdivision plan (see separate attachment)

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

## **Executive summary**

This Statement of Heritage Impact (SHI) is prepared to address the significance and impact of works proposed, being a residential subdivision within a heritage conservation area in Millthorpe, north of the town centre. The site contains a listed built heritage item.

This Statement examines the available history of the property and the historical context and significance of the precinct. Significance is the meaning and importance of place and its context and is based on a number of established criteria. The impact of any development on or near the land is assessed through a process of analysis and research combined into a statement of values, meanings and importance, examining the heritage significance of the place where the works will take place having regard for the integrity of adjacent heritage items within their urban context.

Recommendations are provided as to how to proceed in the most appropriate manner, having regard for subdivision design, landscape features and servicing requirements.

This Statement of Heritage Impact is to be utilized by the developer, planners and other professionals in the assessment, development, redevelopment and management of the precinct.

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

## **1.0 Introduction**

### **1.1 Name of place**

The street address of the premises is 1279 Millthorpe Road, Millthorpe, being a rural block of land containing an old bluestone cottage. It is within a rural/residential precinct adjacent to the town of Millthorpe and associated residential areas.

### **1.2 Location**

The property lies on the northern edge of Millthorpe within the Central West of NSW, some 240km west of Sydney. **See Figure 1.** The land has frontage to Millthorpe Road (Park Street) to the east and Richards Lane to the north. The proposal only relates to the land in Zone RU5 Village at the southern end and the rest of the land is not part of the agreement between the owner and Applicant'. To the south west and south lie the residential areas of Millthorpe. To the north is rural residential land. The land is slightly undulating, sloping towards the west. **See Plate 18.**

### **1.3 Property description**

The property is known as Lot 101 DP 872388 (**see Figure 8**), being approximately 14.63ha in area and addressed to Millthorpe Road. It is an allotment of irregular shape, being approximately with a 550m road frontage to Millthorpe Road and 120m frontage to Richards Lane. Rural post and wire fencing applies to three boundaries, with a post and rail fence along part of the Millthorpe Road frontage.

The site contains an old bluestone dwelling possibly dated to about 1885, together with associated outbuildings and sheds. **See Plates 4, 10, 11 & 13.**

The development site is located within a heritage conservation area and the old house is an individually listed heritage item (No.273). In the vicinity of the land lie several other heritage listed items: Uniting Church (No.260), Redmond Oval (No.283), St Mark Evangelist Anglican Church (No.284), the Millthorpe General Cemetery (No.285), St Canice's Roman Catholic Church (No.286), and the Millthorpe Heritage Conservation Area.

The site lies within the Parish of Graham, in the County of Bathurst.

### **1.4 Zoning and heritage status**

Lot 101 DP 872388 is within the Parish of Graham and within the Blayney Council local government area. Under the Blayney Local Environmental Plan 2012 (BLEP 2012) it is zoned part RU5 Village and part R5 Large Lot Residential. **See Figure 3.** The northern R5 sector of the land has a minimum lot size of 2ha, and the remainder RU5 land has a minimum lot size of 450sqm. **See Figure 4.**

Under the provisions of the BLEP 2012, the property is located within a Heritage Conservation Area and the property contains a listed heritage item under Schedule 5 Environmental Heritage. A number of other heritage items lie in the vicinity. **See Figure 5.**

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## **2.0 Historical overview**

### **2.1 Occupation and settlement of Millthorpe and district**

The area now known as Millthorpe lies on the traditional lands of the Wiradjuri people, who were frequent visitors to the area. European settlement of the area began when the government stock station, Kings Plains No. 2, was established in 1823. The fertility of the locality later gave the stock station the name Pretty Plains.

The town is based upon a land grant originally known as Grove Farm which was made out to convict overseer Charles Booth in 1834. He had come to nearby Byng to manage the local convict gaol there, a Cornish settlement which predated Millthorpe. Booth was granted 1,000 acres south west of the Millthorpe town site where he established his Grove Farm property. Millthorpe was originally called The Forest, then the Cross Roads, and then Spring Grove, following the establishment of settlement after the discovery of gold at Ophir.

Up until the 1860s early buildings would have been made of wattle and daub, handmade bricks and stone. Churches arrived in the 1860s including the Methodist minister in 1865. Services for each denomination usually predated church construction and were held in homes or temporary buildings. The Methodist church was not constructed until 1885. The Catholic church in 1904, the Anglican churches in 1878 and 1909, and the Baptist church in 1902.

Other major buildings were erected in the 1870s including the bluestone school in 1876. A number of its dwellings were also constructed from bluestone, or had bluestone foundations, sourced from a number of local quarries.

The area developed as a farming centre from 1840 to 1880 with orchards established in the 1860s, and it was a major potato growing area. Local agriculture received a considerable boost from the arrival of the railway in 1876 complete with a railway station. A large flour mill was established in 1882. The private town sprang up around the station and the mill, with local landholders subdividing their land for village allotments. Consequently, in 1884 the town's name was changed from Spring Grove to Millthorpe. The town's decline commenced in 1960 with the closure of the flour mill. Today it is still essentially a service centre to the farmlands which surround it.

Millthorpe is an historic village set amidst gently rolling hills. Classified by the National Trust, it has a number of fine historic buildings, as well as cobbled, bluestone-bordered streets, art galleries, gift and antiques shops, a museum, hotels, restaurants and cafes, a bowling club and motel.

### **2.2 History of the site and the Evans family**

John Evans and Jane Carlyon were employed at Breage in Cornwall according to the 1851 census. In September of that year they were married there, and subsequently left England on the *Joseph Somes* as assisted passengers, arriving in Australia in February 1852. They were 24 and 25 years old respectively, John was a farm labourer and Jane a domestic servant. At first they went to Guyong, where their first two children were born. John had also sponsored his brothers and his sister to come to Australia. **See Plates 5 & 6.**

After the introduction of the Robertson Lands Acts in 1861, as one of the first settlers in the district, Evans selected 515 acres of land at Spring Grove, now Millthorpe. He named this farm "*Penrose*" after a property he had on worked in Cornwall. **See Figures 2A, 2B, 2C &**

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**2D.** Over time, he selected other holdings in the district, including 61 acres (Portion 89), the site on which the small bluestone cottage now stands. Portion 89 had previously been leased from the Crown by George Cockram. **See Figure 10.**

In 1885 John Evans donated land for the erection of the first Methodist Church in Millthorpe, (**see Figure 6**) which still stands. Evans retained a strong interest in the church throughout his life, including being a lay preacher. Family history states he then built his retirement home next to the church, which dates the bluestone cottage construction to about 1886. The 1891 census shows Evans and his wife and 3 children living on the Orange Road at this cottage. From 1852 through to 1872 the Evans had nine children, one daughter Mary Jane, and eight sons. **See Plates 1, 2 & 3.**

Upon his retirement from the farm, John left the farm to his youngest son Frederick and his wife Eliza (Oates). **See Plate 7.** Frederick had no children of his own, and upon the death in 1917 of his brother Arthur, Frederick cared for his three nieces, Mary Jane, Nellie and Olga. Mary Jane and Olga were bequeathed the cottage and 61 acres in 1936, coming into effect in 1950 upon Frederick's death. Both were spinsters and upon their passing they left the property to Nellie's children, Geoff and Hilary. Parts of the property were subdivided off over time, one lot for the Methodist church in 1885, and a residential subdivision in 1910 along Church Street (**see Figure 7**). Hilary (Gander) died in 1995 and in 1998 the current owner, Chris Heap, purchased the remaining 35 acres which contained the bluestone cottage.

Jane died in 1906 and John died in 1913, both being buried at the Methodist section of the Millthorpe General Cemetery. **See Plate 8.** A plaque was erected in the Uniting Church (formerly Methodist) to their memory. **See Plate 9.**

During the current ownership of the land the dwelling has not been regularly occupied. However, the land has been stocked with sheep by local farmers from time to time, in particular by the local butcher with animals for dog food, and the sheds used for shearing purposes. A hatch in the ceiling of the house shows signs of wear where carcasses have been hung for the butchery. Potatoes have been grown on the land.

### **3.0 Physical description and proposed works**

#### **3.1 Physical description**

The land is described as undulating to flat with a general slope to the west. It comprises some 14.63ha in area, with frontage to the Millthorpe Road to the east and to Richards Lane in the north. To the west is rural residential land, to the south and south west is the village of Millthorpe, and to the east lie the Catholic and Anglican Churches and the General Cemetery. It is rural farmland with two dams.

Located on the land is a bluestone cottage with associated separate kitchen wing, and numerous timber framed and iron clad sheds and small outbuildings. The cottage is a rare basalt building with unusual coursing, a hipped iron roof and hipped verandah. It has a rear weatherboard skillion and a separate timber kitchen block with original brick ovens and chimneys and is generally in excellent condition, although it has remained unoccupied for many years. **See Plates 1, 2, 3, 11 & 13.**

Although some reports suggest the dwelling was a former inn and the sheds were stables, this was never the case.



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The dwelling contains a living room and main bedroom with a central hallway off the front verandah. The rear skillion contains a dining room & storeroom. The kitchen is a separate building, some 1.5m away at the rear, and probably also served as the laundry and bathroom. **See Plates 15, 16 & 17.**

The house is characterized by its orientation to the north, and away from the road, and is located in the far south eastern corner of the land, some 50m from the south boundary and 20m from the Millthorpe Road alignment.

**3.3 Proposed works**

The development consists of the subdivision of Lot 101 DP872388 Park Street (1279 Millthorpe Road), Millthorpe, into residential lots of approximately 700-900sqm each in area, under a staged process. The land is some 14.63ha in area and is located on the northern edge of the village of Millthorpe. **See Figure 1.** The land is zoned part R5 Large Lot Residential, and part RU5 Village.

The Staging would subdivide the RU5 sector as follows:

- Stage 1: Divides the land into two lots: Lot 100 (3.03ha) and Lot 101 (11.60ha).
- Stage 2: Divides Lot 100 into about 26 lots of 700-900sqm each in area. At this point the existing house and outbuildings would remain on Lot 101.
- Stage 3: Lot 101 becomes Lots 300 (2.56ha) and 301 (8.08ha). At this point the house is within Lot 300.
- Stage 4: Lot 300 becomes about 25 lots of 700-800sqm each. At this point the house is separated off on a lot on its own.

No works or demolition is proposed as part of this application to the heritage cottage or its outbuildings. The intent is to locate the heritage cottage, outbuildings and key plantings in the existing fenced yard within a separate lot from the subdivision that protects its heritage curtilage and important sight-lines. A future application by the owner will look at restoring the cottage.'

**See Figure 9 & Appendix C.** Access to the new residential lots is intended to be from Millthorpe Road immediately to the south of the heritage dwelling. It is noted that the dwelling does not face the road frontage but is oriented to the north.

The development site is located within a heritage conservation area, and within the property is an individually listed heritage item on the Blayney Shire LEP 2012 as Item No. 273, a bluestone cottage. It is noted that St Canice's Catholic Church and St Mark's Anglican Church, Redmond Oval and the Millthorpe General Cemetery are individual heritage items located immediately opposite the development site across Millthorpe Road to the east. The Uniting Church is located on Church Street to the south. The existing tree line along Millthorpe Road is acknowledged as worthy of retention, and enhancement would be a matter for site treatment and landscaping considerations within the subdivision.

Upon completion of Stage 4 of the development the bluestone cottage would be retained on a separate allotment of about one hectare. In as much as the dwelling is located close to two boundaries, the curtilage area would allow retention of the outbuildings with the house in a rural setting.

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#### **4.0 NSW Heritage Themes**

The principal NSW Heritage Themes are considered as follows:

- **Commerce:** activities relating to buying, selling and exchanging goods and services. The land being considered for subdivision which incorporates the heritage dwelling does not hold any significance with regard to commercial activities.

- **Communication:** activities relating to the creation and conveyance of information. The land being considered for subdivision which incorporates the heritage dwelling does not hold any significance with regard to the creation and conveyance of information.

- **Cultural environment:** activities associated with the interactions between humans, human societies and the shaping of their physical surroundings. The history of the land does have significant association with John Evans, an early owner of the property and Millthorpe settler. Evans owned and developed this land which was held in family hands through his descendants until 1998. Similarly he also owned and development the rural property *Penrose*, located just to the south of the village. The original small dwelling demonstrates changes in attitude and fortune with regard to residential accommodation from the late 19<sup>th</sup> Century through to the early 20<sup>th</sup> Century showing both typical and unusual construction techniques and styles of the particular periods. Evans lived in the house upon retirement from the main *Penrose* farm, handing the farm over to his son Frederick. The small paddocks around the house, now the subject of subdivision, became his more manageable focus.

The remnant land now being considered for subdivision has been created through the excision of land along Church Street, and also on Richards Lane in the north western corner of the property.

- **Forestry:** activities associated with identifying and managing land covered in trees for commercial timber purposes. The land being considered for subdivision and the associated heritage dwelling do not associate with forestry activities.

- **Government:** activities associated with the governance of local areas, regions, the State and the nation, and the administration of public programs - includes both principled and corrupt activities. The land being considered for subdivision and the accompanying bluestone cottage are not associated with government or governance activities.

- **Industry:** activities associated with the manufacture, production and distribution of goods. The land being considered for subdivision and the associated bluestone cottage are not connected with any industrial activities.

- **Mining:** activities associated with the identification, extraction, processing and distribution of mineral ores, precious stones and other such inorganic substances. The subject land and cottage are not associated with any mining activities.

- **Towns, suburbs and villages:** activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages.

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The bluestone cottage is representative of solid domestic construction of the late 19<sup>th</sup> Century, the main structure being structurally sound and now in good condition with high integrity, with sympathetic additions and alterations over time. The rear skillion and kitchen wing are of different construction but still in good condition reflecting changes over time.

The original Portion 89 is no longer intact and has been affected by land subdivided off along Church Street for the Methodist church in 1885, small residential blocks in 1910,

and a more recent rural residential block to the north west corner, during earlier development of Millthorpe.

The proposed subdivision will further extend the physical boundary of the village and enhance the urban function of the place.

- **Transport:** activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements.  
The proposed subdivision and the associated dwelling do not demonstrate any activities relating to transport of people or goods.

## **5.0 Significance criteria**

### **5.1 Historical significance**

The dwelling and land are significant in being one of several properties owned by one of the first settlers in the Millthorpe district, John Evans and his wife Jane. The subject land on the Millthorpe Road was acquired by Evans in 1866 and built upon about 1886 as a retirement cottage, whilst in the interim Evans had been developing his major property *Penrose*, just south of the village. Evans was significant in the development of the Methodist church in Millthorpe, donating a portion of his land for the construction of the first Methodist church in the town in 1885. Evans was also a lay preacher in the church.

### **5.2 Associative significance**

The house and land have been associated with local land owner John Evans, an active member in the local community and the Methodist Church, and his family's retention of the property up until the current owner's purchase in 1998.

### **5.3 Aesthetic significance**

The original dwelling is constructed of attractive bluestone masonry sourced from local quarries, with an iron roof. It has a weather board rear skillion which probably accommodated a dining room and additional sleeping areas. The separate kitchen building is timber clad with an iron roof. The complex is in excellent condition, although rarely lived in since the 1998 purchase. It is regular in form and scale and presents a pleasing aspect to the Millthorpe Road enhancing street views. The building therefore maintains much of its original aesthetic integrity and stands out as a pleasant addition to and element within, the precinct, especially set within its rural curtilage.

### **5.4 Social significance**

The building has no particular social significance such as a community building, but it does represent typical domestic accommodation of the late 19<sup>th</sup> Century, where a family might seek to establish legal tenure with regard to affordable home ownership, and connection to available services in a location allowing access to employment and public transport. Although the first wave of land grantees disposed of their allotments fairly quickly without

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building, Evans retained his *Penrose* farm, whilst the next wave of settlers sought a more permanent way of life and built on their blocks to establish a step toward self fulfillment and family security. Evans then reinforced his position in the community by retiring to the subject land until his death in 1913.

**5.5 Technical/research significance**

The architectural design of the dwelling is typical of medium status housing of the late 19<sup>th</sup> Century, following on from the Victorian period. By the 1890s a drought had set in and

strikes characterized industry, at which time Evans had successfully retired, handing the *Penrose* property to son Frederick.

This basic dwelling demonstrates early housing, being wholly detached, set in its own grounds and originally owned, not leased. It was a common building style in rural areas and country towns, but the bluestone construction allows the building to stand out, with its northern orientation and unusual coursing. The sheds are constructed of iron and may result from numerous building attempts to operate agricultural activities on the land over time. They are associated with the dwelling in the property's use as a farming enterprise.

The house's architectural lines are plain and austere, with little ornamentation. The rear timber kitchen annex and the timber skillion stand out as construction undertaken on an as-needs basis as income and family demands dictated. The laundry and bathroom would have been located within the kitchen building, and a separate toilet building is located away from the house, sited on a concrete slab, and may have been a later 20<sup>th</sup> Century addition.

The footprint of the original buildings is still clear to see, and the whole may present research potential in the establishment of domestic activities carried out on the site, and some farming related activities in and around the sheds.

**5.6 Rarity significance**

This item is assessed as architecturally rare. It is of excellent integrity for a dwelling of the period, and a good example of the use of bluestone. The town carries a number of bluestone buildings, both residential and community, and several others on bluestone footings, but use of bluestone outside the town is less common.

Its rarity significance also shows in the placement of stone in the construction with the unusual coursing, and the building's orientation to the north. No explanation is available for the orientation at present.

**5.7 Representativeness**

The dwelling and its attached service annexes give a good representation of early building style and basic housing requirements of the time, simple floor plans with the main rooms for general living, a master bedroom, and small sleeping areas at the rear. The separate kitchen/laundry/bathroom building at the back dedicated to service requirements is a common feature of early homes of the district. The bluestone construction enhances this significance.

**5.8 Statement of significance**

The residence is of high significant in its context as one of the earlier dwellings in Millthorpe, dating back to the late 1800's in the earlier years of accommodation construction in the town for private purposes.

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It holds strong social connections, through the Evans family's long term associations with the land and house, from 1866 through to 1998.

Its construction design demonstrates the early layout of a main dwelling, with living/sleeping facilities, flanked by primitive laundry/bathroom/kitchen add-ons at the rear. The closed in skillion was probably a result of more internal space required for a growing family, as was

the pattern over time. The structures continue to demonstrate layers of history due to the general maintenance and upkeep of the complex.

The original building maintains high aesthetic integrity and stands out as an eye-catching element in the precinct. The rear annex and skillion are visible from Millthorpe Road, but do not detract from the street view, which is enhanced by a line of mature trees along Millthorpe and a post and rail fence along that frontage.

All features of the dwelling warrant preservation. The layers of construction have become part of the fabric of the residence and demonstrate changes in adaptation, reuse and conservation management over time.

The original footprint of the building, although not rare, is still clear and there remains some potential for archaeological research on the site. The construction fabric and method are indeed rare and contribute to knowledge of local building techniques and knowledge.

## **6.0 Significance of adjoining heritage items**

### **6.1 St Mark's Anglican Church**

This group of buildings consists of the original church building, the second church and the parsonage. The first building was erected in 1878 and has been used as a hall since its replacement in 1909. This Romanesque styled church is of brick construction with an iron roof. The later Gothic styled church is of bluestone construction with an iron roof. The parsonage is of brick construction. All buildings are in good condition. Their significance lies in the development of the community through the construction of prominent local Churches, and that the buildings all retain their distinctive forms, features and character.

### **6.2 St Canice's Catholic Church**

Constructed on a raised site the Romanesque styled church building is set on a landscaped site and together with the adjoining church and cemetery heritage items creates a significant group of ecclesiastical buildings. Built in 1904, the building was constructed of brick with an iron roof, buttresses, leadlight windows, contrasting brick string courses and heads and a rendered dado band. Its significance lies in the presence of the Roman Catholic Church in the town, its distinctive architectural and landscape character and its location within a significant cluster with the cemetery and adjoining Anglican Church group.

### **6.3 Redmond Oval**

The recreation ground dates back to the early days of the town, and is notable for its mature landscape features, the memorial gates of decorative scroll pattern in wrought iron, with stone gate posts dating to the first World War, and the timber gazebo. The site is significant for its landscaped setting, its association with sporting life of the town, and the war memorial recognition of the town's involvement in world conflicts.

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#### **6.4 Millthorpe General Cemetery**

The cemetery commenced use about 1874 and is set on the side of a hill on the approaches to the town, between the two abovementioned churches. It is noted for its white marble grave markers and the black and white tiling used on many graves. The quality and diversity of monuments reflects the prosperity of the local community in the late nineteenth and early twentieth century. Inscribed verses, nationalistic motifs such as waratahs, and unusual use of black and white tiles on graves, provide insight into contemporary attitudes and taste. It retains significant landscape features and is an historical documentation of the

town's development, and the people who developed the area. It also has an important historical association because of the burial of John Lister, gold miner.

#### **6.5 Uniting Church**

The Uniting Church was constructed in 1885 following donation of the land by John Evans, a significant member of the Methodist community in the town. Its significance lies in it being an important part of the history of church growth in the district, being still in regular use and a compliment to the village streetscape, and its association with John Evans one of the first settlers in the district. It is a brick and iron building in the Romanesque style, having leadlight windows and a bluestone base. The church faces Church Street and has little direct connection to the subdivision site. There is some screening vegetation between the church and the development site.

#### **6.6 Millthorpe Heritage Conservation Area**

The conservation area is generally bounded by the ridges to the north east and south of the village, as seen from within the village. The village is picturesque with the element of surprise as Millthorpe cannot be assessed or overlooked from any one vantage point. The layout has blended well with the natural surroundings and the ridges are undeveloped with important strategically located groups of trees and plantings established for farming. The scale is remarkable, both in the relationship of the surrounding hills to the developed area of the village & in the scale of the buildings to street. The unusually narrow streets and range of subdivisions give Millthorpe an intimate atmosphere.

It is significant for its agricultural history, subdivisions, tree plantings and character largely unchanged over time, its potential for further archaeological research, and its rare integrity as a complete urban landscape.

### **7.0 Impact**

#### **7.1 Proposed development**

The proposed development consists of the subdivision of part of a historically significant property on the northern edge of the town, within the heritage conservation area. The subdivision would create some 49 lots of 700-900 sqm each in area, which would be undertaken over four stages, as outlined in Part 3.3 above.

The subdivision would adjoin existing residential lots along Church Street to the south and obtain access from a newly created access road off Millthorpe Road, just to the south of the heritage listed cottage on the land. The bluestone cottage would be retained by the current landowner together with appropriate curtilage.

Landscaping features including mature elms and hawthorn hedges along boundaries would be retained as much as possible, those being a particular feature of the townscape and the rural locality.



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**7.2 Redevelopment options**

A number of options were considered for the most appropriate subdivision design for the land to obtain maximum yield in terms of residential development, and to conserve the integrity of the heritage conservation area and the bluestone cottage precinct. The developer has consulted with Blayney Council to establish criteria for the project as proposed, and the current subdivision design may alter to a degree upon establishment of servicing and access requirements.

The southern part of the land as proposed for subdivision has been zoned for such development for many years and a previous application for subdivision in 2005 has subsequently lapsed.

The proposed lots would be similar in size to those along Church and Stabback Streets, extending the physical village boundary as permitted by the zoning in the BLEP2012.

**7.3 Positive impacts**

The positive impacts of the redevelopment are significant. The compact nature of the original town layout is contained within the landscape features being the ridges to the north east and to the south of the town. The main character of the town, the narrow streets, the historic buildings precinct and the landscape features are contained within the lower sectors of the depression between the ridges, and around the original road intersection. This part of the town has limited potential for further growth.

Given the demand for living opportunities in the town it is more appropriate that development occur on the edges of the existing residential precincts, where existing landscape features can be maintained and enhanced. This way the present town structure can be retained and will not continue intermittently into the surrounding countryside along the approach road as ribbon development.

The significant ecclesiastical precinct across Millthorpe Road is visually protected by existing landscaping, and would benefit from the incorporation of advance plantings within the new subdivision and along its access road. Views both onto those sites and from them would be minimally affected due to the narrow nature of the road frontage of the subdivision, that being only some 50m. The subdivision would be tucked away behind the residue open farmland around the bluestone cottage and the paddocks to the north.

The subdivision is located on the northern boundary of the Church Street allotments and the eastern side of the Stabback Street allotments, with the land falling away to the north and north west away from that development. There are no particular significant landscape features which would restrain the town to the north and west but the lower aspect of the new subdivision would protect rural views from the village to the northern tableland area. As Church Street is along a slight east-west rise, views from the village to the north would not be overly compromised.

The bluestone dwelling has not been occupied for many years. The associated paddocks have been utilized for various stock and leasing arrangements over this time, and this may continue. The proposed subdivision is not for rural residential development, where small scale agricultural activities would affect adjacent amenity, but for allotments similar in size and use to the existing subdivisions of Church and Stabback Streets.

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The works are therefore suitable for the site and the methodology proposed would not largely compromise the heritage significance of the precinct, the onsite cottage or the adjacent heritage items across Millthorpe Road and in Church Street.

**7.4 Negative impacts**

The importance of the open nature of the surrounding countryside providing a setting for the town cannot be over emphasized. The existing open space areas around the town do include the development site.

There are a number of matters which can be addressed by the proposed residential subdivision and some are particular to this site.

- It is critical that the existing landscape features of plantings and sight lines not be compromised by any further development of the town, particularly along Millthorpe Road. However, if TfNSW or Council were to require a dedicated right-hand-turn lane (BAR) to the Site then this would likely result in impacts to these plane trees that would have a negative impact on the heritage conservation area and landscaped gateway. The best heritage outcome would be to adopt intersections similar to Park & Church Streets that do not have a right-hand turn lane.
- Council has requested consideration of an alternate primary access to the site connecting to Richards Lane to the north. Whilst this may alleviate some impacts on Park St and the heritage cottage, this is likely to result in a road formation significantly above the flood plain to the north of the Zone RU5 area, a break in the proposed northern landscape buffer, and a higher visual impact on the rural landscape qualities at this gateway.
- The proposed subdivision will require considerable servicing arrangements which would result in disturbance, albeit some of it short term, of the surrounding environment and streets. This may result in vegetation damage and disturbance of bluestone kerbs and building footings which are a feature of the town.
- Existing plantings of hawthorn along the rear boundaries of the first few lots in Church Street would be lost. It is noted that hawthorn hedges are a feature of the rural landscape especially to the north of the town towards Orange, but are also considered an invasive weed. **See Plate 20.**
- The proximity of the proposed access road to the significant bluestone cottage is significant, that being as little as 50m. Vehicle movement along that road may create vibration affecting the structural integrity of the dwelling. Given the even closer proximity of the Millthorpe Road to the house it is already subject to this. However, the subdivision may double the intensity of possible impact from vibration, and some monitoring may be required.
- The danger of not undertaking controlled subdivision relates to further loss of heritage integrity and haphazard development over time, impacting upon views both into and from the heritage precinct.

**7.5 Mitigation measures and sympathetic solutions**

The design of the new subdivision as shown at **Appendix C**, is able to accommodate a number of measures and sympathetic solutions which will enhance the heritage precinct and protect the integrity of the heritage cottage and other heritage items in the vicinity, summarized as follows:

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- Screen planting has been placed along the western and southern boundaries of the cottage allotment and along the northern edge of the subdivision, to effectively screen the subdivision from views from the north. Suitable species should be chosen to limit interruption of sight lines to and from the site across the adjoining rural areas.
- The proposed subdivision will require considerable servicing arrangements which would result in disturbance, albeit short term, of the surrounding environment and streets. This *may* result in removal of vegetation which should be replaced as part of an overall landscaping plan for the subdivision.
- Hawthorn hedges are a feature of the rural landscape especially to the north of the town towards Orange. The stands of hawthorn along this road have been noted as a Significant Landscape by Orange City Council, they being indicative of the use of hawthorn in rural Australia as an inexpensive and compact hedging plant. However, given that hawthorn is also an invasive weed, replacement of the existing hawthorn hedge in the general vicinity can be undertaken with alternate suitable landscape species.
- A dilapidation report for the cottage should be prepared prior to works commencing to address potential vibration experienced by the increase in traffic movement in the vicinity of the bluestone cottage. The findings should be revisited on a regular basis over the coming years.
- Sediment and erosion control measures would be installed around the site and to the south of the cottage to prevent off site movement of sediment during construction, and all works would be carried out to industry standard appropriate to the heritage nature of the locality by suitable contractors.
- There remains some slight potential for archaeological research on the site within the vicinity of the bluestone cottage. Care should be taken during the construction of the subdivision to conserve any archaeological artifacts which might enhance the research already undertaken on the history of the building and the site.

## **8.0 Conclusions**

As Millthorpe is an attractive place to live, it will need to balance growth with protection & enhancement of its heritage and character. Council's Development Control Plan contains provisions which will dictate how this is to be carried out in a controlled way which will protect the landscape and built character of the town without compromising its heritage integrity as a small rural based village still contained within a rural setting.

It is recognized that elevated, undeveloped rural lands are critical to the setting of the town, and the lower level of the proposed development site lends itself to development which would not compromising the character of the town or surrounding open space areas.

In addition, it is to be noted that the landscape elements of the past are not features which will last forever, and maintenance and replacement will be essential if the high quality of the existing urban and semi-rural landscape is to be retained.

The proposed works, within the precinct and the wider heritage conservation area is expected to have minimal significant adverse impact on the integrity and significance of the history of the locality, and the integrity of the bluestone cottage.

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The works would enable efficient and effective expansion of the town for residential purposes within a heritage precinct, and maximise health, building and safety issues, in addition to conservation of the historic nature of the adjacent streets and heritage features.

It is noted that the existing bluestone cottage has been able to adapt to changes over time in service provision and occupation and has not lost its original integrity as a late Victorian

cottage building. The old dwelling retains aesthetic appeal and is still able to effectively address modern accommodation requirements.

Outcomes of the proposed development include the opportunity to research the history of the building and to invest in its future conservation.

Assuming the above works are carried out in accordance with the proposed methodology, the mitigation measures and sympathetic solutions regarding heritage matters as

documented above, this should ensure minimal adverse impact, and a positive heritage outcome for all heritage items within the adjacent precinct and the heritage conservation area.

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*St. Canice's Roman Catholic Church Inventory sheet: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)*

*Redmond Oval, Memorial Gates & Tree Planting Inventory sheet: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)*

*General Cemetery Inventory sheet: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)*

*Uniting Church Inventory sheet: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)*

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## **Appendix A**

### ***Plates***

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plate 1: Evans cottage*



*Plate 2: Evans cottage 1998*



*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

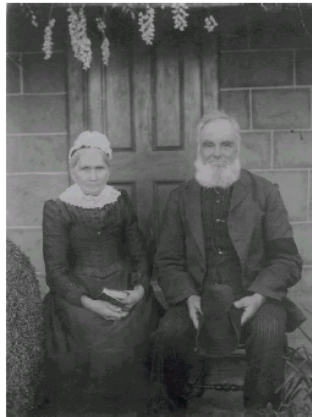


*Plate 3: Evans cottage 2019*



*Plate 4: Evans cottage 2021*

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plates 5 & 6: Jane and John Evans*

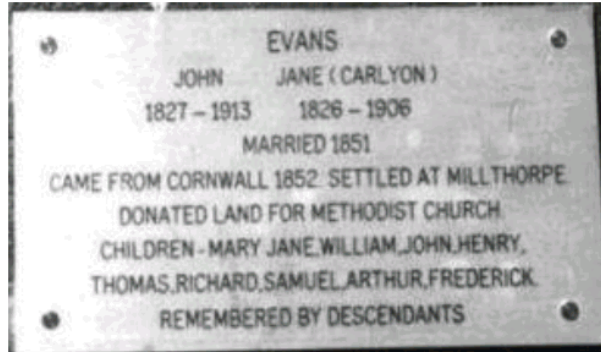


*Plate 7: Frederick and Eliza Evans*



*Plate 8: Evans grave at Millthorpe Cemetery*

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plate 9: Plaque in Methodist Church*



*Plate 10: Toilet outbuilding from 2019*



*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plate 11: Eastern elevation showing rear kitchen building and skillion addition*



*Plate 12: Eastern elevation showing post and rail boundary fence*

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plate 13: Shearing shed and other outbuildings*



*Plate 14: Separation between kitchen building and skillion*

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



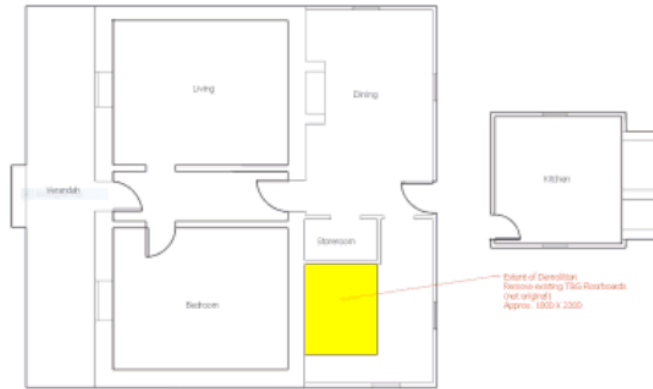
*Plate 15: Living room interior*



*Plate 16: Skillion interior*



*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plate 17: Floor plan showing future bathroom location*



*Plate 18: View from north towards site and Church Street, centre left*

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*



*Plate 19: View along Millthorpe Road, site on right*



*Plate 20: Hawthorne hedges in south eastern corner of land*

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

## **Appendix B**

### ***Figures***

Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe

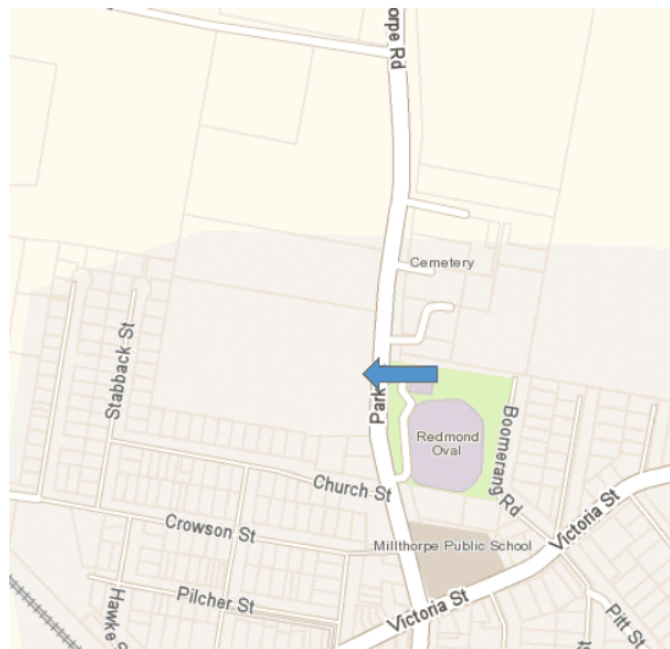


Figure 1: Location plan



Figure 2A: Portion 89 Ph Graham 1884



Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe



Figure 2B: Portion 89 Ph Graham 1901

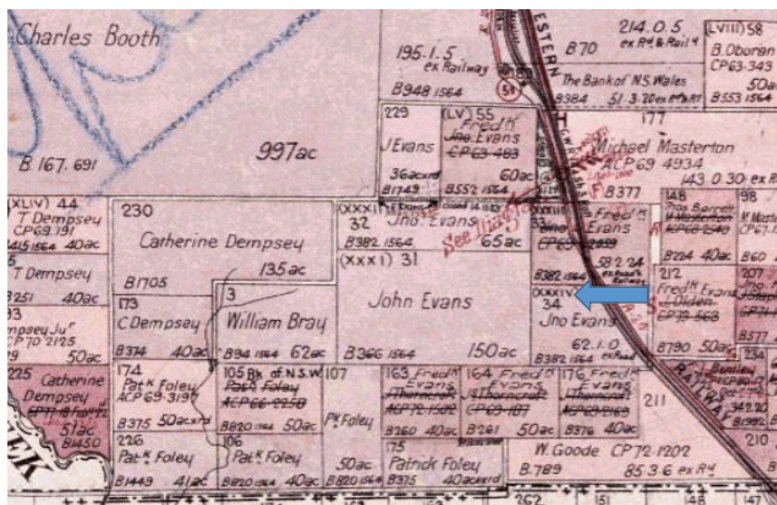


Figure 2C: Penrose, Ph Graham 1901

Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe

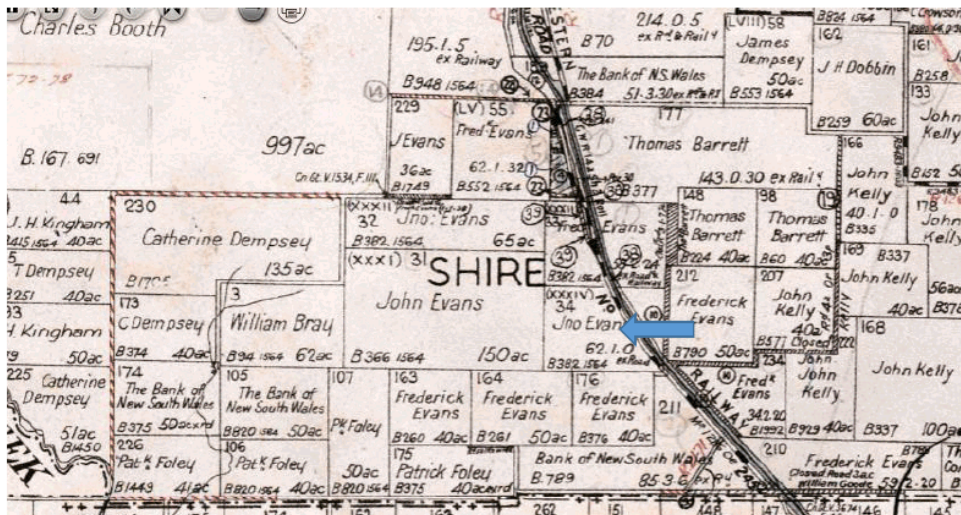


Figure 2D: Penrose, Ph Graham 1941

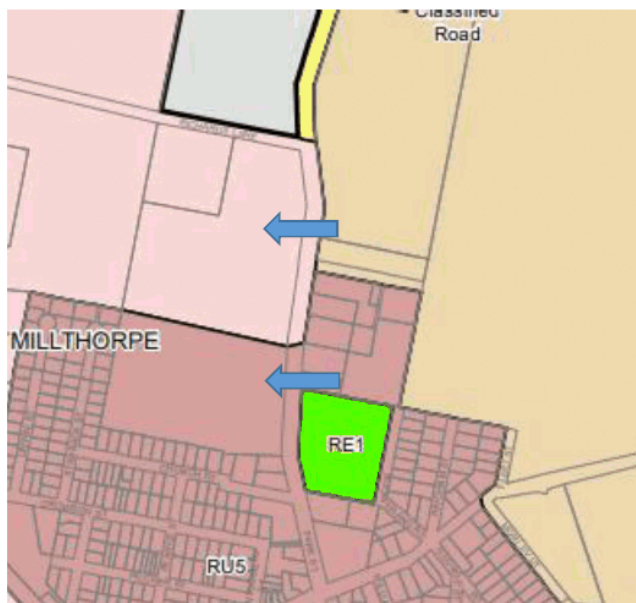


Figure 3: Zoning: R5 large lot residential (pink), part RU5 Village (plum)



Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe

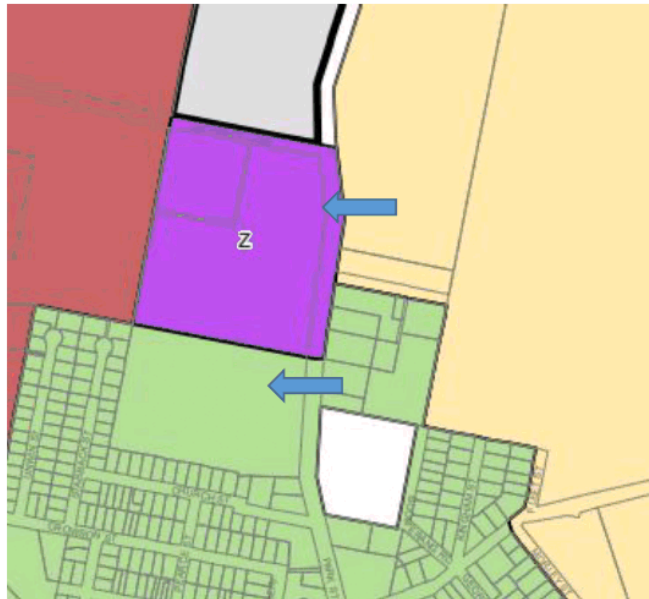


Figure 4: Lot sizes - 450sqm (green) and 2ha (purple)

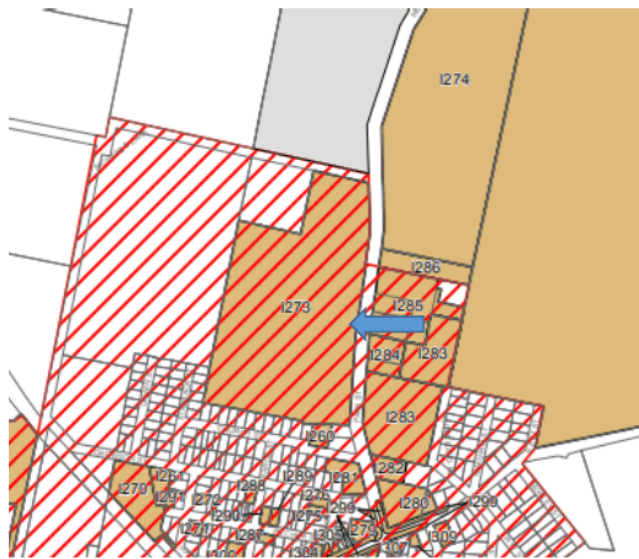


Figure 5: Heritage Conservation Area (red hatched) and heritage items

Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe



Figure 6: DP909715 - 1885

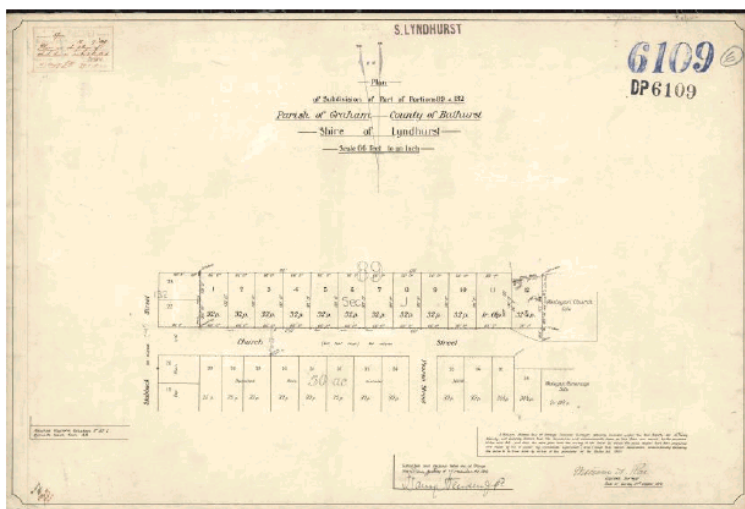


Figure 7: DP6109 - 1910

Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe

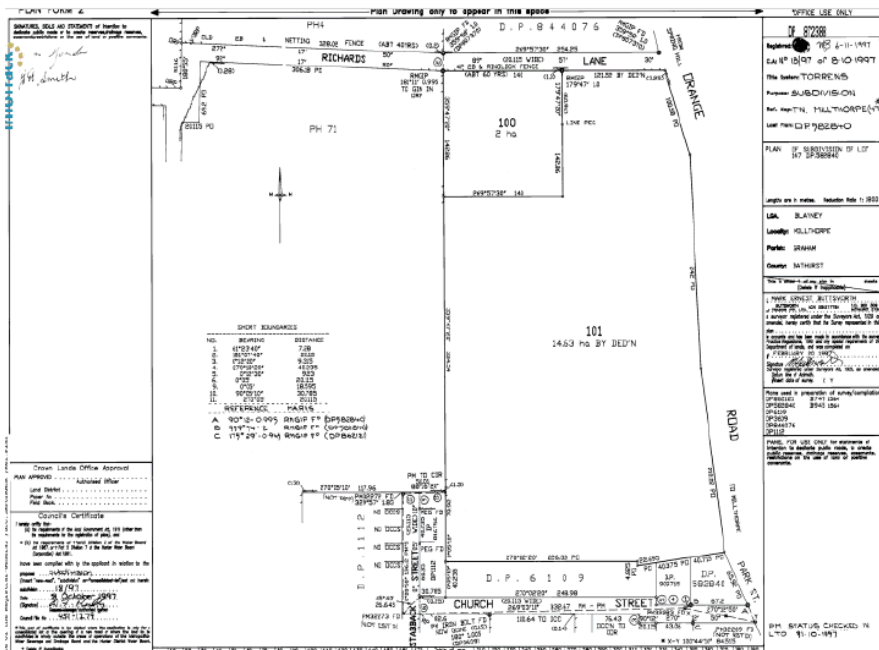


Figure 8: DP872988 - 1997

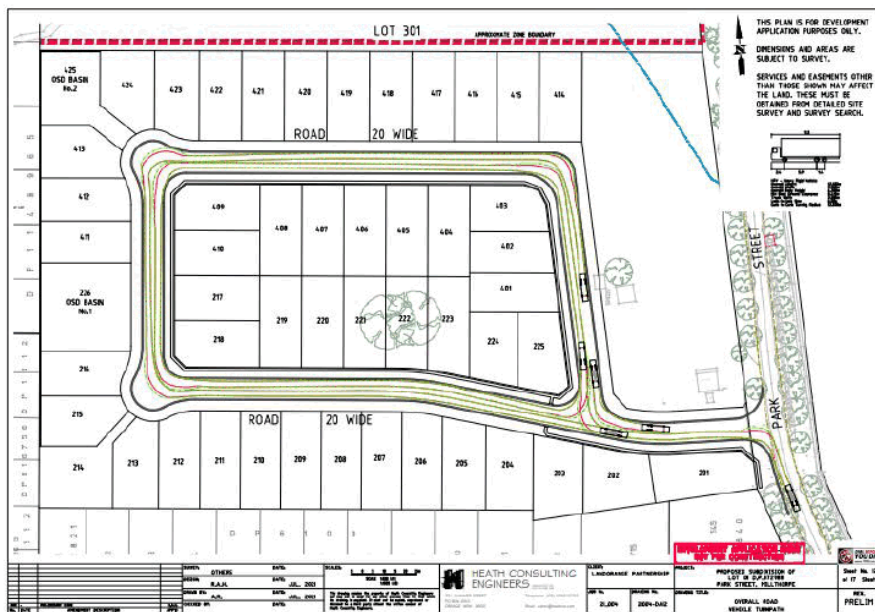


Figure 9 : Final street layout - bluestone cottage to centre right

Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe

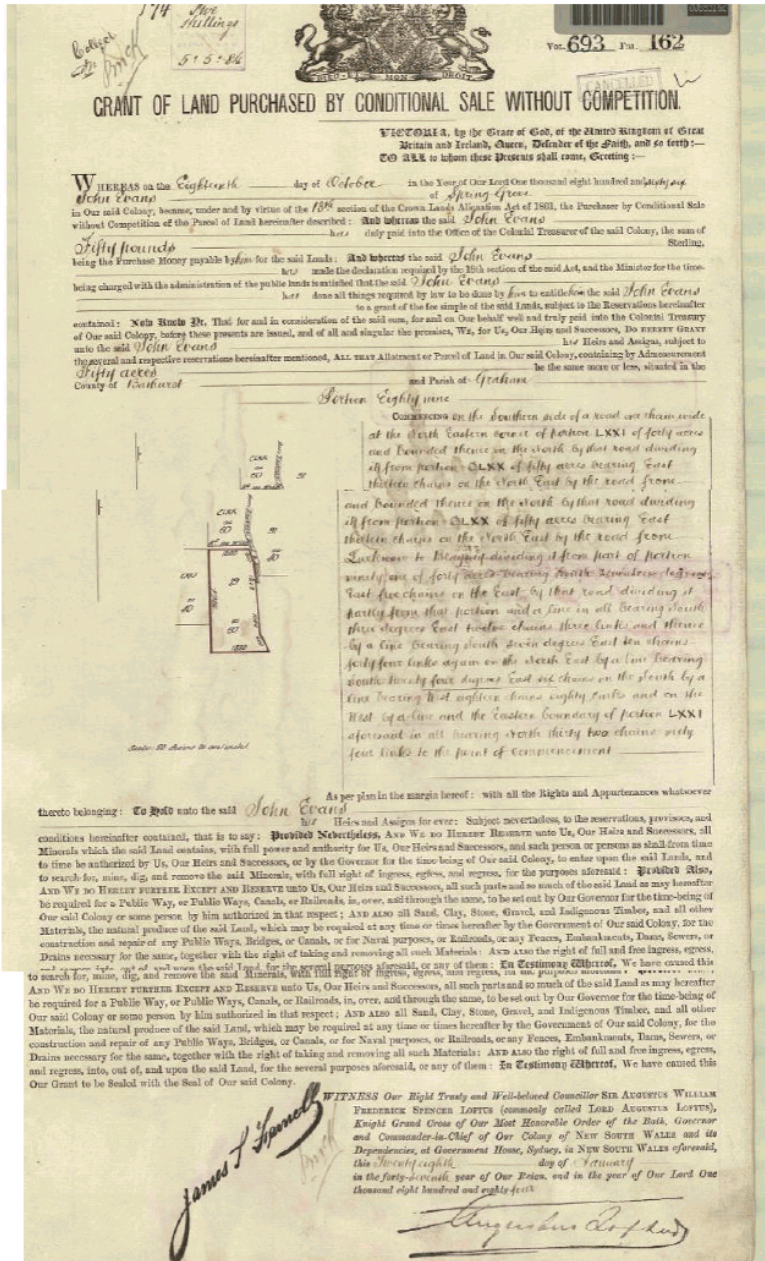


Figure 10: Deed of Sale to John Evans 1866

*Statement of Heritage Impact – 1279 Millthorpe Road, Millthorpe*

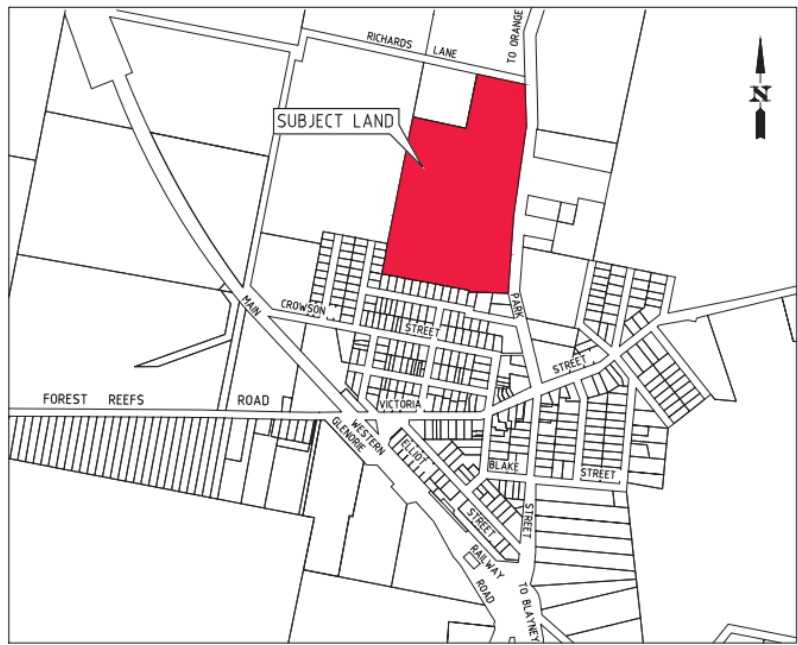
## **Appendix C**

***Subdivision Design***  
***(See separate attachment)***



# PROPOSED SUBDIVISION OF LOT 101 D.P.872388, PARK STREET, MILLTHORPE

DRAWING SCHEDULE	
DRAWING No.	TITLE
21004-DA01	COVER SHEET & LOCALITY SKETCH
21004-DA02	EXISTING BOUNDARIES & SITE DETAIL (AERIAL PHOTOGRAPH)
21004-DA02A	EXISTING BOUNDARIES & SITE DETAIL
21004-DA03	PROPOSED BOUNDARIES & SITE DETAIL - STAGE 1 (AERIAL PHOTOGRAPH)
21004-DA03A	PROPOSED BOUNDARIES & SITE DETAIL - STAGE 1
21004-DA04	PROPOSED BOUNDARIES & SITE DETAIL - STAGE 2 (AERIAL PHOTOGRAPH)
21004-DA04A	PROPOSED BOUNDARIES & SITE DETAIL - STAGE 2
21004-DA05	PROPOSED BOUNDARIES & SITE DETAIL - STAGE 3 (AERIAL PHOTOGRAPH)
21004-DA05A	PROPOSED BOUNDARIES & SITE DETAIL - STAGE 3
21004-DA06	PROPOSED BULK EARTHWORKS
21004-DA07	OVERALL ROAD LAYOUT
21004-DA08	LONGITUDINAL SECTIONS - ROAD No.1 & ROAD No.3
21004-DA09	LONGITUDINAL SECTION - ROAD No.2
21004-DA10	LONGITUDINAL SECTION - ROAD No.2 Continued
21004-DA11	ROAD TYPICAL SECTIONS - ROAD No.1
21004-DA12	ROAD TYPICAL SECTIONS - ROAD No.2
21004-DA13	ROAD TYPICAL SECTIONS - ROAD No.3
21004-DA14	OVERALL ROAD VEHICLE TURNPATHS
21004-DA15	PROPOSED STORMWATER RETICULATION LAYOUT
21004-DA16	PROPOSED SECTIONS 1 & 2
21004-DA17	STORMWATER CATCHMENT PLAN
21004-DA18	STORMWATER RETICULATION CALCULATIONS
21004-DA19	HEC-RAS - FLOOD MODELLING RESULTS 1% AEP
21004-DA20	PROPOSED SEWER RETICULATION LAYOUT
21004-DA21	PROPOSED WATER RETICULATION LAYOUT
21004-DA22	PROPOSED DEMOLITION PLAN

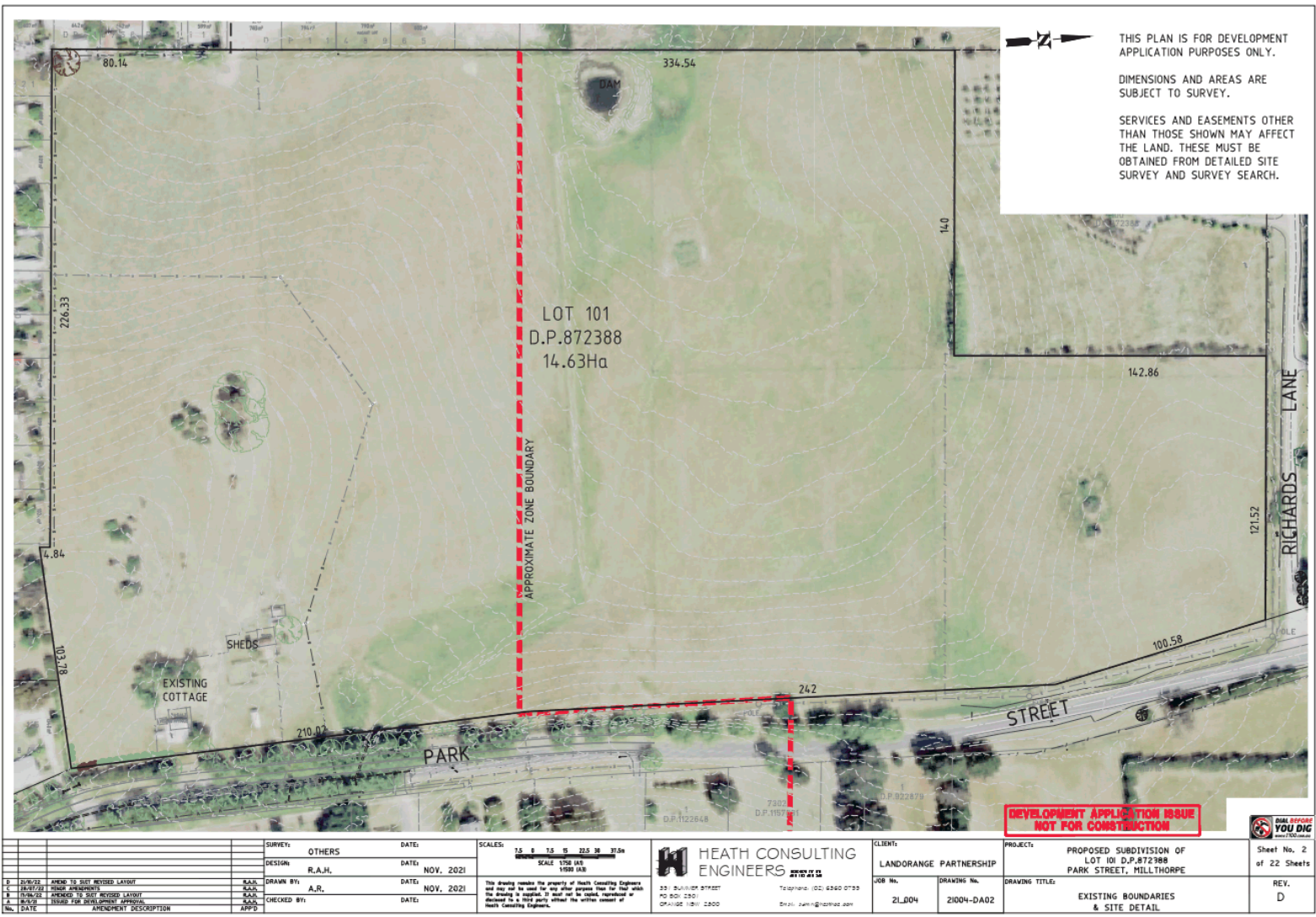


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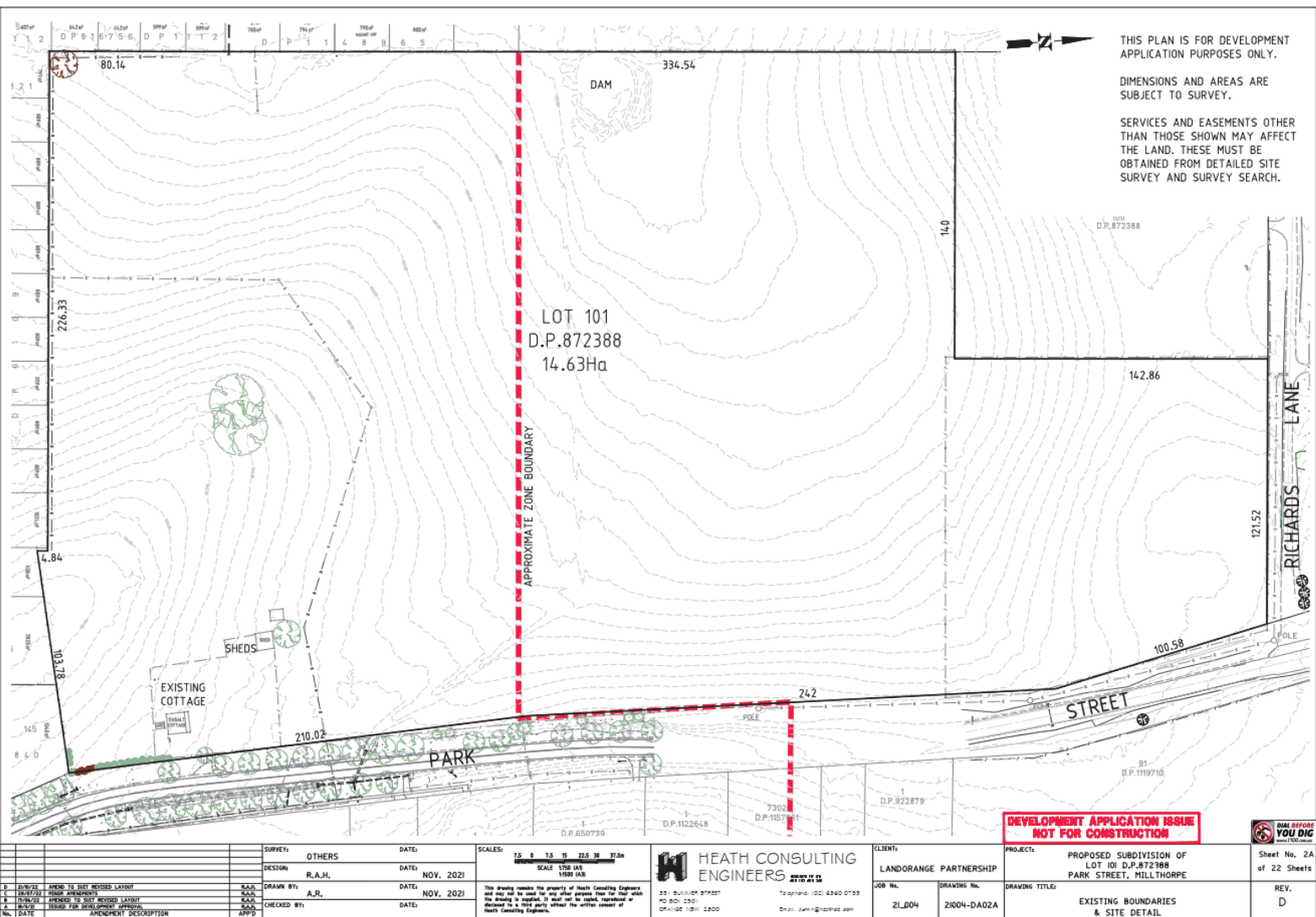
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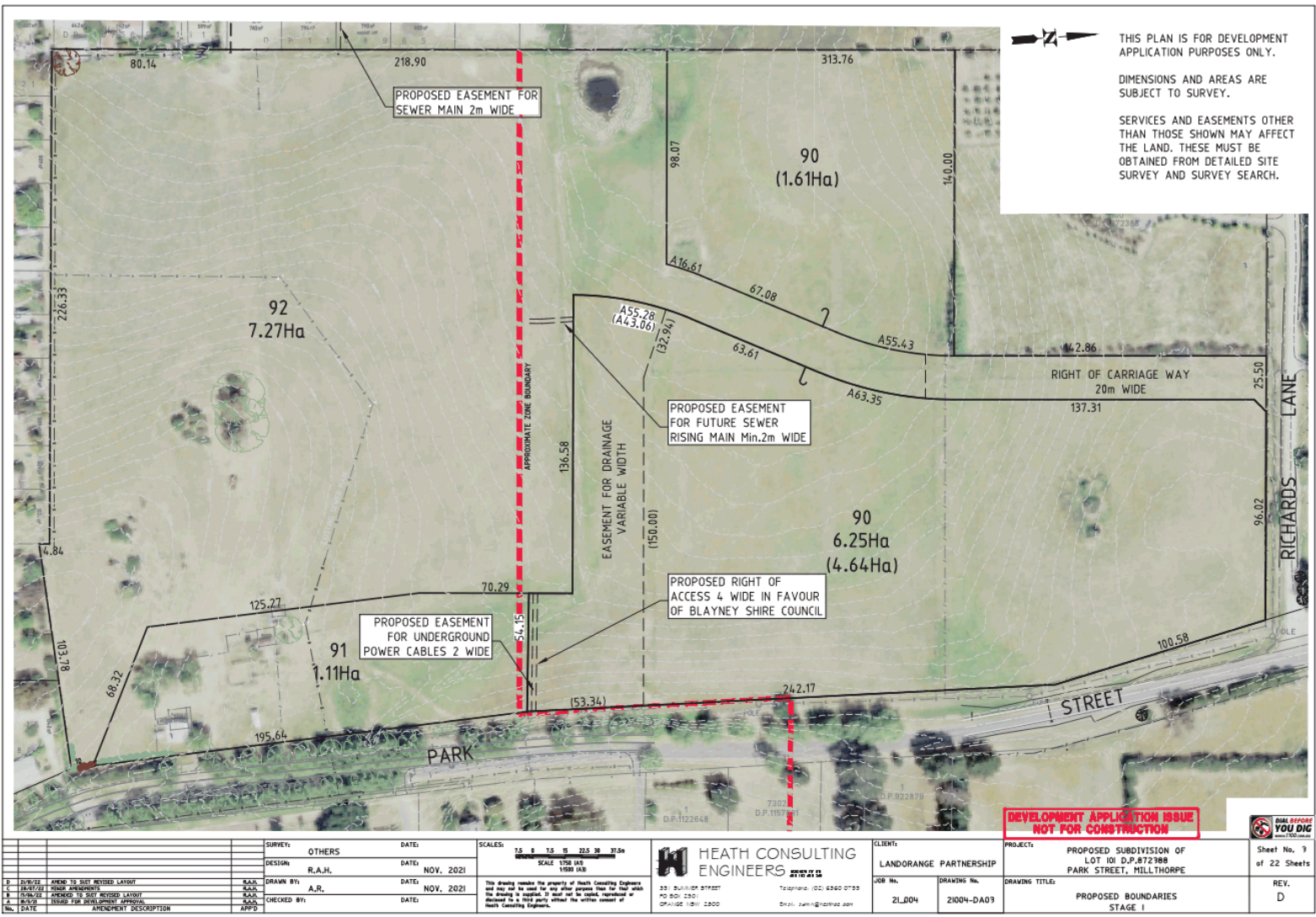


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DESIGN: R.A.H.	DRAWN BY: A.R.	DATE: NOV. 2021	SCALE: 1:500 IAB		JOB NO: 21_004	DRAWING NO: 21004-DA02	DRAWING TITLE: EXISTING BOUNDARIES & SITE DETAIL
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C 18/10/22 TRUCK EASEMENT	SAAR						
B 19/09/22 AMEND TO SITE REVISION LAYOUT	SAAR						
A 18/09/22 TRUCK EASEMENT APPROVAL	SAAR						
No.   DATE	AMENDMENT DESCRIPTION	CHECKED BY: APPD	DATE:				



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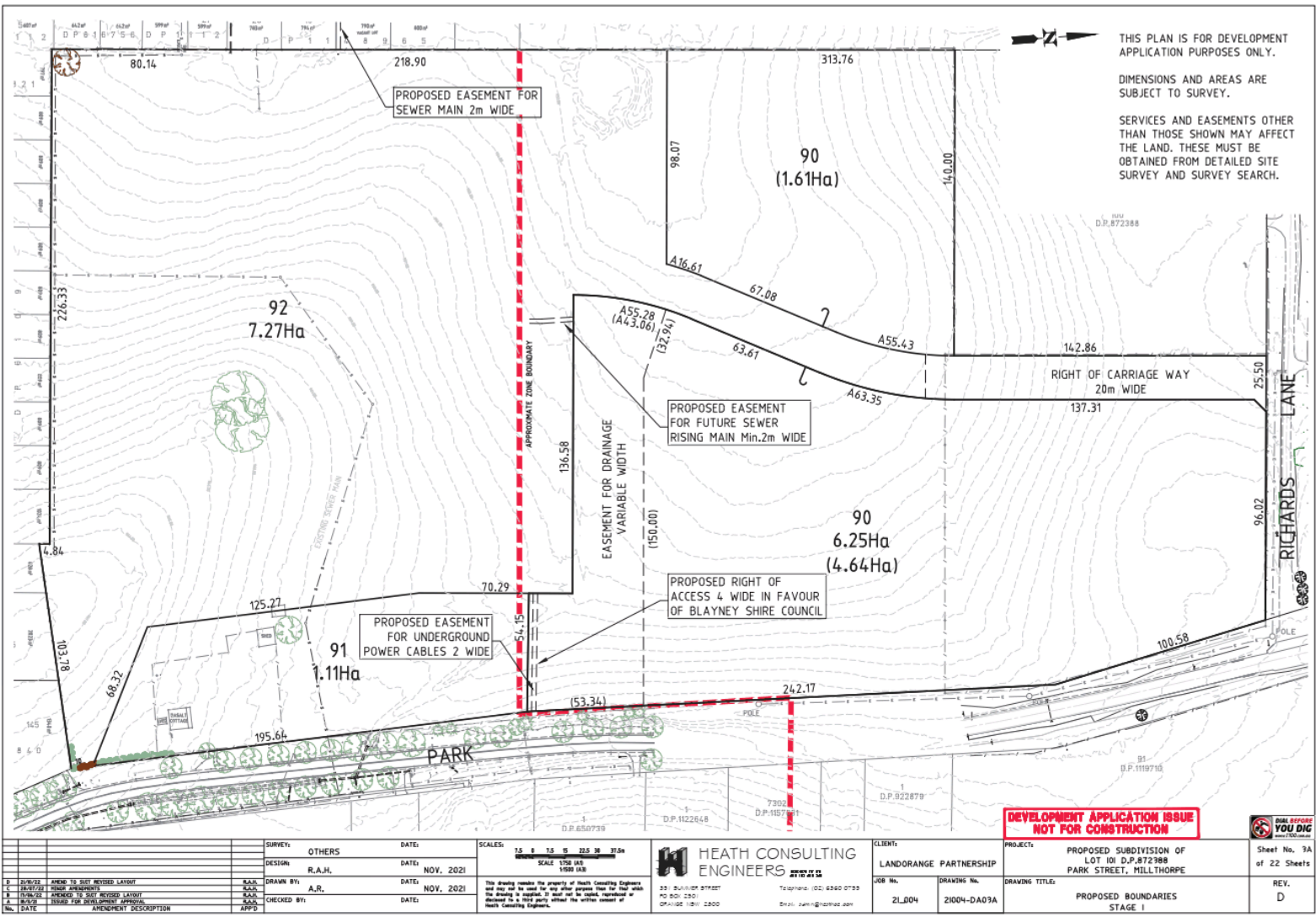


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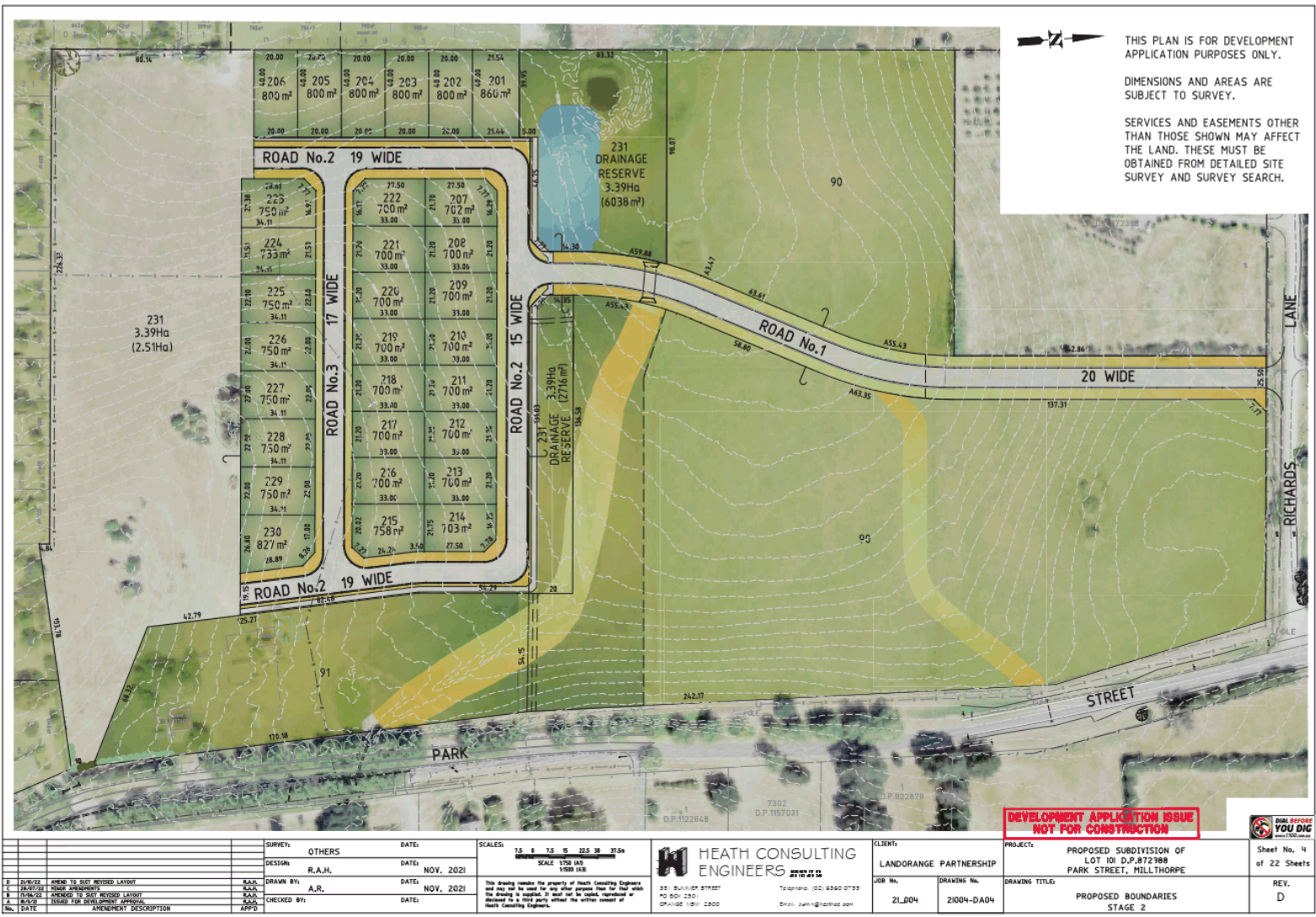
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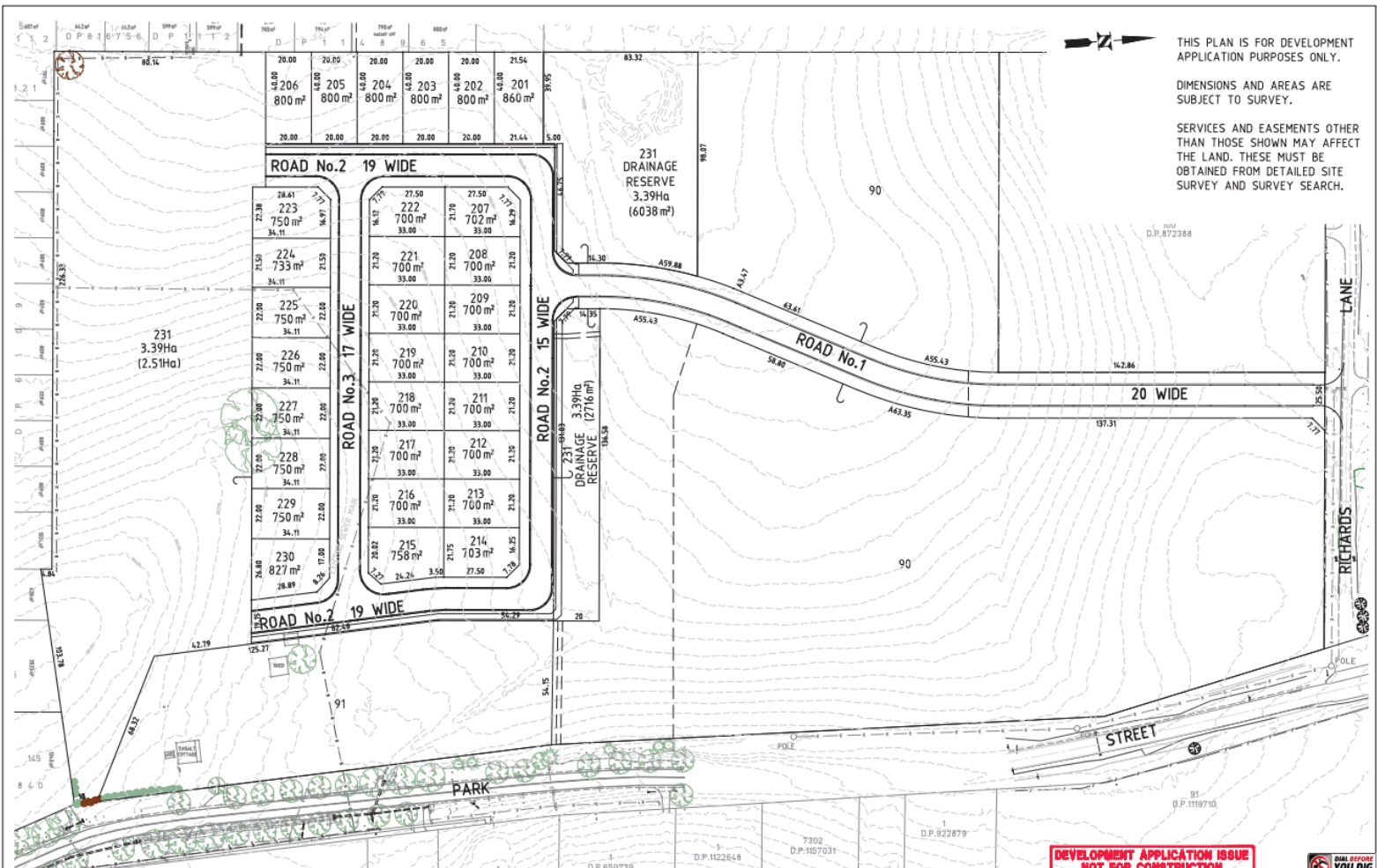


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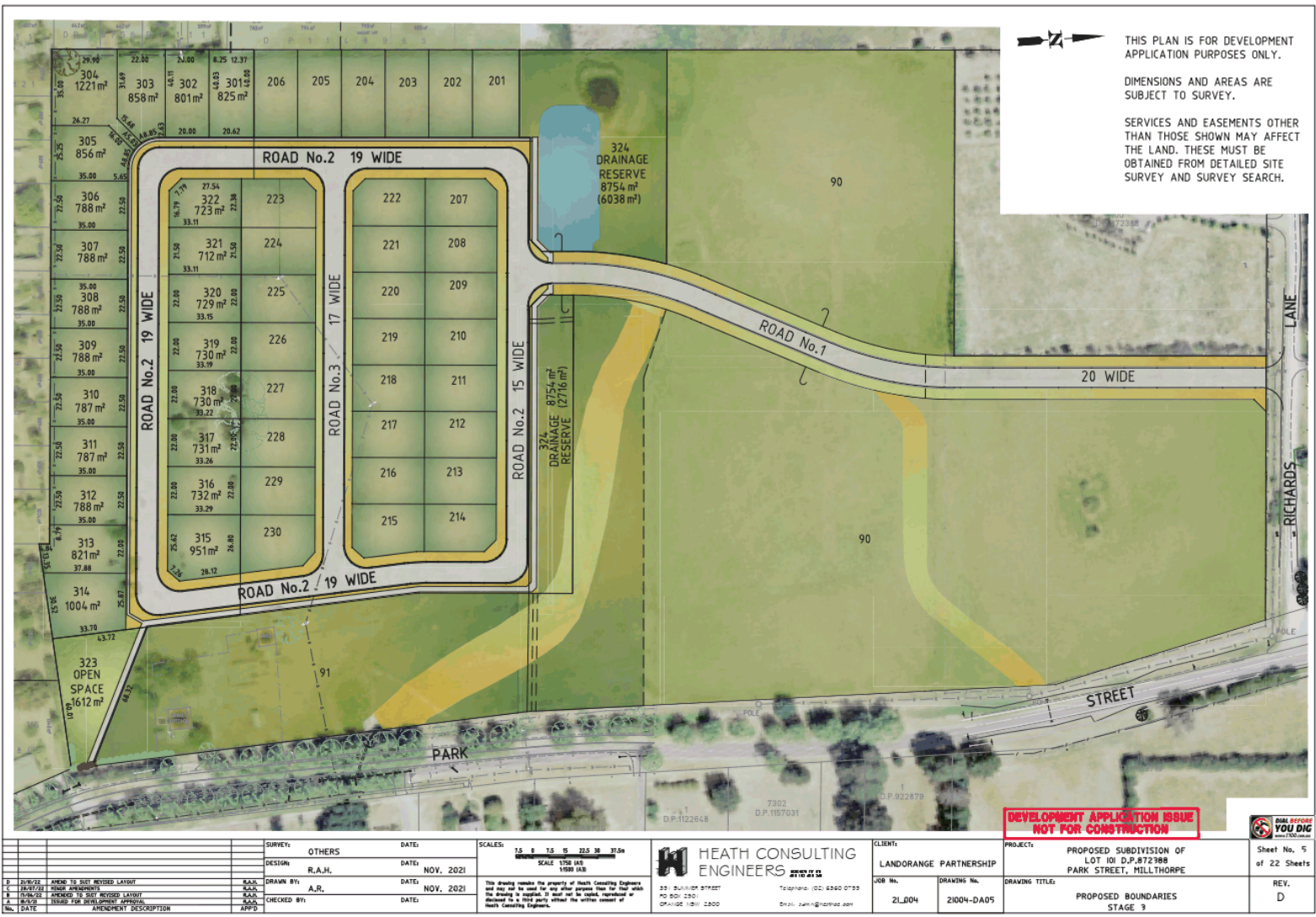
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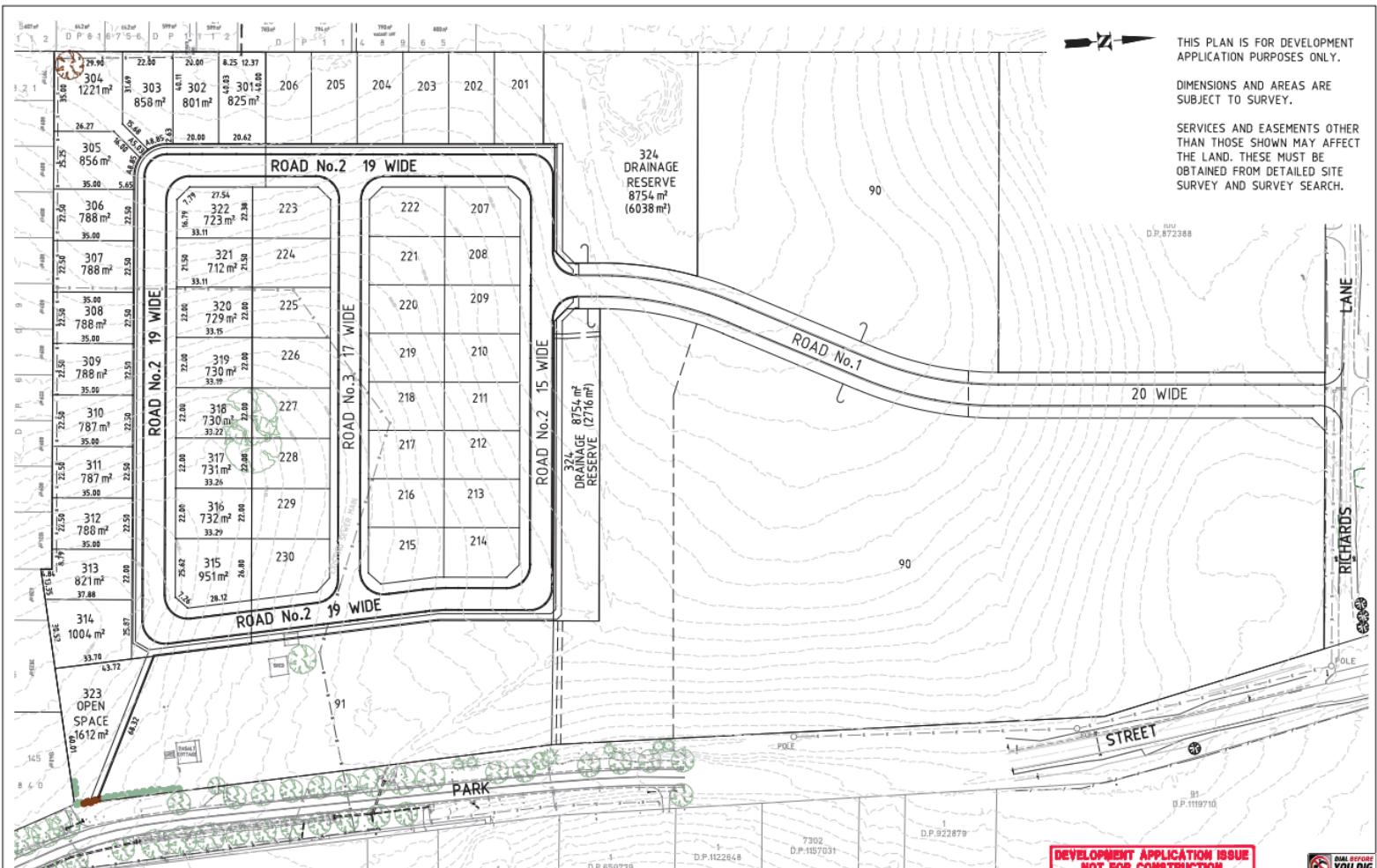
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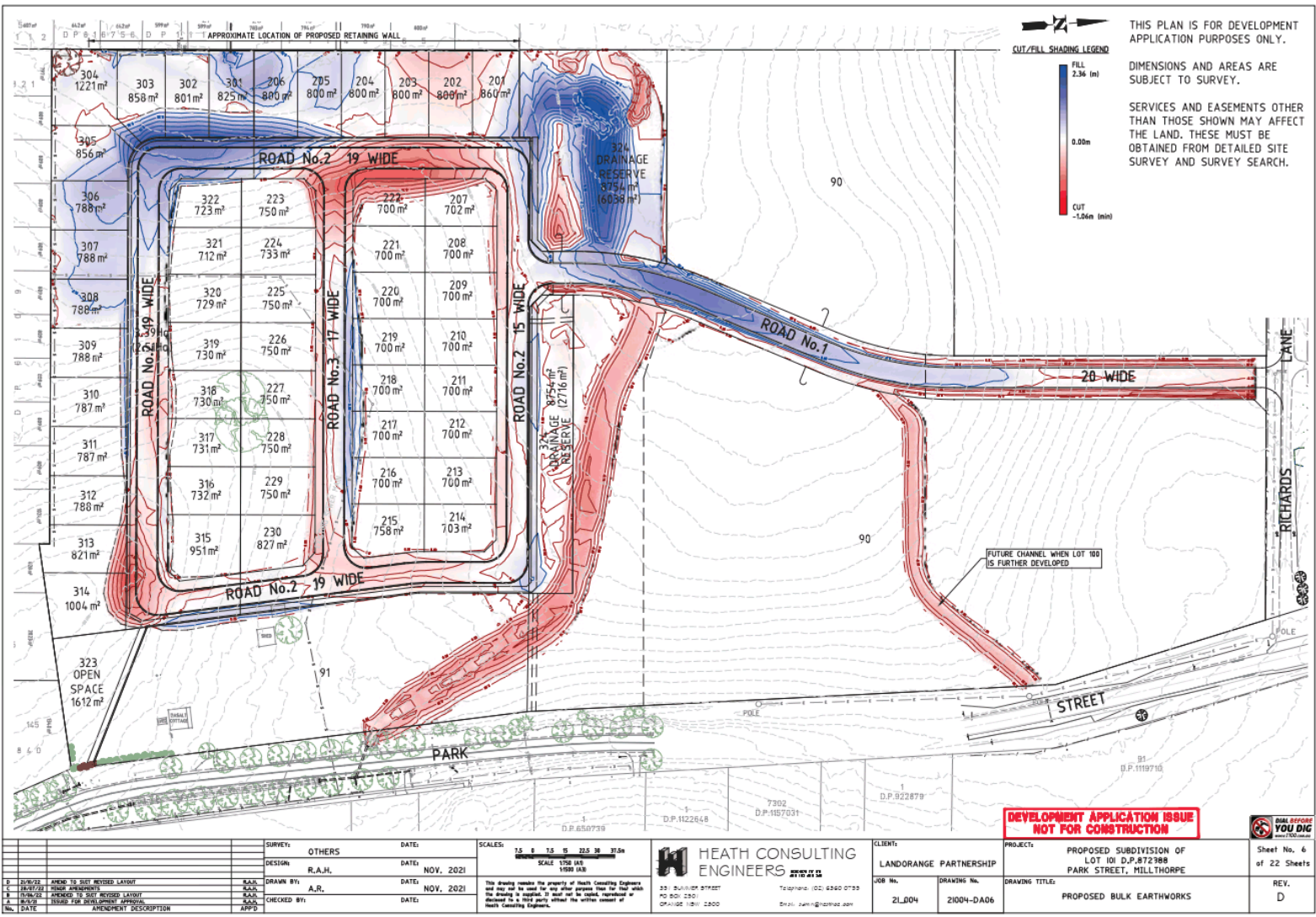


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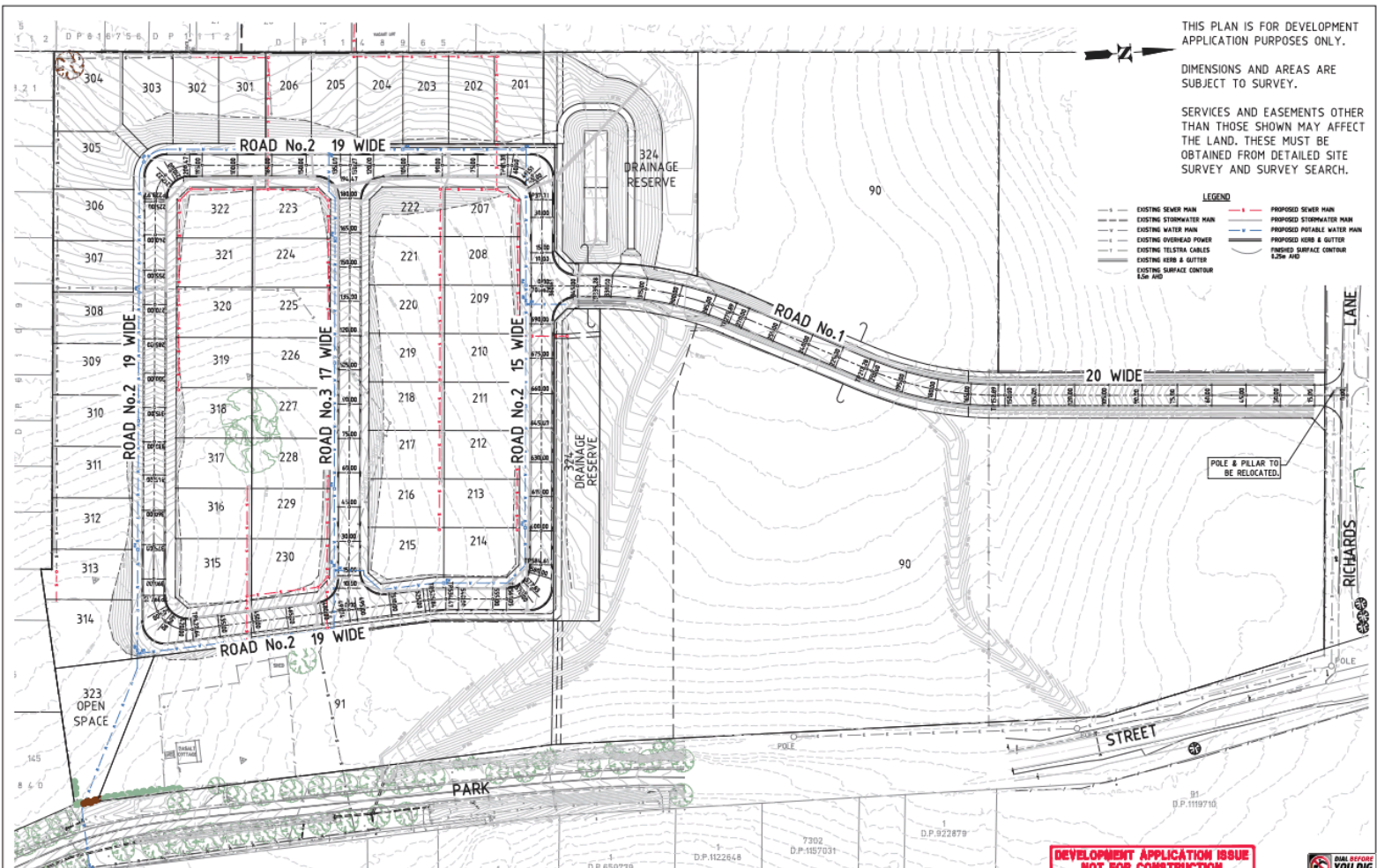


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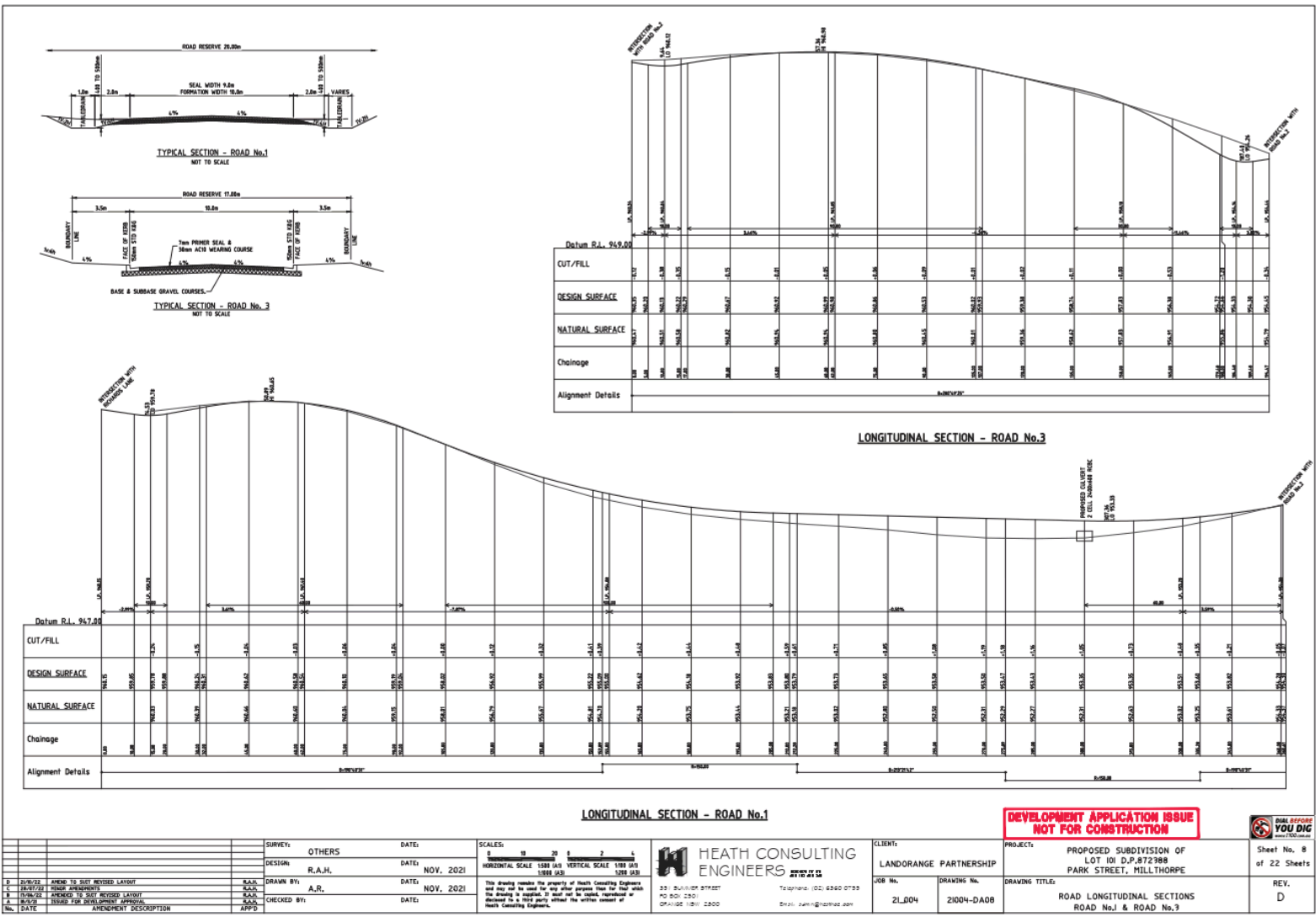


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- LEGEND**
- EXISTING SEWER MAIN
  - EXISTING STORMWATER MAIN
  - EXISTING WATER MAIN
  - EXISTING OVERHEAD POWER
  - EXISTING TELESTRA CABLES
  - EXISTING KERB & GUTTER
  - EXISTING SURFACE CONTOUR 1.0m AHD
  - PROPOSED SEWER MAIN
  - PROPOSED STORMWATER MAIN
  - PROPOSED POTABLE WATER MAIN
  - PROPOSED KERB & GUTTER
  - PROPOSED SURFACE CONTOUR 1.0m AHD

SURVEY: OTHERS DESIGN: R.A.H. DRAWN BY: R.A.H. CHECKED BY: A.R. DATE: NOV. 2021		DATE: NOV. 2021		SCALES: 1:5 1:8 1:15 1:22.5 1:30 1:50 SCALE 1:50 A3 SCALE 1:50 A4		CLIENT: LANDORANGE PARTNERSHIP PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE		SHEET: 7 of 22 Sheets REV: D	
D.P. 872988 C. 18/04/22 B. 18/04/22 A. 18/04/22 No. DATE AMENDMENT DESCRIPTION		DATE: NOV. 2021		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is prepared. It shall not be copied, reproduced or distributed in any form without the written consent of Heath Consulting Engineers.		23 BULLOCK STREET PO BOX 1301 ORANGE NSW 2800 Telephone: (02) 6360 0733 Fax: (02) 6360 0733 Email: john@hce.com.au		SHEET NO. 7 OF 22 SHEETS DEVELOPMENT APPLICATION ISSUE NOT FOR CONSTRUCTION	

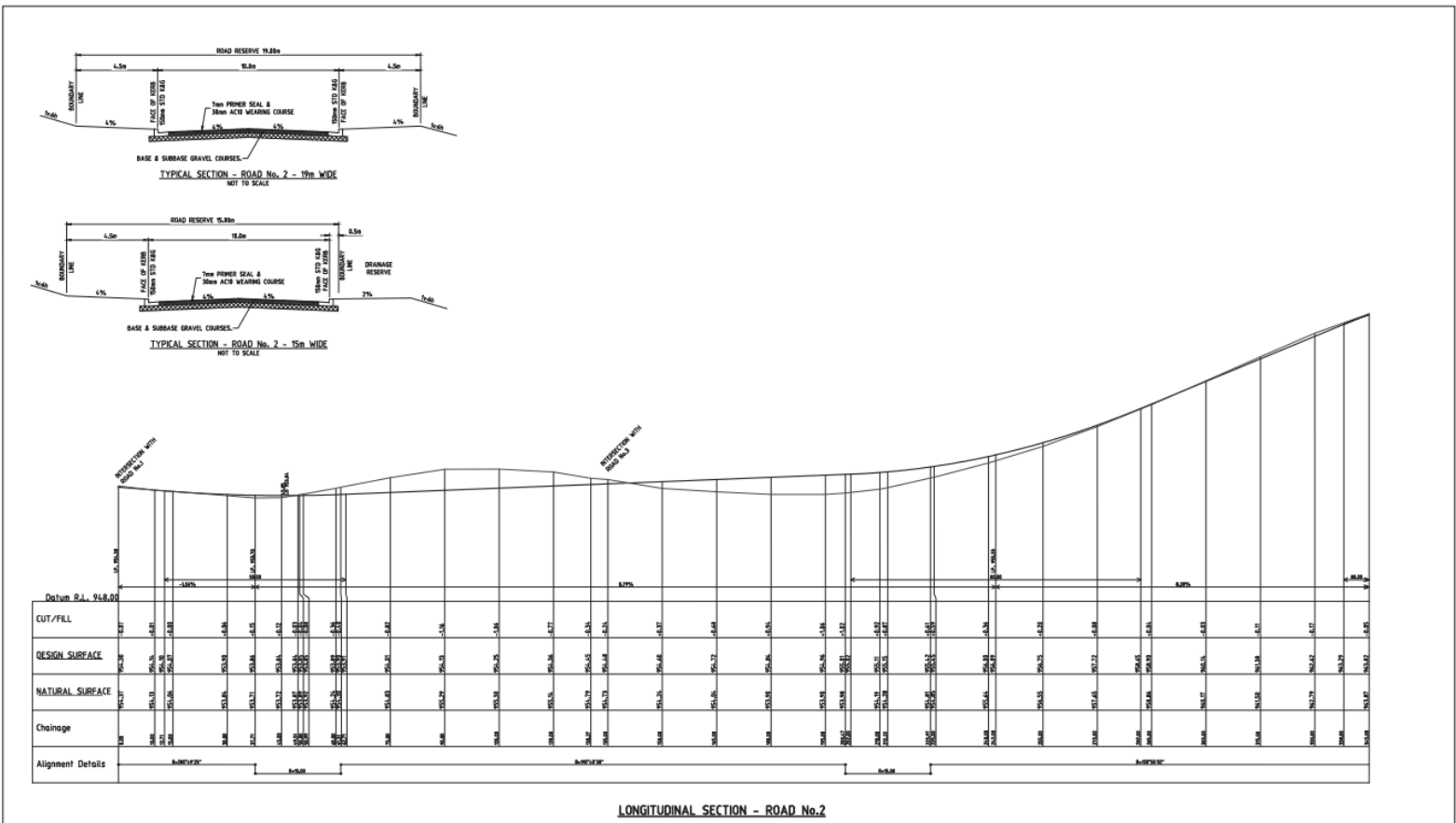
NO: 7 - EARTHWORKS & ROAD LONGITUDINAL AND CROSS SECTIONS ITEM NO: 09



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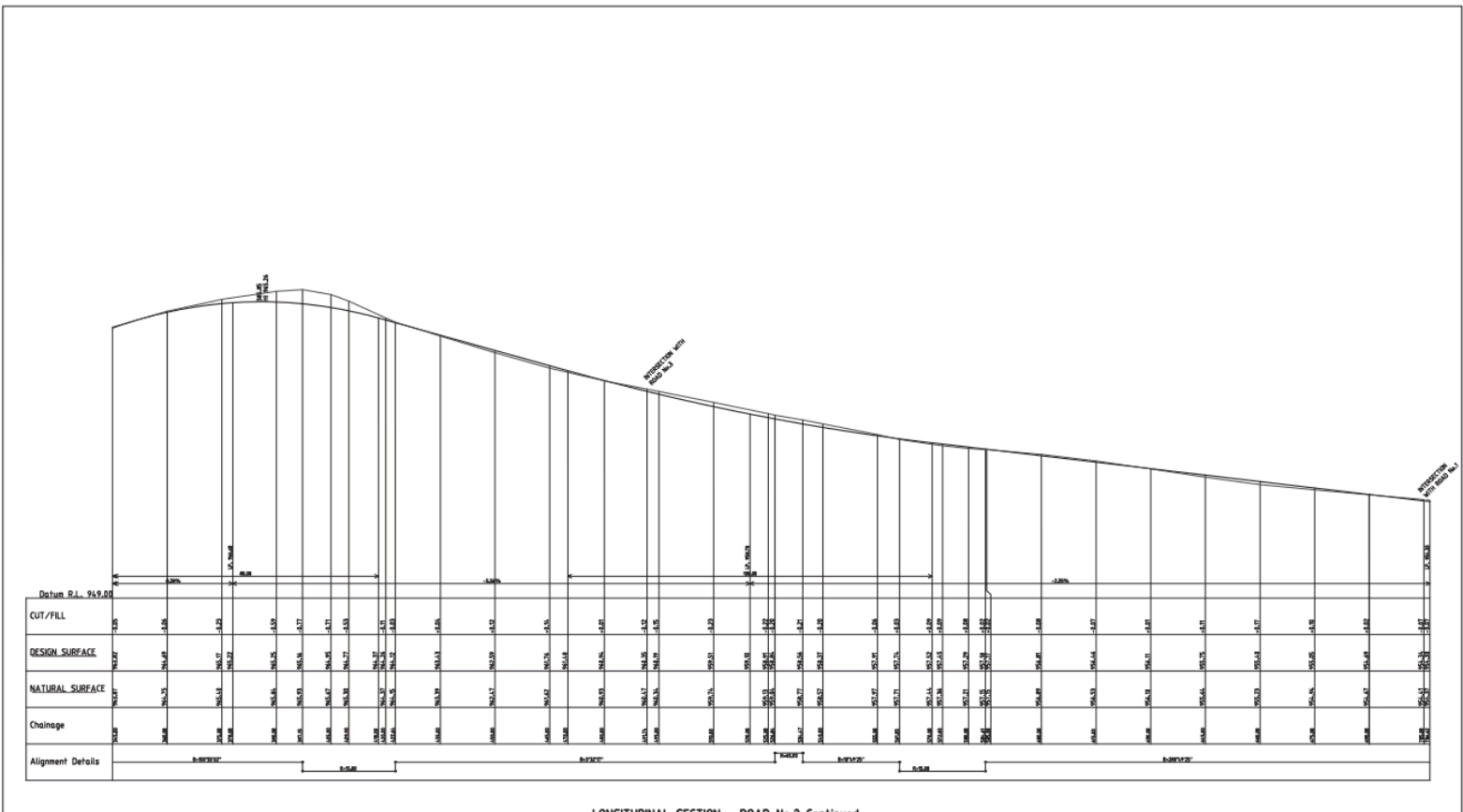


SURVEY: OTHERS DESIGN: R.A.H. DRAWN BY: R.A.H. CHECKED BY: A.R. DATE: NOV. 2021	DATE: NOV. 2021 DATE: NOV. 2021	SCALES: HORIZONTAL SCALE: 1:500 (AS SHOWN) VERTICAL SCALE: 1:50 (AS SHOWN)	 HEATH CONSULTING ENGINEERS 23 BULLOCK STREET PO BOX 2301 ORANGE NSW 2800 Telephone: (02) 6360 0733 Email: john@hce.com.au	CLIENT: LANDORANGE PARTNERSHIP JOB NO: ZL004 DRAWING NO: 21004-DA08	PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE DRAWING TITLE: ROAD LONGITUDINAL SECTIONS ROAD No.1 & ROAD No.3	Sheet No. 8 of 22 Sheets REV. D
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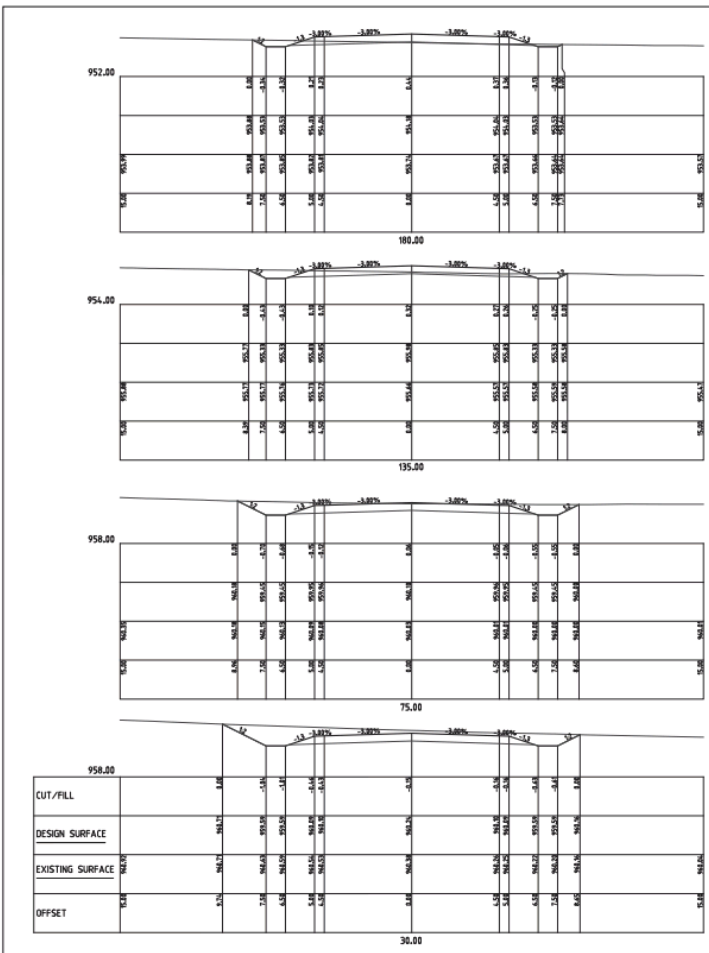
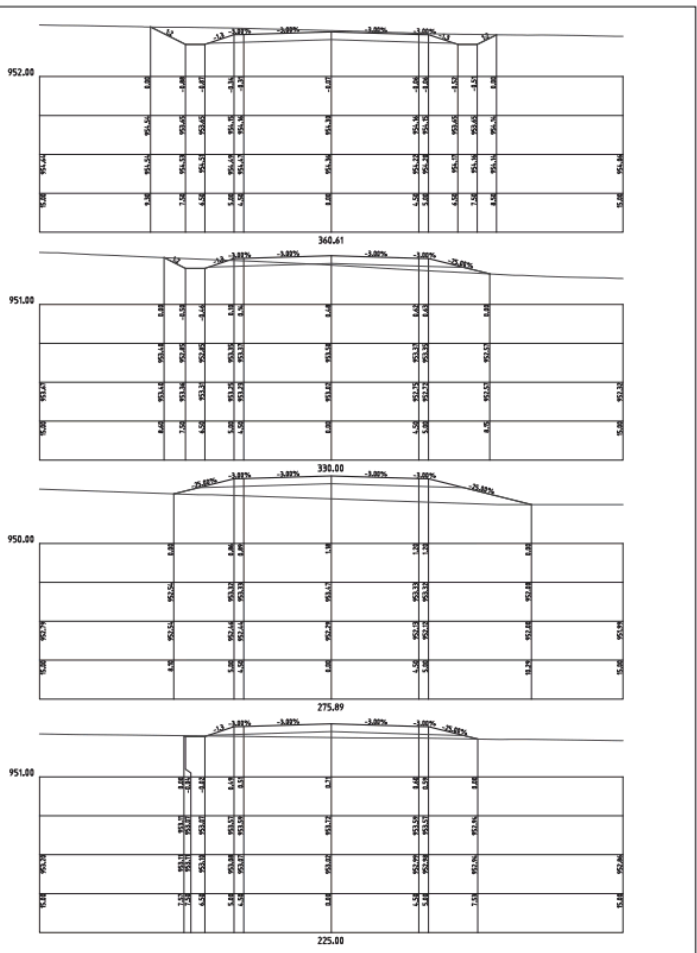
<p><b>DEVELOPMENT APPLICATION ISSUE</b> <b>NOT FOR CONSTRUCTION</b></p>																							
<p>CLIENT: LANDORANGE PARTNERSHIP</p>	<p>PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE</p>	<p>Sheet No. 9 of 22 Sheets</p>																					
<p>JOB No. 21_004</p>	<p>DRAWING No. 21004-DA09</p>	<p>DRAWING TITLE: ROAD LONGITUDINAL SECTION ROAD No.2</p>	<p>REV. D</p>																				
<p>HEATH CONSULTING ENGINEERS 23 BULLOCK STREET PO BOX 1201 ORANGE NSW 2800 Phone: 02 6360 0733 Email: john@hce.com.au</p>		<p>SCALE: 0 10 20 30 40 50 HORIZONTAL SCALE 1:500 (AS 1:500) VERTICAL SCALE 1:50 (AS 1:50)</p>	<p>SURVEY: OTHERS DATE: NOV. 2021</p> <p>DESIGN: R.A.H. DATE: NOV. 2021</p> <p>DRAWN BY: A.R. DATE: NOV. 2021</p> <p>CHECKED BY: DATE:</p>																				
<p>Amendments:</p> <table border="1"> <thead> <tr> <th>No.</th> <th>DATE</th> <th>AMENDMENT DESCRIPTION</th> <th>APP'D</th> </tr> </thead> <tbody> <tr> <td>D</td> <td>20/01/22</td> <td>AMEND TO SET REVISED LAYOUT</td> <td>K.A.N.</td> </tr> <tr> <td>C</td> <td>18/01/22</td> <td>TRUCK AMENDMENTS</td> <td>K.A.N.</td> </tr> <tr> <td>B</td> <td>18/01/22</td> <td>AMEND TO SET REVISED LAYOUT</td> <td>K.A.N.</td> </tr> <tr> <td>A</td> <td>18/01/22</td> <td>TRUCK FOR DEVELOPMENT APPROVAL</td> <td>K.A.N.</td> </tr> </tbody> </table>				No.	DATE	AMENDMENT DESCRIPTION	APP'D	D	20/01/22	AMEND TO SET REVISED LAYOUT	K.A.N.	C	18/01/22	TRUCK AMENDMENTS	K.A.N.	B	18/01/22	AMEND TO SET REVISED LAYOUT	K.A.N.	A	18/01/22	TRUCK FOR DEVELOPMENT APPROVAL	K.A.N.
No.	DATE	AMENDMENT DESCRIPTION	APP'D																				
D	20/01/22	AMEND TO SET REVISED LAYOUT	K.A.N.																				
C	18/01/22	TRUCK AMENDMENTS	K.A.N.																				
B	18/01/22	AMEND TO SET REVISED LAYOUT	K.A.N.																				
A	18/01/22	TRUCK FOR DEVELOPMENT APPROVAL	K.A.N.																				





LONGITUDINAL SECTION - ROAD No.2 Continued

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<p>CLIENT: LANDORANGE PARTNERSHIP</p>	<p>PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE</p>	<p>Sheet No. 10 of 22 Sheets</p>	
<p>JOB No. 21_004</p>	<p>DRAWING No. 21004-DA10</p>	<p>DRAWING TITLE: ROAD LONGITUDINAL SECTION ROAD No.2 Continued</p>	<p>REV. D</p>
<p>23 BULLOCK STREET PO BOX 2501 ORANGE NSW 2800 Email: adam@hce.com.au</p>	<p><b>HEATH CONSULTING ENGINEERS</b> ADVISED BY 11 8110 04 88</p>	<p>SCALES: 0 10 20 30 40 50 HORIZONTAL SCALE 1:500 (AS 1500.03) VERTICAL SCALE 1:100 (AS 1500.03)</p>	<p>SURVEY: OTHERS DATE: NOV. 2021</p>
<p>D 20/01/22 AMEND TO SET REVISED LAYOUT C 18/01/22 TRUCK DIMENSIONS B 19/01/22 AMENDED TO SET REVISED LAYOUT A 18/01/22 TRUCK FOR DEVELOPMENT APPROVAL</p>	<p>DRAWN BY: R.A.H. CHECKED BY: A.R. APP'D:</p>	<p>DATE: NOV. 2021</p>	<p>DATE: NOV. 2021</p>
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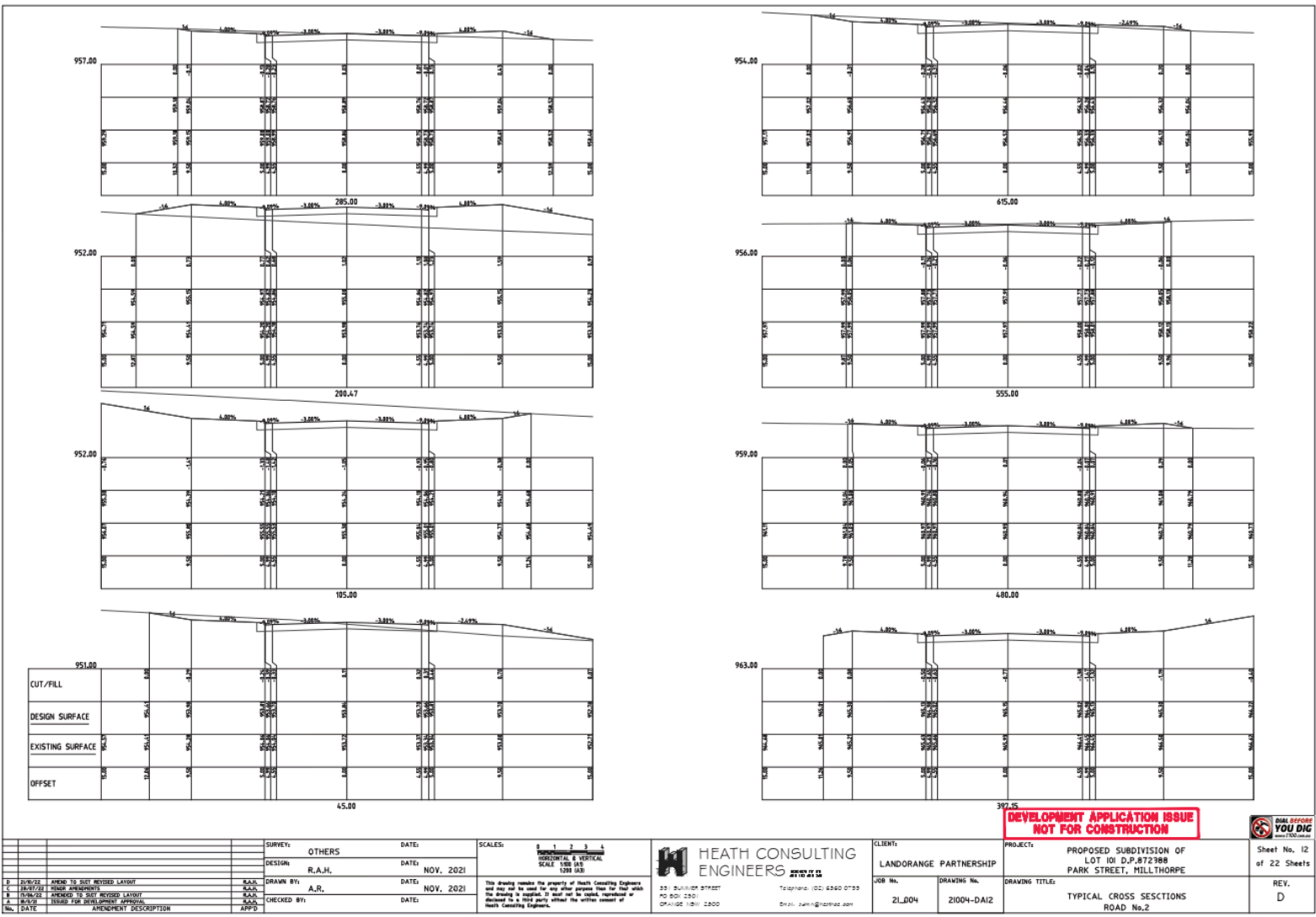
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JOB No. 21_004	DRAWING No. 21004-D41	REV. D
DRAWING TITLE: TYPICAL CROSS SECTIONS ROAD No.1		

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 Email: admin@hce.com.au

SCALES: 1:100  
 HORIZONTAL & VERTICAL  
 SCALE 1:500 (AS  
 1:250 (AS)

SURVEY: OTHERS	DATE: NOV. 2021
DESIGN: R.A.H.	DATE: NOV. 2021
DRAWN BY: A.R.	DATE: NOV. 2021
CHECKED BY:	DATE:
APPD:	

No.	DATE	AMENDMENT DESCRIPTION	APPD
D	20/01/22	AMEND TO SET REVISED LAYOUT	RAH
C	18/01/22	TRUCK AMENDMENTS	RAH
B	13/01/22	AMEND TO SET REVISED LAYOUT	RAH
A	06/01/22	TRUCK FOR DEVELOPMENT APPROVAL	RAH

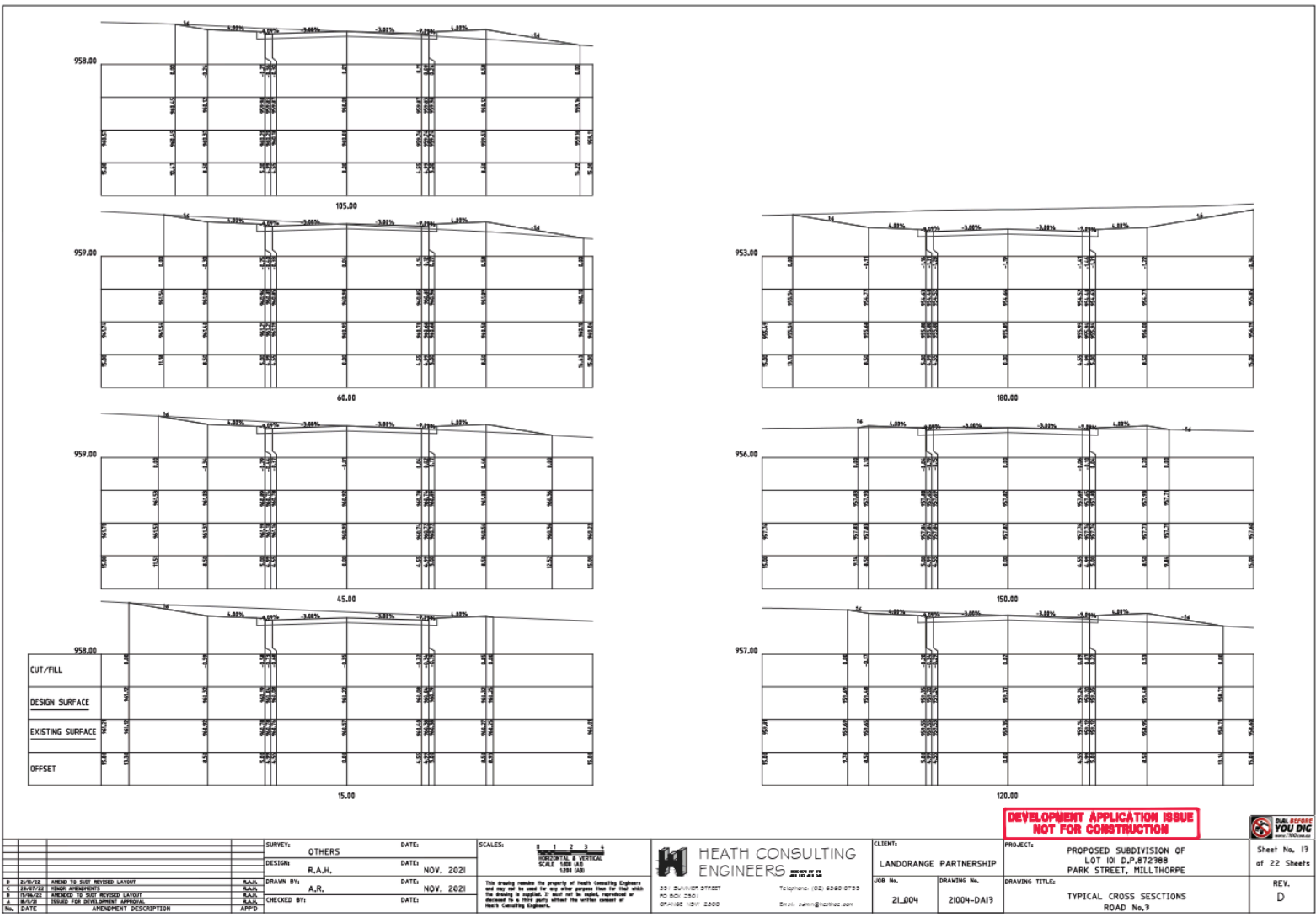


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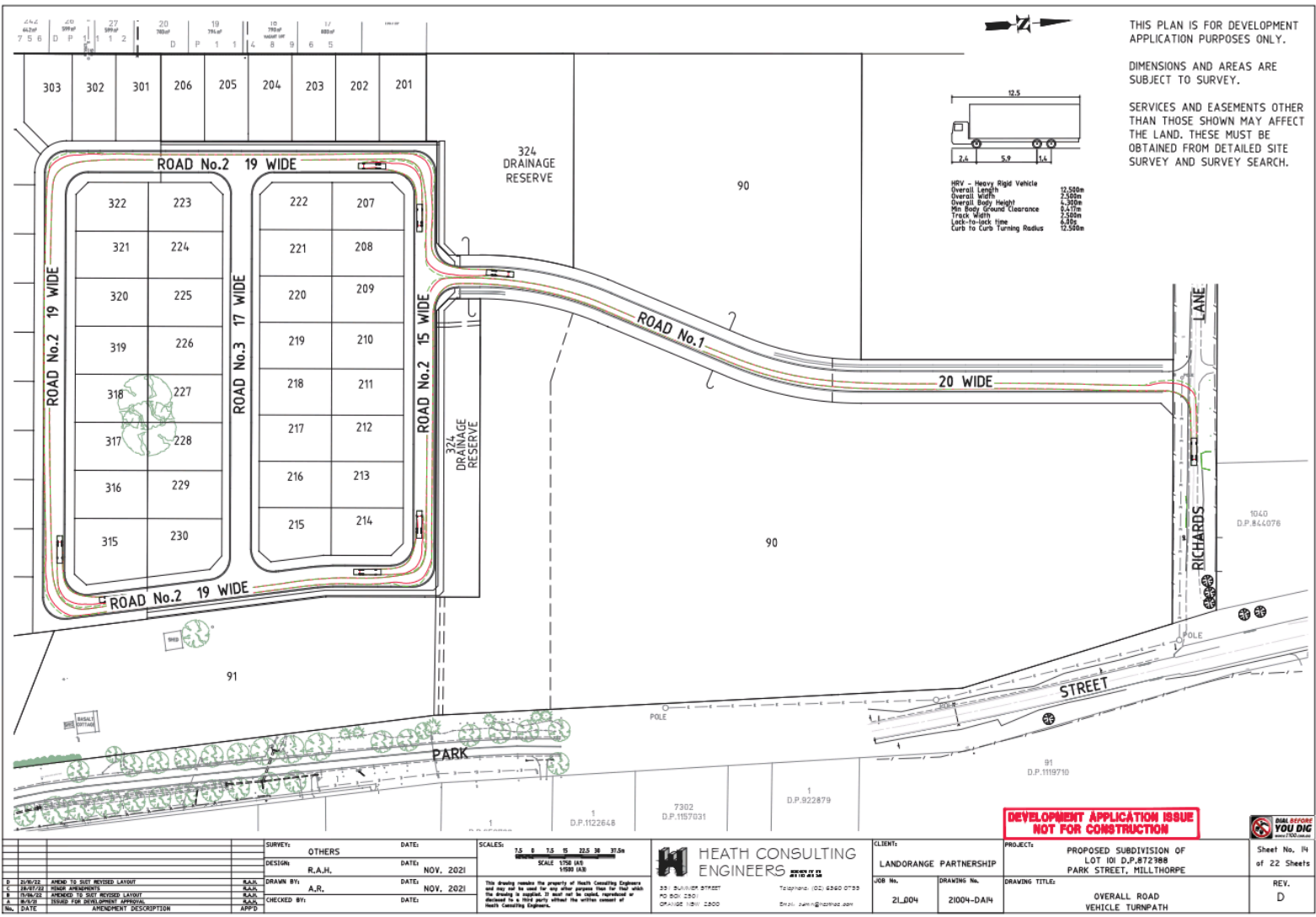
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PO BOX 1201  
ORANGE NSW 2800  
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Email: admin@hce.com.au

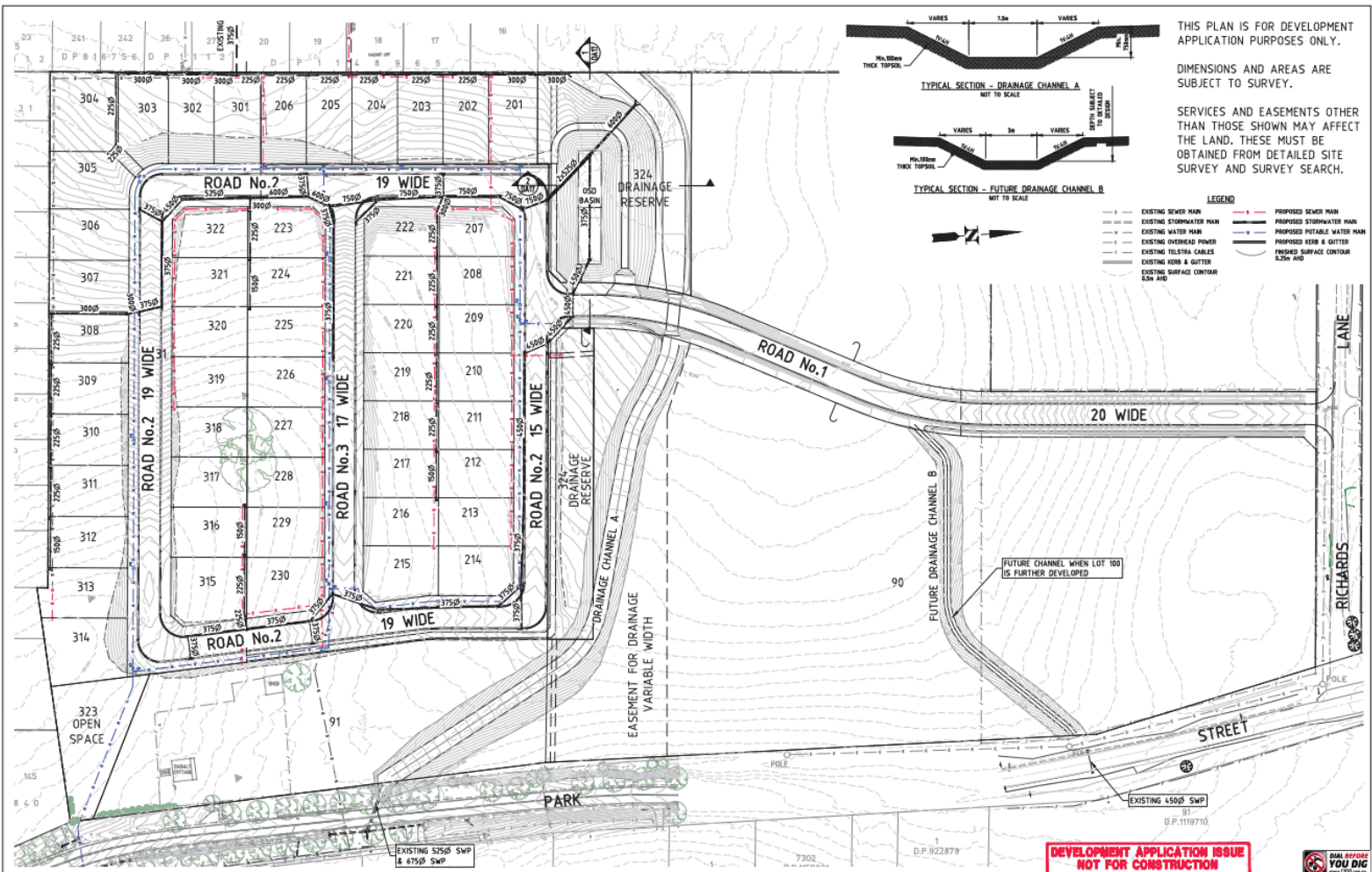
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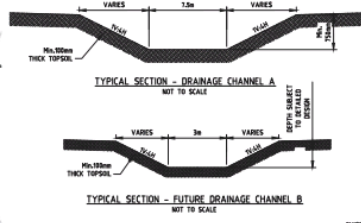




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SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.



- LEGEND**
- - - EXISTING SEWER MAIN
  - - - EXISTING STORMWATER MAIN
  - - - EXISTING WATER MAIN
  - - - EXISTING OVERHEAD POWER
  - - - EXISTING TELSTRA CABLES
  - - - EXISTING HOSE & GUTTER
  - - - EXISTING SURFACE CONTOUR 0.5m AHD
  - - - PROPOSED SEWER MAIN
  - - - PROPOSED STORMWATER MAIN
  - - - PROPOSED POTABLE WATER MAIN
  - - - PROPOSED HOSE & GUTTER
  - - - PROPOSED SURFACE CONTOUR 0.5m AHD

SURVEY: OTHERS DESIGN: R.A.H. DRAWN BY: R.A.H. CHECKED BY: A.R. APP'D:		DATE: NOV. 2021 DATE: NOV. 2021 DATE:		SCALES: 1:5 1:8 1:15 1:25 1:30 1:50 SCALE 1:750 A3 1:900 A4		<b>HEATH CONSULTING ENGINEERS</b> 23 BULLOCK STREET PO BOX 2301 ORANGE NSW 2800 Telephone: (02) 6360 0733 Email: zain@hce.com.au		CLIENT: LANDORANGE PARTNERSHIP JOB NO: ZL004 DRAWING NO: 21004-DA15		PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE DRAWING TITLE: PROPOSED STORMWATER RETICULATION LAYOUT		Sheet No. 15 of 22 Sheets REV. D	
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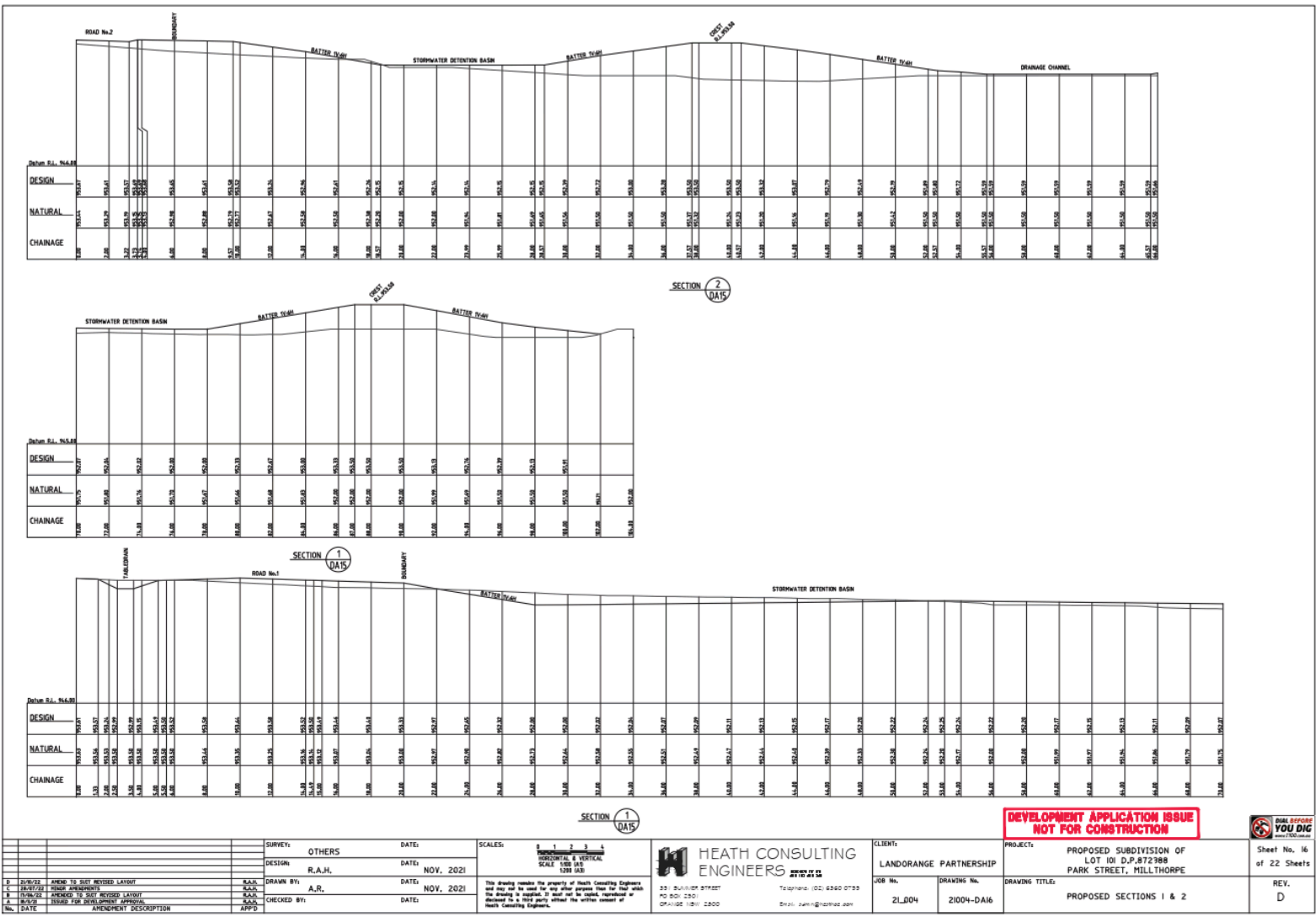
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C	18/01/22	TRUCK MOVEMENTS	K.A.R.
B	17/01/22	APPROVED TO SITE REVISION LAYOUT	K.A.R.
A	16/01/22	TRUCK FOR DEVELOPMENT APPROVAL	K.A.R.

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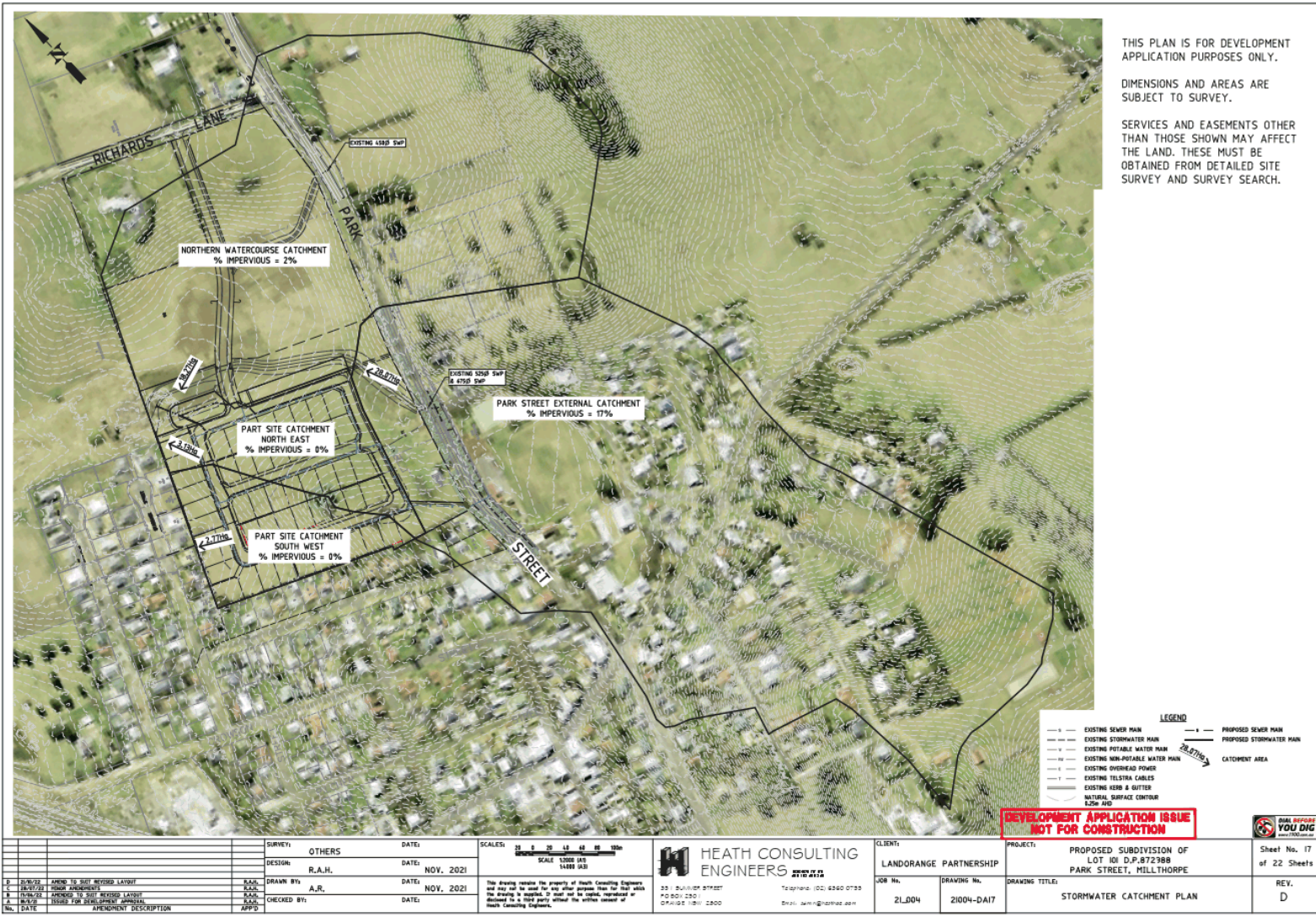




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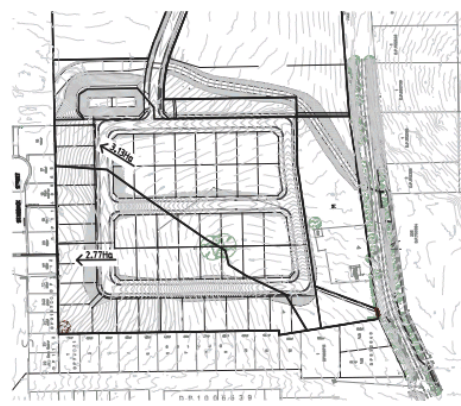
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DESIGN: R.A.H.		DATE: NOV. 2021			JOB No. 21L004	DRAWING No. 21004-DA17	DRAWING TITLE: STORMWATER CATCHMENT PLAN
D	20/11/22	AMEND TO SITE REVISION LAYOUT	R.A.H.	DRAWN BY: R.A.H.	DATE: NOV. 2021	This drawing remains the property of Heath Consulting Engineers, and may not be used for any other purpose than that for which the drawing is prepared. It may not be copied, reproduced or distributed in a third party without the written consent of Heath Consulting Engineers.	
C	18/11/22	FINAL PRELIMINARY	R.A.H.	CHECKED BY: A.R.	DATE: NOV. 2021		
B	15/11/22	AMEND TO SITE REVISION LAYOUT	R.A.H.				
A	14/11/22	ISSUED FOR DEVELOPMENT APPLICATION	R.A.H.				
No.	DATE	AMENDMENT DESCRIPTION	APP'D				





**SITE CATCHMENT PLAN**

SCALE 1:2000 (A3)  
1:4000 (A4)

**GENERAL ASSUMPTIONS USED FOR STORMWATER RETICULATION DESIGN**

% IMPERVIOUS FOR LOTS = 50%  
% IMPERVIOUS FOR ROADWAYS = 80%

**SITE CATCHMENT DETAILS**

PRE-DEVELOPMENT	PRE-DEVELOPMENT	POST-DEVELOPMENT
SIZE	331kPa	57kPa
CATCHMENT AREA	3.29ha	2.77ha
PERIMETER	07%	07%
FLOW PATH LENGTH	240m	240m
FLOW PATH SLOPE	0.7%	0.7%
RETARDANCE COEFFICIENT	0.55	0.55

**PEAK FLOW**  
Q<sub>1%</sub> 141L/s + 38L/s + 79L/s = 260L/s  
Q<sub>0.1%</sub> 78L/s + 49L/s + 148L/s = 375L/s

**REAR FLOW LEAVING SITE**  
Q<sub>1%</sub> 74L/s  
Q<sub>0.1%</sub> 158L/s

**DRAINS RESULTS FOR POST DEVELOPMENT**

AEP	OUTFLOW PIPE SIZE	TOP WATER LEVEL	VOLUME STORED	TOTAL SITE OUTFLOW
10%	150mm	1.24m	124m <sup>3</sup>	744L/s
1%	150mm	1.24m	124m <sup>3</sup>	1038L/s

**POST-DEVELOPMENT OUTFLOWS FROM THE DEVELOPED SITE DO NOT EXCEED PRE-DEVELOPMENT FLOWS.**


**STORMWATER DETENTION BASIN DESIGN INFORMATION**

BASIN DISCHARGE PIPE: 400mm PIPE  
ORIFICE PLATE DIAMETER: NONE REQUIRED  
SPILLWAY LEVEL: RL933.81  
SPILLWAY LENGTH: 4m  
TOP OF WALL LEVEL: RL933.93

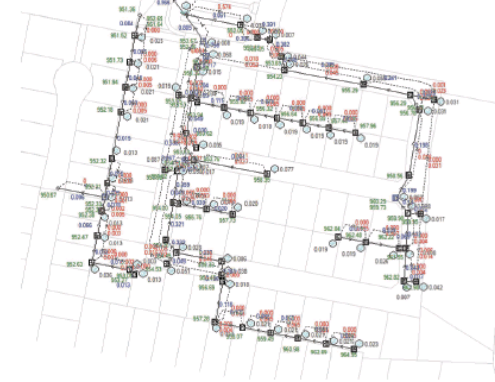
**10% STAGE STORAGE DATA**

WATER LEVEL	VOLUME
933.50	0.0
933.25	1.5
933.00	7.8
932.75	28.0
932.50	48.0
932.25	74.0
932.00	106.0

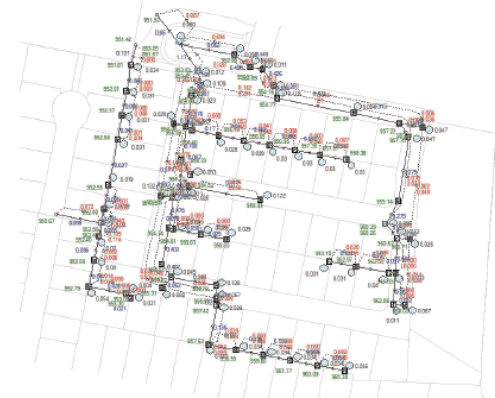
**DRAINS SCHEMATIC LAYOUT**



**DRAINS RESULTS FOR 10% AEP**



**DRAINS RESULTS FOR 1% AEP**



**Notes for median storm in critical 10% AEP areas unless using LibHydraulic model:**

• ORIFICE PLATE DIAMETER OF 225mm REQUIRED OVER EXISTING 150mm OUTLET PIPE THROUGH TO STARBUCK STREET TO LIMIT OUTFLOW FROM SITE CLOSE TO APPROXIMATE CAPACITY AVAILABLE IN SPEC. THIS FLOW IS SIGNIFICANTLY LESS THAN WHAT SHOULD HAVE BEEN ALLOWED FOR AS PART OF BOUNDARY DEVELOPMENT.

• LOTS 295, 296, 301, 302, 303 & 305 MUST HAVE THEIR HARBOR TANK DISCHARGE PIPE (SHARED) CONNECTED TO THE KERB & GUTTER.

SURVEY:	OTHERS	DATE:	
DESIGN:	R.A.H.	DATE:	NOV. 2021
DRAWN BY:	A.R.	DATE:	NOV. 2021
CHECKED BY:		DATE:	

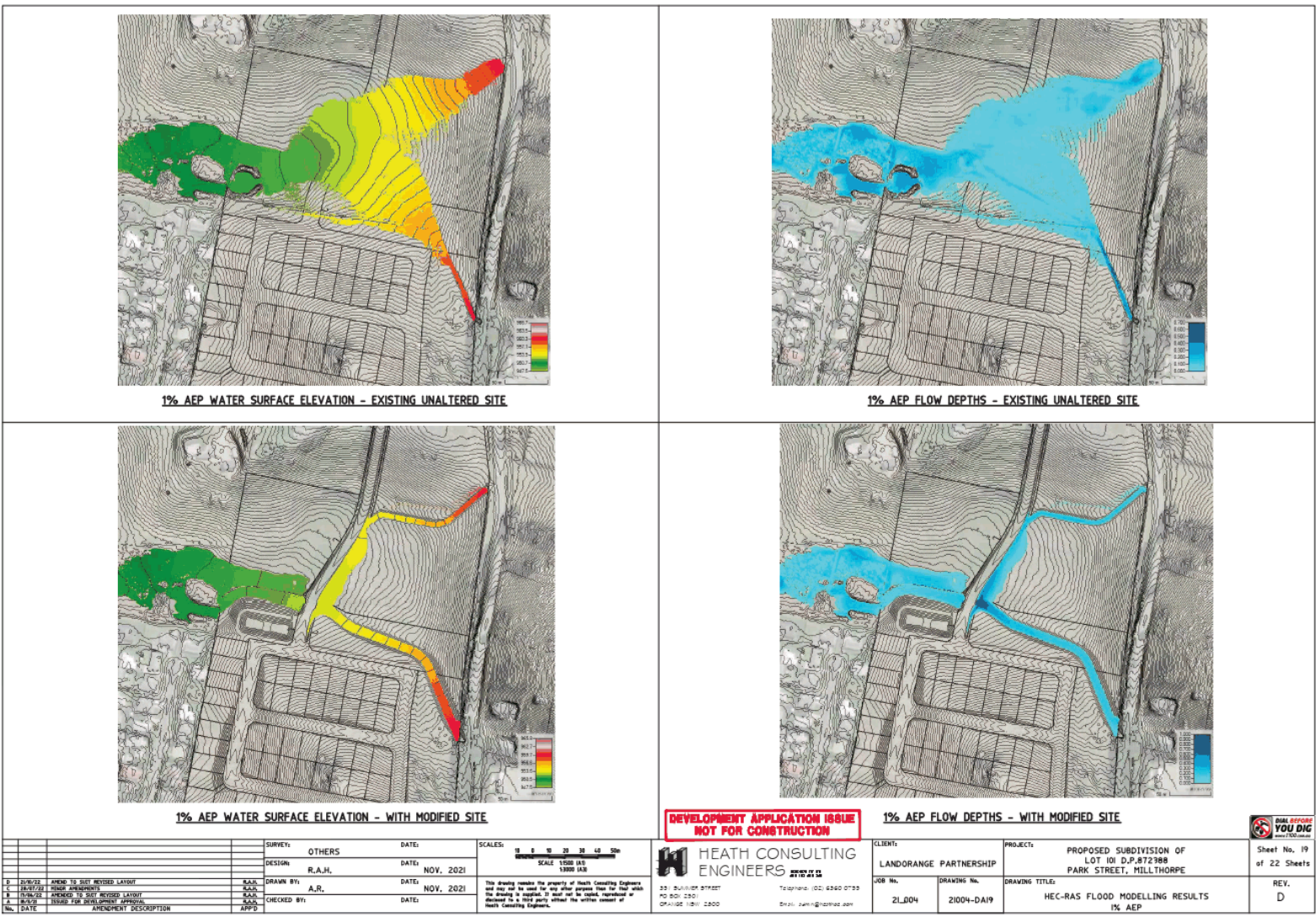
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CLIENT:	LANDORANGE PARTNERSHIP
JOB NO.:	21_004
DRAWING NO.:	21004-DA18

PROJECT:	PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE
DRAWING TITLE:	SITE STORMWATER RETICULATION CALCULATIONS

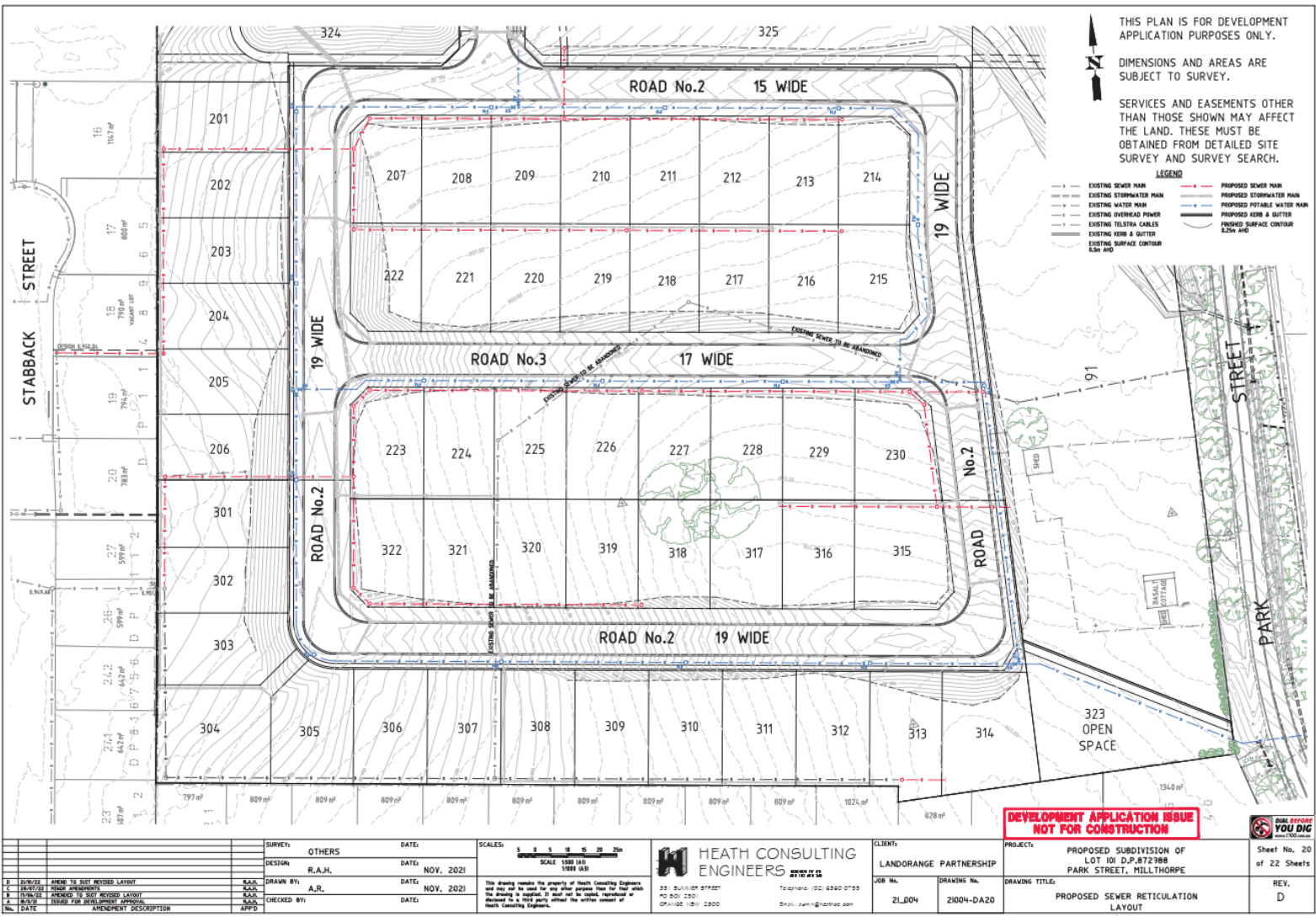
HEATH CONSULTING ENGINEERS	23 BULLOCK STREET PO BOX 2321 ORANGE NSW 2800 Tel: 02 6360 0733 Email: admin@hce.com.au
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Sheet No. 18 of 22 Sheets	REV. D
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SURVEY: OTHERS DESIGN: R.A.H. DRAWN BY: R.A.H. CHECKED BY:		DATE: NOV. 2021 DATE: NOV. 2021 DATE:		SCALES: 1:10 1:20 1:50 1:100 1:200 1:500 1:1000 1:2000 SCALE 1:200 IAS SCALE 1:500 IAS		CLIENT: LANDORANGE PARTNERSHIP JOB No. 2L004 DRAWING No. 21004-DA19		PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE DRAWING TITLE: HEC-RAS FLOOD MODELLING RESULTS 1% AEP		Sheet No. 19 of 22 Sheets REV. D	
D 20/01/22 AMEND TO SITE REVISION LAYOUT C 18/07/22 ISSUE FOR TENDERS B 13/06/22 AMEND TO SITE REVISION LAYOUT A 18/01/22 ISSUE FOR DEVELOPMENT APPROVAL		APPD DATE		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is applied to and will be copied, reproduced or disclosed in any form without the written consent of Heath Consulting Engineers.		23 BULLOCK STREET PO BOX 1201 ORANGE NSW 2800 Telephone: (02) 6360 0733 Email: admin@hce.com.au		HEATH CONSULTING ENGINEERS 2007 01 15		REAL EFFORT YOU DIG 100% Satisfaction	





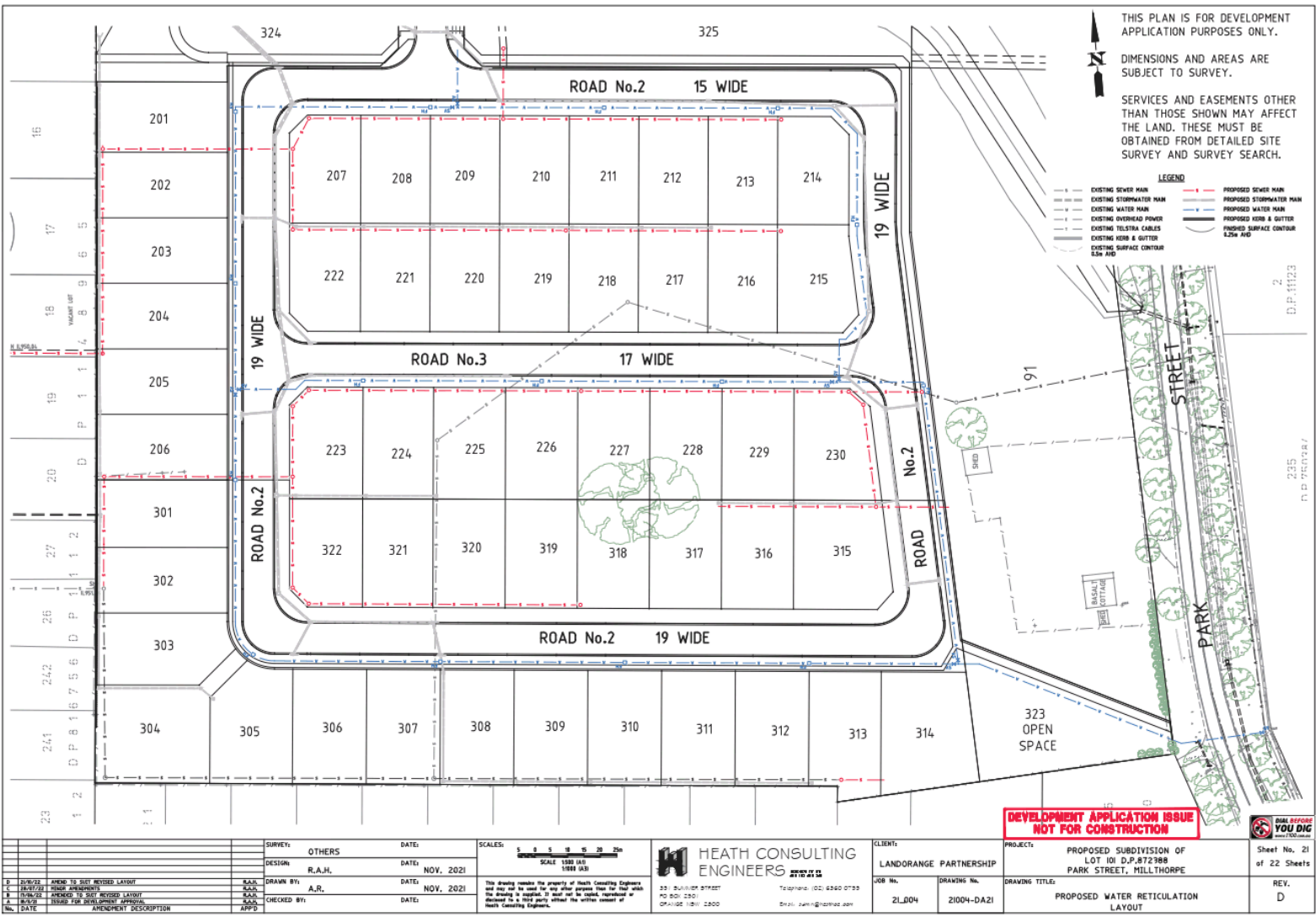
SURVEY: OTHERS DESIGN: R.A.H. DRAWN BY: S.A.R. CHECKED BY: A.R. DATE: NOV. 2021		DATE: NOV. 2021		SCALES: 1:500 (A3) 1:1000 (A4)		HEATH CONSULTING ENGINEERS 23 BULLOCK STREET PO BOX 1301 ORANGE NSW 2800 Telephone: (02) 6360 0733 Email: john@hce.com.au		CLIENT: LANDORANGE PARTNERSHIP JOB NO: 21_004 DRAWING NO: 21004-DA20		PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE DRAWING TITLE: PROPOSED SEWER RETICULATION LAYOUT		Sheet No. 20 of 22 Sheets REV. D	
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No.	DATE	AMENDMENT DESCRIPTION	APP'D
D	20/01/22	AMEND TO SET REVISED LAYOUT	S.A.R.
C	18/01/22	TRUCK AMENDMENT	S.A.R.
B	17/01/22	AMEND TO SET REVISED LAYOUT	S.A.R.
A	16/01/22	TRUCK FOR DEVELOPMENT APPROVAL	S.A.R.

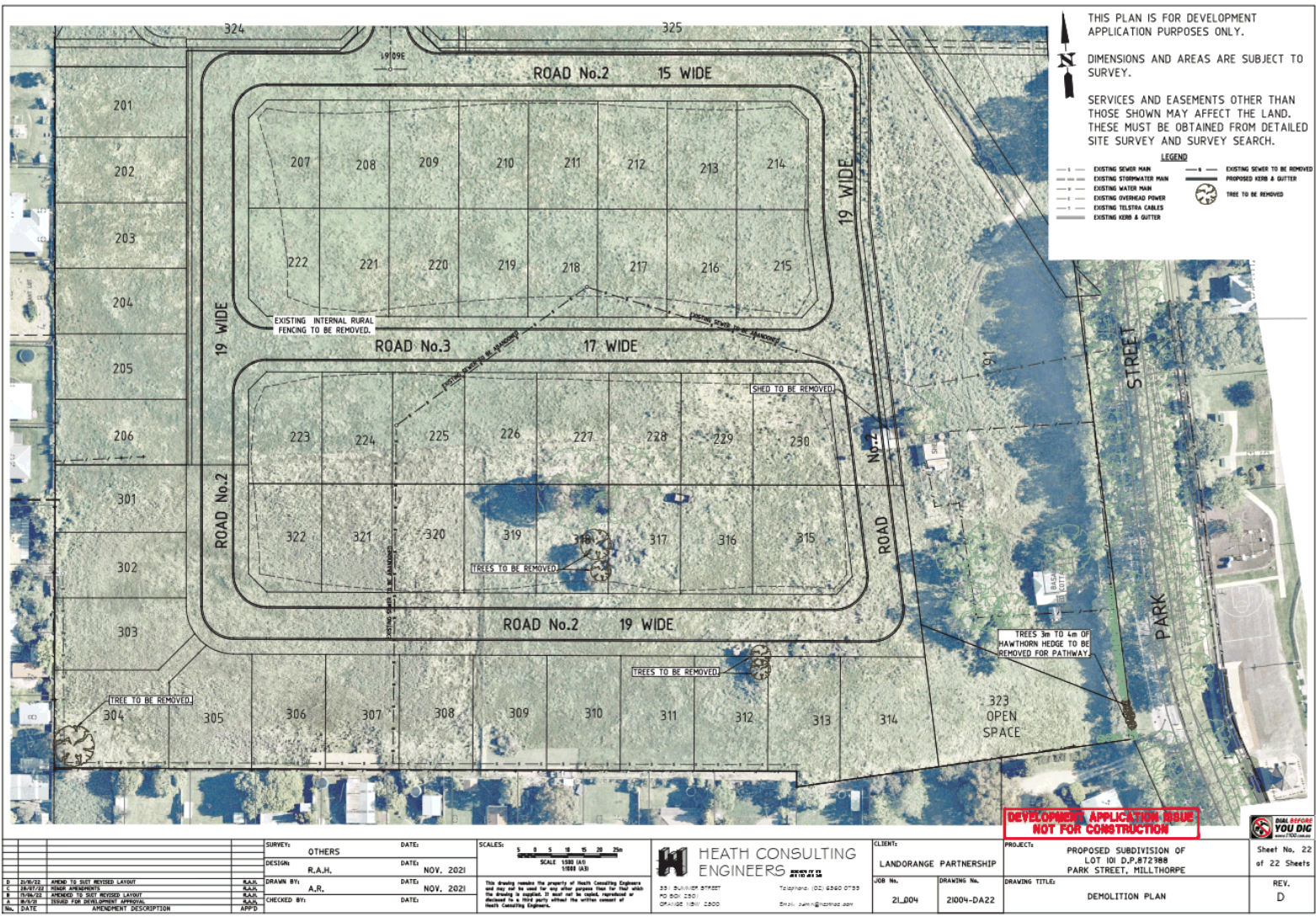
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DESIGN: R.A.H.	DRAWN BY: A.R.	DATE: NOV. 2021	SCALE: 1:500 (AS SHOWN)		JOB NO: 21_004	DRAWING NO: 21004-DA22	DRAWING TITLE: DEMOLITION PLAN
D 20/07/22	APPEND TO SET REVISED LAYOUT	S.A.M.		This drawing remains the property of Heath Consulting Engineers and may not be used for any other purpose than for that which the drawing is applied to and will be copied, reproduced or disclosed to a third party without the written consent of Heath Consulting Engineers.			
C 18/07/22	TRIAL PERMITS	S.A.M.					
B 17/06/22	APPEND TO SET REVISED LAYOUT	S.A.M.					
A 16/07/22	TRIAL FOR DEVELOPMENT APPROVAL	S.A.M.					
No.	DATE	AMENDMENT DESCRIPTION	APP'D				

## Proposed Subdivision of Lot 101 in DP 872388 Park Street, Millthorpe

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### Stormwater Management Plan

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Prepared for Landorange Partnership

Revision	Date	Amendments
A	18 November 2021	Issued for Development Application
B	19 November 2021	Minor Amendments
C	12 July 2022	Revised to Suit New Layout
D	28 July 2022	Minor Amendments
E	21 October 2022	Amend ESCP

#### HEATH CONSULTING ENGINEERS



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ORANGE NSW 2800  
Ph. 02 6360 0755  
Email: [admin@heathce.com](mailto:admin@heathce.com)

Our reference: RO1\_21004.doc

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**APPENDIX A – EROSION & SEDIMENT CONTROL PLANS**



## 1. INTRODUCTION

### 1.1 Context & Purpose

Heath Consulting Engineers has been engaged by Landorange Partnership to prepare a Stormwater Management Plan (SMP) to support the development application for a 52 residential lot subdivision of Lot 101 in DP 872388.

The proposed development layout is provided in Figure 1 below:



**Figure 1 – Proposed Subdivision Layout**

The purpose of the SMP is to:

- Determine Pre and Post Development stormwater flows for the site;
- Calculate the capacity of any stormwater detention basins required to reduce post development flows to those of pre development;
- Identify overland flow path locations and assess if the proposed development would be impacted by flooding from the 1% AEP event; and
- Provide a Concept Erosion and Sediment Control Plan to guide the construction of the subdivision.

## 2. EXISTING SITE CHARACTERISTICS

### 2.1 Site Description

The subject land is zoned RU5 Village and is located on the northern edge of the Millthorpe Village. It is bounded by Park Street to the east, existing urban residential land to the south and west and Richards Lane to the north.

An unnamed watercourse traverses the site from the southeast in a north westerly direction. This watercourse has been modified in recent years by Blayney Shire Council in an effort to improve stormwater drainage under Park Street. A second watercourse traverses the southwest corner of the site in a north westerly direction. A third watercourse traverses the northern part of the site in a northeast to south west direction. These watercourse do not have defined channels.

An aerial photograph of the subject land is provided in Figure 2 below.

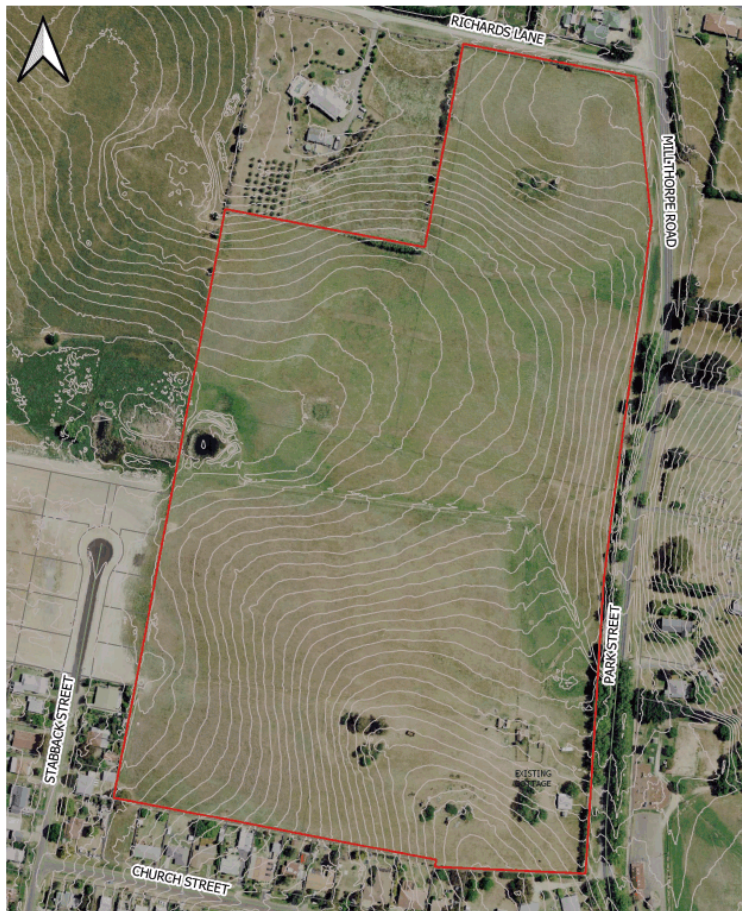


Figure 2 – Site Locality Plan



## 2.2 Land Description and Area

The subject land for the proposed development consists of Lot 101 in DP872388. The proposed residential subdivision covers an area of approximately 8.01 hectares inclusive of open space areas.

## 2.3 Existing Land Use

The subject land has been used for grazing for many years.

## 2.4 Climate

Bureau of Meteorology (BoM) rainfall averages for the nearest BoM station located at Orange Airport AWS (Station No. 063303) are contained in Table 1. Average daily evaporation rates were not available from the Orange Airport station. The nearest station with available data was the Orange Agricultural Institute (Station No. 063254).

Rainfall data was available for Millthorpe (Inala) (Station No. 06053) from 1899 to 2000. For comparison purposes this data is included in Table 2 and shows that the average annual rainfall is some 88mm less than Station No. 063303.

**Table 1: Average Monthly Rainfall for Orange Airport AWS (BoM station 063303)  
Average Daily Evaporation for Orange Agricultural Institute (BoM station 063254)**

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	64.3	78.5	76.5	42.0	49.8	79.4	76.1	83.5	78.0	71.7	78.3	86.3	894.6
Mean no of days with rain >1mm	6.2	6.4	6	4.1	5.5	8.2	9.5	8.4	7.4	7.2	7.1	6.7	82.7
Evaporation (mm/day)	7.0	6.2	4.8	3.1	2.0	1.4	1.5	2.1	3.1	4.3	5.4	6.7	4.0

**Table 2: Average Monthly Rainfall for Millthorpe (Inala) (BoM station 063053)  
Average Daily Evaporation for Orange Agricultural Institute (BoM station 063254)**

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	71.2	61.5	55.4	52.9	59.9	72.7	75.9	79.4	66.1	78.0	64.5	67.3	806.2

Average rainfall statistics show rainfall occurs consistently throughout the year with a slight drop during the autumn months.

Design rainfall data was obtained from the BoM website using the site's latitude and longitude (33.443°S, 149.183°E).

## 2.5 Existing Topography & Site Drainage

The subject land has a predominant northerly aspect with moderate slopes. The elevation ranges from 967.5 metres to 952 metres giving an average slope of approximately 4.6%.

There are a number of external catchments that direct surface runoff onto the subject land. The largest external catchment (28.07 hectares) is east of Park Street that discharges via culverts (525mm & 675mm diameter pipes) under Park Street approximately 135m north of the southern boundary of the subject land. In recent years Blayney Shire Council have constructed an open channel through the subject land from the culvert outlet in a north westerly direction the northern extremity of the proposed subdivision.

The Park Street catchment drains into an unnamed watercourse which is defined as a 1<sup>st</sup> Order stream by the Strahler number ordering system for streams.

A large external catchment (21.04 hectares) drains onto the land north of the subdivision area via a 1<sup>st</sup> Order unnamed watercourse and meets the Park Street watercourse near the north western corner of the subject land in the vicinity of the existing farm dams. The site continues to drain in a westerly direction via a 2<sup>nd</sup> order unnamed watercourse.

The proposed development site consists of two smaller catchments, one draining to the north and the other to the west via an existing 375mm diameter pipe network.

Figure 3 highlights the watercourses, discharge locations and the extent of the existing catchment areas.



Figure 3 – Existing Watercourses & Catchments

**2.6 Groundwater**

The subject land is not identified as being vulnerable to groundwater by Blayney Shire Council Local Environmental Plan mapping.

**2.7 Erosion Hazard**

An evaluation of the erosion hazard was made using the approach in Chapter 4 of the Blue Book (Landcom, 2004). This process involves calculating the predicted annual average soil loss using the Revised Universal Soil Loss Equation (RUSLE) as follows:

$$A = R \times K \times LS \times P \times C$$

The results of this process are shown in Table 3.

The relative erosion hazard for each area has been taken into account when assessing risk and recommending appropriate water management and erosion and sediment control structures and practices.

**Table 3: Erosion Hazard for the Subject Land (based on Landcom, 2004).**

Parameter	Definition	Subject Land
A	Total calculated soil loss (t/ha/yr)	148 t/ha/yr
R	Rainfall erosivity factor	1,050
K	Soil erodibility factor	0.08 (assumed)
LS	Slope length and gradient factor	1.36 (70m slope length, 6% slope)
P	Conservation practice factor	1.3 – general construction surface – assumed smooth and compacted.
C	Ground cover factor	1.0 – construction stage i.e. no soil surface protection or ground cover applied.
Relative erosion hazard		Very Low

An Erosion and Sediment Control (ESC) plan has been developed for the proposed subdivision stages and is provided in Appendix A.



### 3. PROPOSED DEVELOPMENT

The proposed development incorporates the following:

- 52 residential lots with each ultimately having a single residential building and associated outbuildings, gardens and driveway. Two lots have the potential for dual occupancy development.
- One (1) drainage reserve lot incorporating an above ground stormwater detention (OSD) basin.
- One (1) lot set aside for open space.
- Two (2) residue lots, one containing the existing bluestone cottage and one being the remainder of the land that is zoned R5 large lot residential land.

The overall development layout is shown below in Figure 4.



Figure 4 – Overall Development Layout



## 4. STORMWATER ASSESSMENT

### 4.1 Hydrology

A hydrological assessment was carried out using Intensity Frequency Duration and rainfall data in accordance with Australian Rainfall & Runoff (AR&R) 2019 which was derived from the AR&R Hub and from Bureau of Meteorology respectively for the Village of Millthorpe. The subject land was assessed under three scenarios:

- Existing Scenario for Watercourses to assess flooding impact
- Existing Scenario - the proposed undeveloped site;
- Developed Mitigated Scenario - the proposed developed site including stormwater detention.

### 4.2 DRAINS Analysis

The DRAINS model is a rainfall/runoff storage network routing model used to model large urban or rural catchment areas and was adopted for this study. The model allows runoff parameters to be amended to simulate the impact of development (e.g. increase of impervious surfaces) and estimate the hydraulic performance of stormwater network elements such as pits and pipes and detention basins.

The Watershed Bounded Network Model (WBNM) hydrological method was adopted within DRAINS to model the large external catchments used for the flood impact assessment. This model allows rainfall losses to be reflective of the landuse and soil type.

The Australian Rainfall & Runoff 2019 (ARR2019) Initial Loss-Continuing Loss (IL-CL) hydrological model was adopted for the proposed development site to assess stormwater detention requirements, pit and pipe sizing. This model was adopted as it is more suited to small urban catchments.

A description of the models and results for each of the three scenarios is provided below.

#### 4.2.1 Existing Scenario – Flooding Impact Assessment

A DRAINS model representing the existing external catchments and part of the development land was developed as shown in Figure 5. The adopted catchment areas, percent imperviousness and catchment slopes are summarised in Table 4.



**Figure 5 – Existing Scenario - DRAINS Model Schematic**

**Table 4: Existing Sub-Catchment Characteristics used in the DRAINS WBNM Hydrology Model**

Sub-Catchment	Area (ha)	Percent Impervious (%)
Park Street External	28.07	17
North External	18.27	2
Site Part NE	3.13	0
Site Part SW	2.77	0

The model includes the WBNM hydrological method and adopted the following parameters:

- Impervious area Initial Loss = 1.0mm
- Impervious area Continuing Loss = 0mm
- Pervious area Initial Loss = 10.0mm
- Pervious area Continuing Loss = 1.96mm
- Lag Parameter = 1.5
- Australian Rainfall and Runoff 2019 rainfall depths and temporal patterns
- Sub-catchment areas.

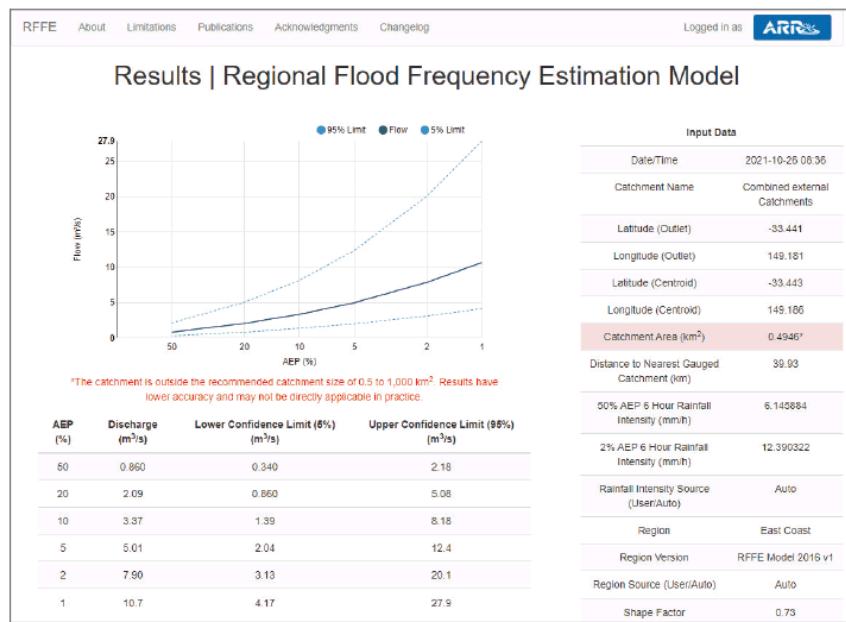
The existing culverts under Park Street were not included in the model as their analysis is outside the scope of this report. For the purposes of this report it was assumed that all runoff from the Park Street external catchment made it into the site.

The ARR rainfall depths and temporal pattern ensembles were run for the 0.5 Events per Year (EY) Annual Exceedance Probability (AEP) storm, 10% AEP and the 1% AEP storm for durations from 5 minutes up to 72 hours. Peak flows were measured at the discharge location downstream of the main catchment outlet with the critical events and peak flows listed in Table 5.

**Table 5: Existing Catchment Hydrology Results**

Design Event	Existing Peak Flow (m <sup>3</sup> /s)			
	Park Street External	North External	Site Part NE	Site Part SW
0.5 EY AEP	1.13 (1.5hr Duration Storm 8)	0.66 (1.5hr Duration Storm 6)	0.156 (1.5hr Duration Storm 6)	0.142 (1.5hr Duration Storm 6)
10% AEP	1.95 (1hr Duration Storm 9)	1.28 (1hr Duration Storm 9)	0.307 (30min Duration Storm 8)	0.28 (30min Duration Storm 8)
1% AEP	3.41 (20min Duration Storm 2)	2.12 (30min Duration Storm 6)	0.554 (20min Duration Storm 2)	0.506 (20min Duration Storm 2)

The Australian Rainfall and Run-off (AR&R) Regional Flood Frequency Estimation (RFFE) assessment was undertaken for the existing combined catchments that drain to the existing dam northwest of the subject land to compare the DRAINS results. This was done to confirm if the flows generated from the hydrology model were consistent against the RFFE flows. Whilst the RFFE assessment is more applicable for large regional flood modelling it does provide some comparison.



**Figure 6 – RFFE for Combined Catchment**

The RFFE indicates that the 1% AEP peak flow is around 10.7m<sup>3</sup>/s from the catchments draining to the north western corner of the site. This is about 175% larger than the DRAINS peak flow of 6.08m<sup>3</sup>/s. The 10% AEP RFFE predicted peak flow of 3.37m<sup>3</sup>/s is comparable to the DRAINS result of 3.54m<sup>3</sup>/s.

A Rational Method check was undertaken to further review the predicted DRAINS WBNM flows. Times of concentrations were estimated using the friends equation for overland flow and travel time. A C<sub>10</sub> factor of 0.40 was adopted for the existing case with an overall fraction impervious of 10%.

A comparison of the different hydrological methods for the existing case is provided in Table 6 below. It highlights the Rational Method and DRAINS WBNM estimates are generally similar and that the RFFE peak flows are much higher for the rarer event but less for the more frequent events.

**Table 6: Existing Hydrology Combined Catchment Results Comparison**

Design Event	Rational Method Peak Flow (m <sup>3</sup> /s)	DRAINS Peak Flow (m <sup>3</sup> /s)	RFFE Peak Flow Results (m <sup>3</sup> /s)
0.5 EY	1.63	1.95	0.86
10% AEP	2.74	3.54	3.37
1% AEP	4.95	6.08	10.7

Whilst this comparison is not a calibration of the DRAINS WBNM model, it provides some confidence in the model and the output produced by the model.

The DRAINS WBNM peak flows were input into a HEC-RAS model to determine the flooding impact, refer to Section 5.0.

**4.2.2 Existing Scenario – Proposed Undeveloped Site**

A DRAINS model representing the existing scenario showing the land to be developed is shown in Figure 7. This model was used to determine the pre development flow rates for the development site. The adopted catchment areas, percent imperviousness and catchment slopes are summarised in Table 7.



**Figure 7 – Existing Scenario – the proposed undeveloped site**

**Table 7: Existing Sub-Catchment Characteristics used in IL-CL Model**

Sub-Catchment	Catchment Area (ha)	Percent Impervious (%)	Flow Path Length (m)	Flow Path Slope (%)	Retardance Coefficient (n)
Site Part NE	3.13	0	260	5	0.15
Site Part SW	2.77	0	240	6.1	0.15



Only the area from the development site and surrounding area that would ultimately drain to the proposed stormwater reticulation for the ultimate development were considered in this model.

The model includes the IL-CL hydrological method and adopted the following parameters:

- Impervious area Initial Loss = 1.0mm
- Impervious area Continuing Loss = 0mm
- Pervious area Initial Loss = 10.0mm
- Pervious area Continuing Loss = 1.96mm
- Australian Rainfall and Runoff 2019 rainfall depths and temporal patterns.

The ARR rainfall depths and temporal pattern ensembles were run for the 0.5 Events per Year (EY) Annual Exceedance Probability (AEP) storm, 10% AEP and the 1% AEP storm for durations from 5 minutes up to 2 hours. Peak flows were measured at the discharge location downstream of the main catchment outlet with the critical events and peak flows listed in Table 8.

**Table 8: Existing Catchment Hydrology Results**

Design Event	Existing Peak Flow (m <sup>3</sup> /s)	
	Site Part NE	Site Part SW
0.5 EY AEP	0.202 (45min Duration Storm 8)	0.199 (45min Duration Storm 8)
10% AEP	0.401 (30min Duration Storm 2)	0.385 (30min Duration Storm 2)
1% AEP	0.705 (20min Duration Storm 4)	0.695 (20min Duration Storm 1)

**4.2.3 Developed Mitigated Scenario – Proposed Developed Site incorporating Stormwater Detention**

A DRAINS model representing the proposed stormwater reticulation layout for the development land was developed as shown in Figure 7. The model allowed for the changes in imperviousness for the proposed roads, dwellings, driveways and sheds. Underground stormwater detention was provided in two locations due to the site topography.

The model assumptions are included below:

- IL-CL hydrological model used;
- Impervious allowance of 50% for each lot with an area less than 1100m<sup>2</sup>.
- Impervious allowance of 80% for all roadways;
- On-site Stormwater Detention (OSD) Basin incorporated to help limit post development flow from the site to pre-development rates;
- Limit discharge through existing 375mm pipe to 0.096m<sup>3</sup>/s (10% AEP) through the use off an orifice plate due to limitations on the capacity of the existing pipe network. Lots draining to this outlet pipe to have the roof

water directed to the proposed road rather than the inter allotment pit and pipe system.



**Figure 7 –DRAINS Model – Proposed Developed Site Incorporating Stormwater Detention**

The ARR rainfall depths and temporal pattern ensembles were run for the 10% AEP storm and the 1% AEP storm for durations from 5 minutes up to 2 hours. Peak flows were measured at the discharge outlets for each OSD basin with the critical events and peak flows listed in Table 9.

**Table 9: Peak Outflows from the Developed Site**

Design Event	Peak Flows (m <sup>3</sup> /s)	
	OSD Basin Outlet	Existing 375mm diameter pipe outlet
10% AEP	0.566 (20min Duration Storm 6)	0.096 (10min Duration Storm 4)
1% AEP	0.737 (20min Duration Storm 3)	0.171 (10min Duration Storm 2)

The peak outflows from the site for the developed scenario were compared against the peak outflows for the undeveloped scenario. The results are shown in Table 10

and indicate that the post development flows are less than the pre-development flows for the site.

**Table 10: Peak Outflows from the Developed Site**

Design Event	Peak Flows (m <sup>3</sup> /s)	
	Pre-Development	Post Development
10% AEP	0.786	0.662
1% AEP	1.40	0.908

Details of the OSD basin incorporated into the Drains model are summarised in Table 11.

**Table 11: OSD Basin Details**

OSD Basin	Storage Volume Required for 1% AEP	Outlet
OSD Basin	830m <sup>3</sup>	600mm diameter pipe

## 5. FLOOD IMPACT ASSESSMENT

### 5.1 Hydraulic Model

The Hydrologic Engineering Centre-River Analysis System (HEC-RAS) model is a surface water flow model developed by the US Army Corp of Engineers utilising two dimensional unsteady flow hydraulics to analyse flows across flood plains. This software program was used to determine the extent of flooding likely within the site. HEC-RAS software uses a grid to define the spatial variation in topography and hydrologic/hydraulic properties (e.g., Manning's 'n' roughness) across the study area. Elevations were assigned to grid cells within the HEC-RAS model based on the Digital Elevation Model derived from LiDAR data.

### 5.2 Data Input

Input data required by the HEC-RAS model includes:

- Survey data of the floodplain;
- Roughness characteristics of the channel;
- Peak discharge;
- Model boundary conditions; and
- Information on any waterway structures.

#### 5.2.1 Survey Data

Survey data of the flood plain was obtained from NSW Government Spatial Services in the form of 1m Digital Elevation Model's (DEM) available through Geoscience Australia's ELVIS - Elevation and Depth - Foundation Spatial Data. The data available consists of LiDAR data at 1m grid intervals at AHD levels to create a DEM. It is considered that the accuracy provided by LiDAR data is suitable for defining major overland flow paths and is therefore suitable for this assessment.

#### 5.2.2 Channel Roughness Characteristics

Manning's 'n' is an empirically derived coefficient that is used to define the resistance to flow (i.e., roughness) afforded by different material types / land uses. It is one of the key input parameters used in the development of the HEC-RAS model. Typical values of Manning's 'n' roughness parameter were utilised. A Manning's 'n' value of 0.03 was utilised for the flood plain as it consists primarily of grass.

#### 5.2.3 Peak Discharge

The peak discharge for the 1% AEP rainfall event was considered in this assessment as Council's development controls require the Flood Planning Level (FPL) to be the 1% AEP flood level + 500mm freeboard.

The results from the hydrological modelling outlined in Section 4.2.1 were used for this assessment.

### 5.2.4 Boundary Conditions

Boundary conditions are required by the HEC-RAS model to establish the starting water surface levels at the ends of the channel (upstream and downstream).

The downstream boundary condition was set to normal depth. The unnamed watercourse does not discharge to a defined channel or water body for some distance downstream and this is substantially lower than the development site. As such, a tailwater level was not considered.

The upstream boundary condition for the Northern & Southern watercourses was input as Flow Hydrographs. The hydrographs for each of the watercourses are shown in Figures 8 & 9.

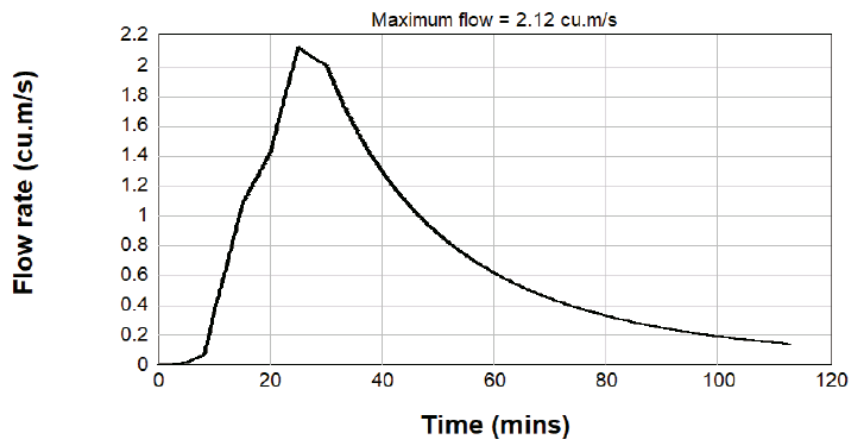


Figure 8 – Northern Watercourse 1% AEP Flow Hydrograph

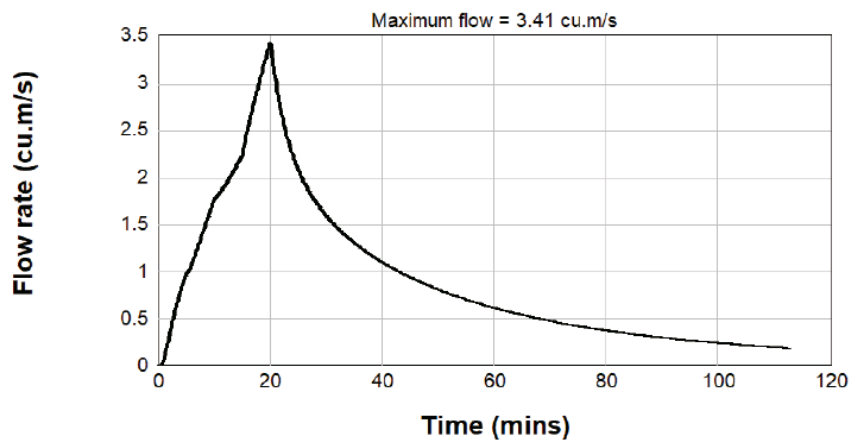


Figure 9 – Southern Watercourse 1% AEP Flow Hydrograph



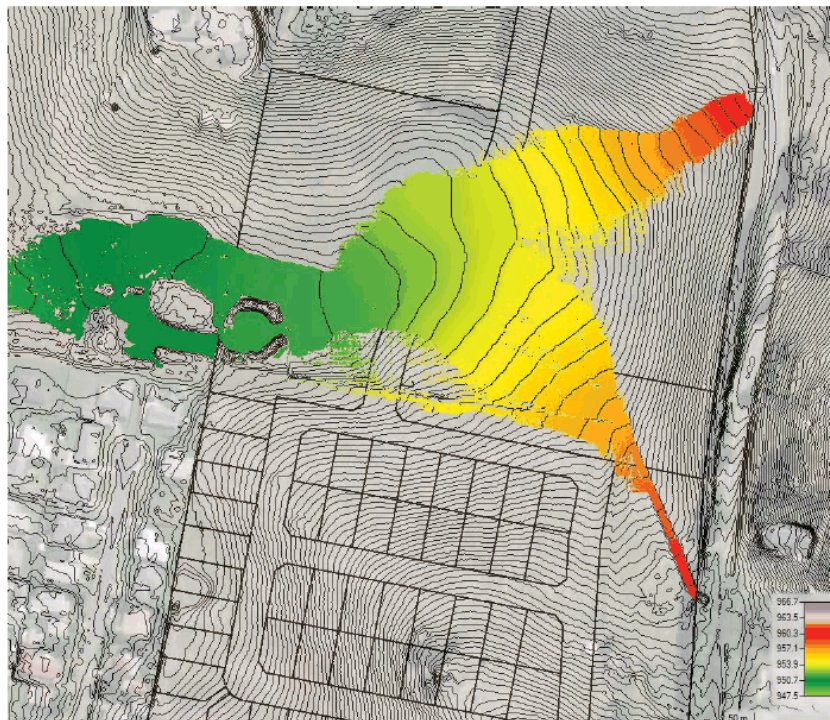
### 5.2.5 Waterway Structures

There are no defined waterway structures (ie pipes) within the subject site. For the purpose of this assessment a conservative approach was taken where it was assumed that the existing drainage structures under Park Street do not impede the flow with the hydrograph being applied directly downstream of the culvert structures.

The LIDAR survey data does not provide depths for the existing farm dams and as a result this is also considered to be conservative, as no allowance is made for the dams to fill and attenuate the flow.

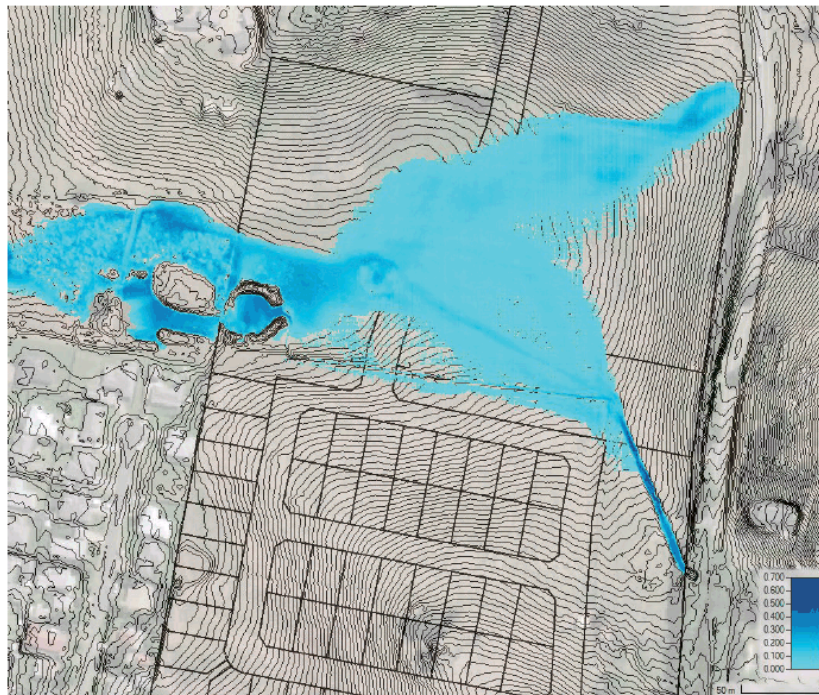
### 5.3 Hec-Ras Results

The extent of flooding for the unaltered development site was derived by superimposing the Two Dimensional water profile for the 1% AEP event from HEC-RAS directly onto the boundaries and is shown in Figure 10.



**Figure 10 – HEC-RAS 1% AEP Water Surface Profile over Unaltered Development Site.**

The depth and level of flooding through the site has been given directly in a HEC-RAS module, RAS-Mapper. Proposed boundaries were brought into this program to get an accurate representation of the flooding levels and flow path. The depth of flooding through the site is shown in Figure 11. The flow through the site is predominately shallow with greater depths experienced in the defined channel section closer to Park Street.



**Figure 11 – HEC-RAS 1% AEP Flow Depths over Unaltered Development Site.**

The modelling indicated that no areas of the proposed development site would be affected by flooding. However, the construction of the new access road to Richards Lane would have the potential to impact on the flow depths as it crosses the flow path.

It is proposed to define the two watercourses to contain the 1% AEP flow within the defined channels. A channel depth of 750mm and a base width of 7m was adopted for the southern watercourses to contain both the 1% AEP flow and provide 500mm freeboard above the top water level within the proposed channel. A channel with a base width of 3m was chosen for the northern watercourse. The depth of this channel would be subject to detailed design as part of any future development of Lot 100. A two cell 2400mm x 600mm box culvert installation was proposed under the new access road. This culvert size was adopted to avoid any overtopping of the proposed road during the 1% AEP event.

The modified site was remodelled in Hec-Ras to determine if there was any impact on the adjoining land or the proposed development. The 1% AEP water surface profile and flow depths for the modified site are shown in Figures 12 & 13 respectively.



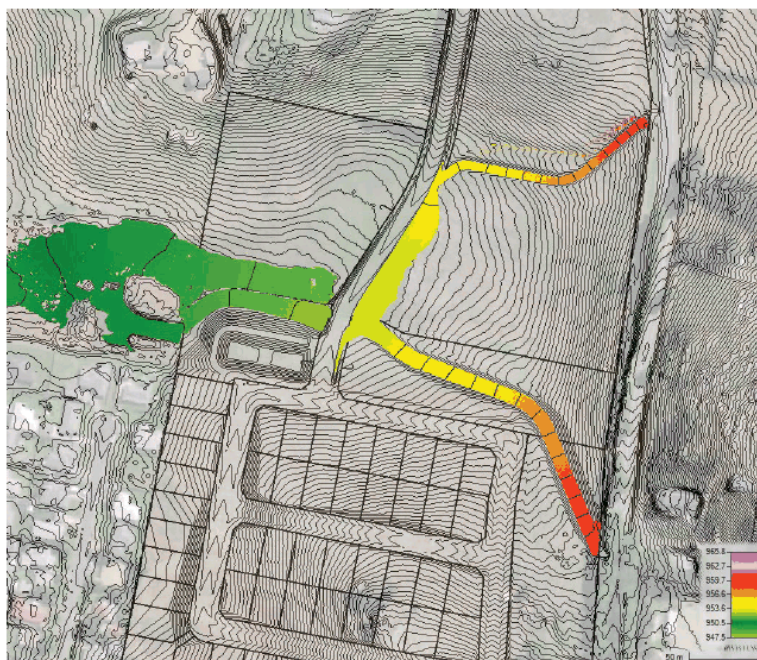


Figure 12 – HEC-RAS 1% AEP Water Surface Profile over Modified Development Site.



Figure 13 – HEC-RAS 1% AEP Flow Depths over Modified Development Site.

The modelling showed that the proposed channels contain the 1% AEP flow with no changes to the downstream water surface profile. The flow depth on the southern channel ranges from approximately 200mm deep to 750mm deep at the box culvert inlet adjacent to the new access road.

The flow velocities for the 1% AEP are relatively low. The velocities in the northern channel are approximately 2.5m/s and increasing near the existing culvert outlet. The velocities in the southern channel are approximately 2.1m/s and increasing near the existing culvert outlet. Velocities downstream of the box culvert under the proposed access road reach a maximum of 2m/s at the outlet. The flow velocities are shown in Figure 14.

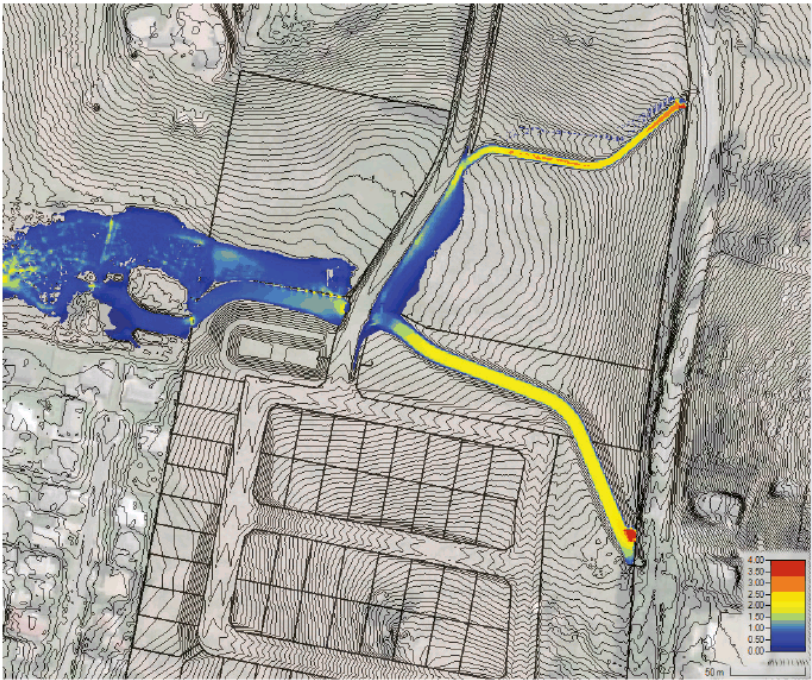


Figure 14 – HEC-RAS 1% AEP Flow Velocities over Modified Development Site.



## **6. CONCLUSION**

### **6.1 Hydrological Analysis**

The proposed development consists of 52 residential lots and associated roadworks. Stormwater modelling indicates that a single above ground stormwater detention basin (830m<sup>3</sup> capacity) is required in order to limit the post development flows to less than the pre-development flows for the development site.

### **6.2 Flooding Assessment**

Overland flow from external catchments can be dealt with through the development site by defining the flow paths with wide flat channels. The installation of a two cell 2400mm x 600mm concrete box culvert under the proposed access road will minimise any impact associated with the construction of the proposed access road to Richards Lane.

All of the proposed development lots would have a finished ground level in excess of the 1% AEP water level + 500mm freeboard.

### **6.3 Stormwater Controls**

A stormwater reticulation system as modelled in Section 4.2.3 to comply with Blayney Shire Council's development standards would be constructed as part of the proposed development.

The method of major/minor system design would be adopted for the stormwater network. A pit and pipe system would convey stormwater flows for events up to and including the 10% AEP event and the roadway would convey larger events up to and including the 1% AEP.

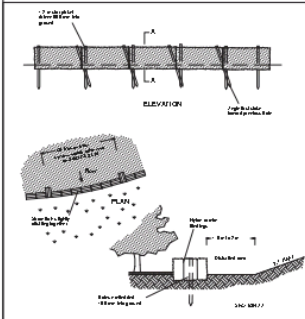
Inter-allotment pit and pipe system is required to collect runoff within allotments that cannot drain to the proposed public road. Some lots along the western boundary will require the roof water to be discharged to the proposed access road rather than the inter allotment pit and pipe system.

The proposed stormwater detention basin would be installed to limit post development flows to less than the pre-development flows for the development for events up to and including the 1% AEP. The proposed detention basin will be an above ground basin constructed within the proposed drainage reserve.



**APPENDIX A  
EROSION & SEDIMENT CONTROL PLANS**

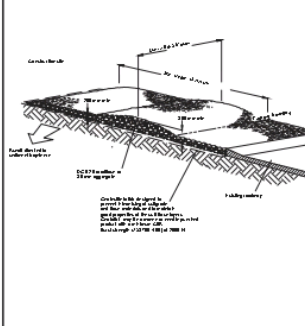
# PROPOSED SUBDIVISION OF LOT 101 D.P.872388, PARK STREET, MILLTHORPE EROSION & SEDIMENT CONTROL PLAN



**CONSTRUCTION NOTES**

- Construct the new concrete structure close as possible to being parallel to the concrete on the site
- Place formwork on a new wall with 100mm x 100mm x 10mm studs. Use a 10mm x 10mm x 10mm stud to support the formwork.
- Concrete shall be cast in 100mm x 100mm x 10mm studs.
- Concrete shall be cast in 100mm x 100mm x 10mm studs.
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- Concrete shall be cast in 100mm x 100mm x 10mm studs.

STRAW BALE FILTER SD 6-7



**Construction Notes**

- The top level of the site and compact the substrate
- Cover the area with weed control granules
- Construct a 200mm deep and 100mm wide concrete curb on 20mm aggregate
- Structure shall be at least 15mm higher than the existing ground level and at least 2mm above the water table
- Where a section of concrete is to be cast, construct a form in the substrate to be cast, water to the substrate

STABILISED SITE ACCESS SD 6-14

**INSTRUCTIONS**

- SITE DISTURBANCE IS TO BE MINIMISED TO REQUIRED AREAS. OFF LIMITS AND STAGING OF WORKS ARE TO BE ESTABLISHED IN CONSULTATION WITH THE CONTRACTOR TO MINIMISE DISTURBANCE.
- INSTALL EROSION & SEDIMENT CONTROLS PRIOR TO ANY SITE WORK COMMENCING. CONTROLS TO BE INSTALLED PRIOR TO ANY WORKS INCLUDING BUT ARE NOT LIMITED TO SEDIMENT FENCE, CLEAR WATER DIVERSION DRAIN & DIRTY WATER DIVERSION DRAIN.
- CLEANING IS TO BE UNDERTAKEN NO MORE THAN A WEEK PRIOR TO CONSTRUCTION OF FURTHER EARTHWORKS.
- STORMWATER PITS ARE TO BE INSTALLED AS A PRIORITY TO CONVEY WATER FROM THE SITE. ALL STORMWATER PITS ARE TO BE PROVIDED WITH SEDIMENT CONTROL MEASURES UPON INSTALLATION.
- DISTURBED AREAS MUST BE REVEGETATED WITHIN 14 DAYS OF EARTHWORKS COMPLETION. PROGRESSIVELY STABILISE/REVEGETATE DISTURBED AREAS UPON COMPLETION OF WORKS. REVEGETATION SHALL ACHIEVE 45% GROUND COVER WITHIN 20 DAYS & 70% WITHIN A FURTHER 2 MONTHS.
- A MAXIMUM SLOPE LENGTH OF 50% IS TO BE ACHIEVED ON SITE. WHERE SLOPE LENGTHS ARE GREATER THEY MUST BE REDUCED PRIOR TO A RAINFALL EVENT. METHODS TO REDUCE LENGTHS INCLUDE PROVIDING SLOPE BREAKS VIA SANDDRAKS OR BANDS DIVERTED TO A DIVERSION DRAIN.
- THE SITE IS TO BE INSPECTED WEEKLY, BEFORE & AFTER EVERY RAINFALL EVENT. A LOG MUST BE MAINTAINED OF ANY EROSION & SEDIMENT CONTROLS THAT REQUIRE CLEANING FOR FILING. ANY MEASURES THAT ARE LOGGED MUST BE COMPLETED WITHIN 2 DAYS.
- ANY DISTURBED PART OF THE SITE INACTIVE FOR MORE THAN 14 DAYS MUST BE PROVIDED WITH TEMPORARY GRASS COVER.

**GENERAL REHABILITATION NOTES**

- REHABILITATION SHALL BE UNDERTAKEN AS SOON AS POSSIBLE AFTER COMPLETION OF LAND SHAPING AND PREFERABLY WITHIN 7 DAYS.
- FOLLOWING COMPLETION OF EARTHWORKS ALL DISTURBED AREAS SHALL HAVE A MINIMUM THREE LAYERS OF TOPSOIL SPREAD OVER THEM AND BE SOWN WITH AN APPROVED GRASS/FERTILISER MIX.
- REHABILITATION AREAS WILL BE REGULARLY MAINTAINED UNTIL EFFECTIVE COVER HAS PROBABLY ESTABLISHED. THIS WILL INCLUDE REGULAR WATERING, FERTILISING, WEED CONTROL AND RE-SEEDING/SOWING AS NECESSARY.
- TEMPORARY SOIL EROSION STRUCTURES SHALL REMAIN & BE REGULARLY MAINTAINED UNTIL ALL WORK HAS BEEN COMPLETED AND A SATISFACTORY COVER HAS ESTABLISHED.
- AS HIGH VEGETATION AS POSSIBLE SHOULD BE MAINTAINED DOWN SLOPE OF SILT FENCES AND BELOW DRAINAGE POINTS OF TEMPORARY DIVERSION DRAINS TO ACT AS FILTER STRIPS.
- DISTURBED AREAS MUST BE REVEGETATED WITHIN 14 DAYS OF THE COMPLETION OF EARTHWORKS WITH THE FOLLOWING SEED & FERTILISER MIXTURE:

SEEDS	APPLICATION RATE (kg/ha)
JAPANESE RILLET (GRASS)	30
RYE GRASS (LARGE LEAF)	25
ANNUAL CROCKET SHORT TERM RYE GRASS	25
RED LOVER	5
NATIVE SEEDS	10
ORGANIC FERTILISER	150

**SITE INFORMATION**

- LOCATION - MILLTHORPE
- NATURAL SLOPE - 4% (S1E 10 4% S1E 2)
- DOWN SLOPE IS A SENSITIVE RECEIVING ENVIRONMENT
- 2 YEAR - 4 HOUR STORM - 6.5mm/hr
- RAINFALL DENSITY - 100
- MAXIMUM CONSTRUCTION SLOPE LENGTH SHALL BE 70%

**SOILS INFORMATION**

- K FACTOR = 0.04
- PARTICLE SIZE ANALYSIS
- CLAY - 30%
- SILT - 30%
- FINE SAND - 47%
- DISPERSION PERCENTAGE = 8%
- ORGANIC CARBON = 0.07%
- SOIL TEXTURE GROUP = 4 (COARSE)

**STAGE 2 - SEDIMENT BASIN TEST**

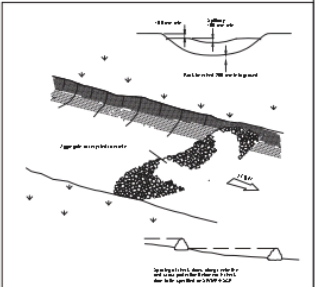
CATCHMENT	TOTAL CATCHMENT AREA (ha)	DISTURBED CATCHMENT AREA (ha)	CATCHMENT SLOPE (%)	SLOPE LENGTH (m)	R-FACTOR	K-FACTOR	LS-FACTOR	P-FACTOR	C-FACTOR	SOIL LOSS FOR SITE (t/ha/yr)
Phase 2	4.48	3.2	4.0	70	1000	0.04	1.36	1.33	1.00	171
Others										

TOTAL SOIL LOSS FROM SITE IS MORE THAN THE BLUE BOOK SEDIMENT BASIN REQUIREMENT OF 150t/yr. SEDIMENT BASINS TO BE PROVIDED.

**STAGE 3 - SEDIMENT BASIN TEST**

CATCHMENT	TOTAL CATCHMENT AREA (ha)	DISTURBED CATCHMENT AREA (ha)	CATCHMENT SLOPE (%)	SLOPE LENGTH (m)	R-FACTOR	K-FACTOR	LS-FACTOR	P-FACTOR	C-FACTOR	SOIL LOSS FOR SITE (t/ha/yr)
Phase 3	3.36	1.88	4.0	70	1000	0.04	1.36	1.33	1.00	109
Others										

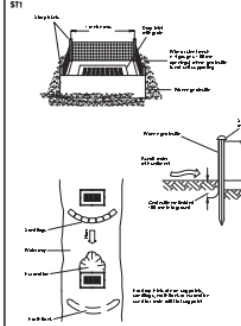
TOTAL SOIL LOSS FROM SITE IS LESS THAN THE BLUE BOOK SEDIMENT BASIN REQUIREMENT OF 150t/yr. NO SEDIMENT BASINS TO BE PROVIDED.



**Construction Notes**

- Check dams can be built with various materials including concrete, large boulders and stone walls. They are more permanent.
- Check dams are not meant to be permanent, especially where vegetation will grow back in. In places where they might require their replacement cost should be considered.
- Where rock is used, the rock should be at least 150mm diameter. The ground surface to be reduced to the rock is underlain.
- Where rock is used, the rock should be at least 150mm diameter. The rock should be at least 150mm diameter. The rock should be at least 150mm diameter.
- Where rock is used, the rock should be at least 150mm diameter. The rock should be at least 150mm diameter. The rock should be at least 150mm diameter.

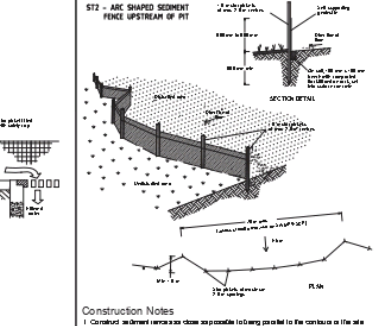
ROCK CHECK DAM SD 5-4



**Construction Notes**

- Structure shall be constructed on compacted subgrade
- Structure shall be constructed on compacted subgrade
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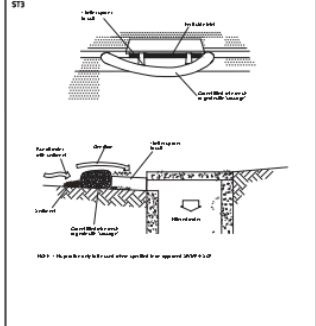
GEOTEXTILE INLET FILTER SD 6-12



**Construction Notes**

- Construct sediment fence as close as possible to being parallel to the concrete on the site
- Construct sediment fence as close as possible to being parallel to the concrete on the site
- Construct sediment fence as close as possible to being parallel to the concrete on the site
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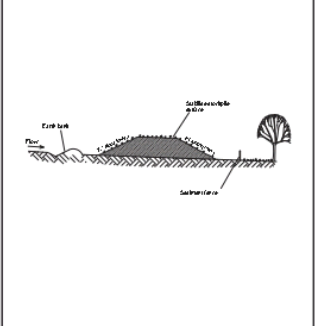
SEDIMENT FENCE SD 6-8



**Construction Notes**

- Structure shall be constructed on compacted subgrade
- Structure shall be constructed on compacted subgrade
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- Structure shall be constructed on compacted subgrade

MESH AND GRAVEL INLET FILTER SD 6-11



**Construction Notes**

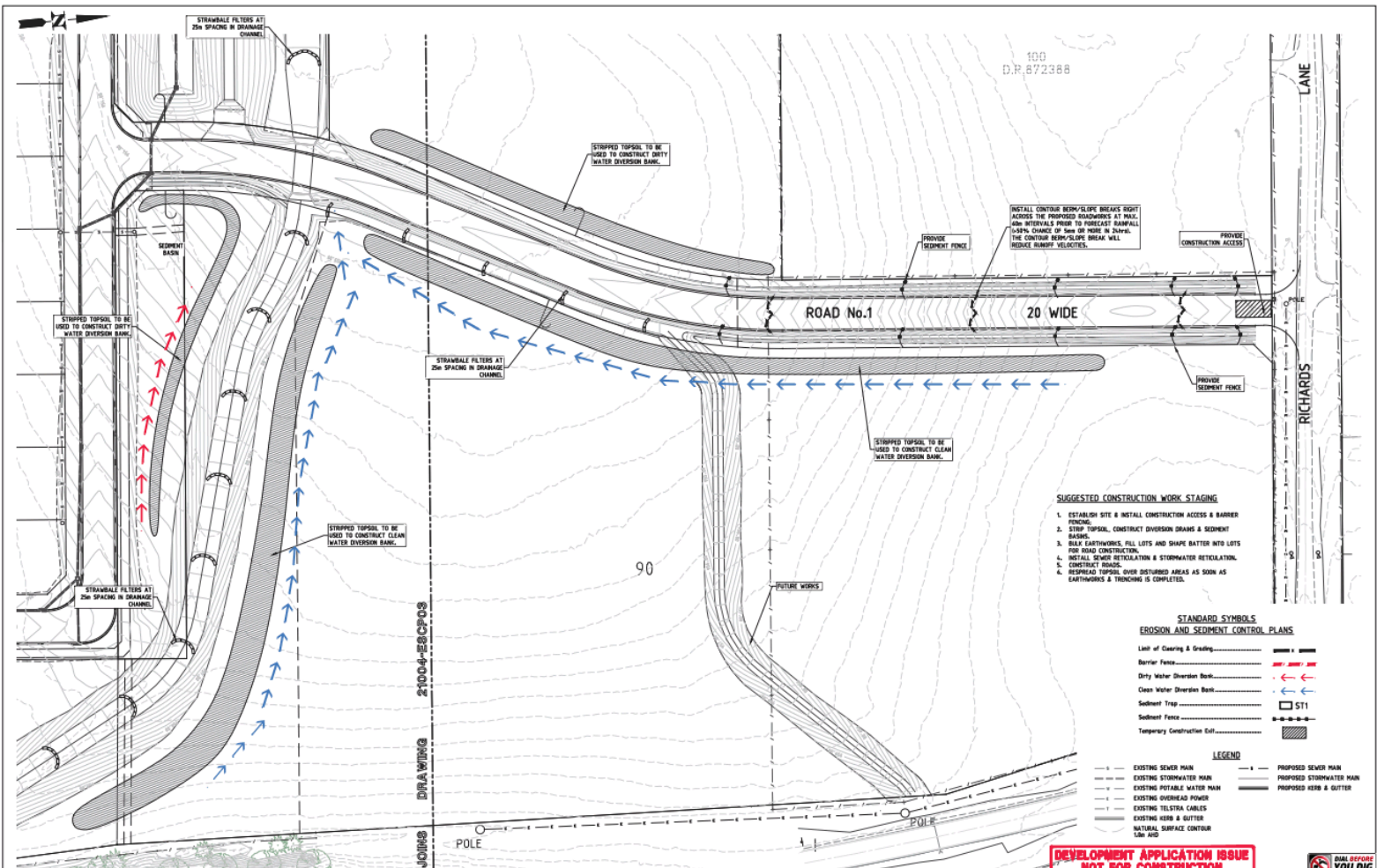
- Structure shall be constructed on compacted subgrade
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- Structure shall be constructed on compacted subgrade

STOCKPILES SD 4-1

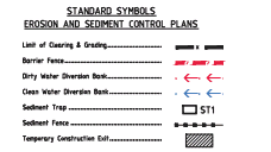
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DESIGN: R.A.H.	DATE: NOV. 2021	SCALE: 1:1000		JOB NO: 21_004	DRAWING NO: 21004-ESCP01	DRAWING TITLE: COVER SHEET & NOTES
DRAWN BY: A.H.	DATE: NOV. 2021	SCALE: 1:1000	23 BULLOCK STREET PO BOX 1201 ORANGE NSW 2800			
CHECKED BY: A.H.	DATE: NOV. 2021	SCALE: 1:1000				
NO. DATE	AMENDMENT DESCRIPTION	APPD				

**DEVELOPMENT APPLICATION ISSUE NOT FOR CONSTRUCTION**

DO NOT OFFER YOU DIG



- SUGGESTED CONSTRUCTION WORK STAGING**
1. ESTABLISH SITE & INSTALL CONSTRUCTION ACCESS & BARRIER FENCING.
  2. STRIP TOPSOIL, CONSTRUCT DIVERSION DRAINS & SEDIMENT BASINS.
  3. BULK EARTHWORKS, FILL LOTS AND SHAPE BATTER INTO LOTS FOR ROAD CONSTRUCTION.
  4. INSTALL SEWER RETICULATION & STORMWATER RETICULATION.
  5. CONSTRUCT ROAD.
  6. RESPERD TOPSOIL OVER DISTURBED AREAS AS SOON AS EARTHWORKS & TRENCHING IS COMPLETED.

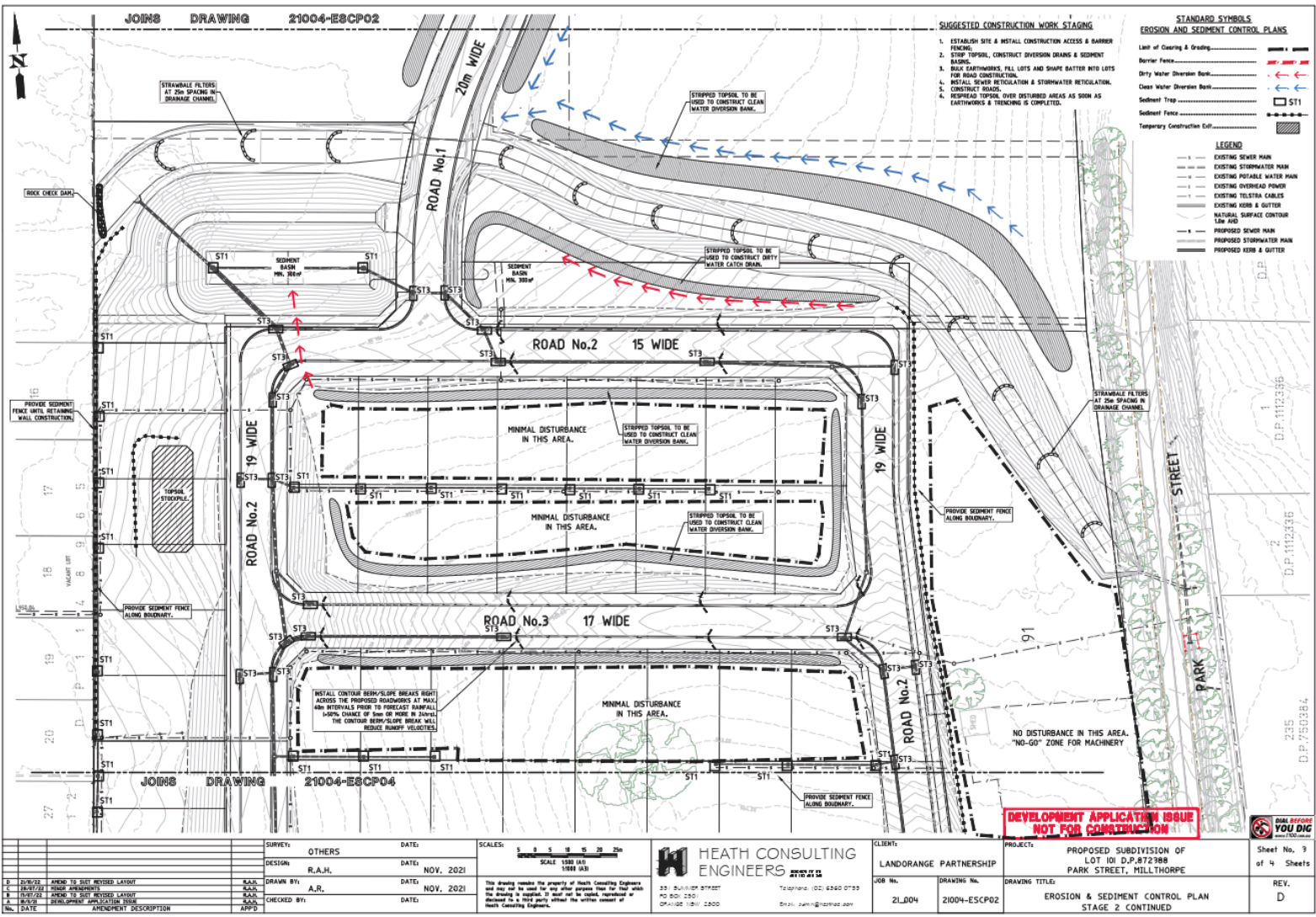


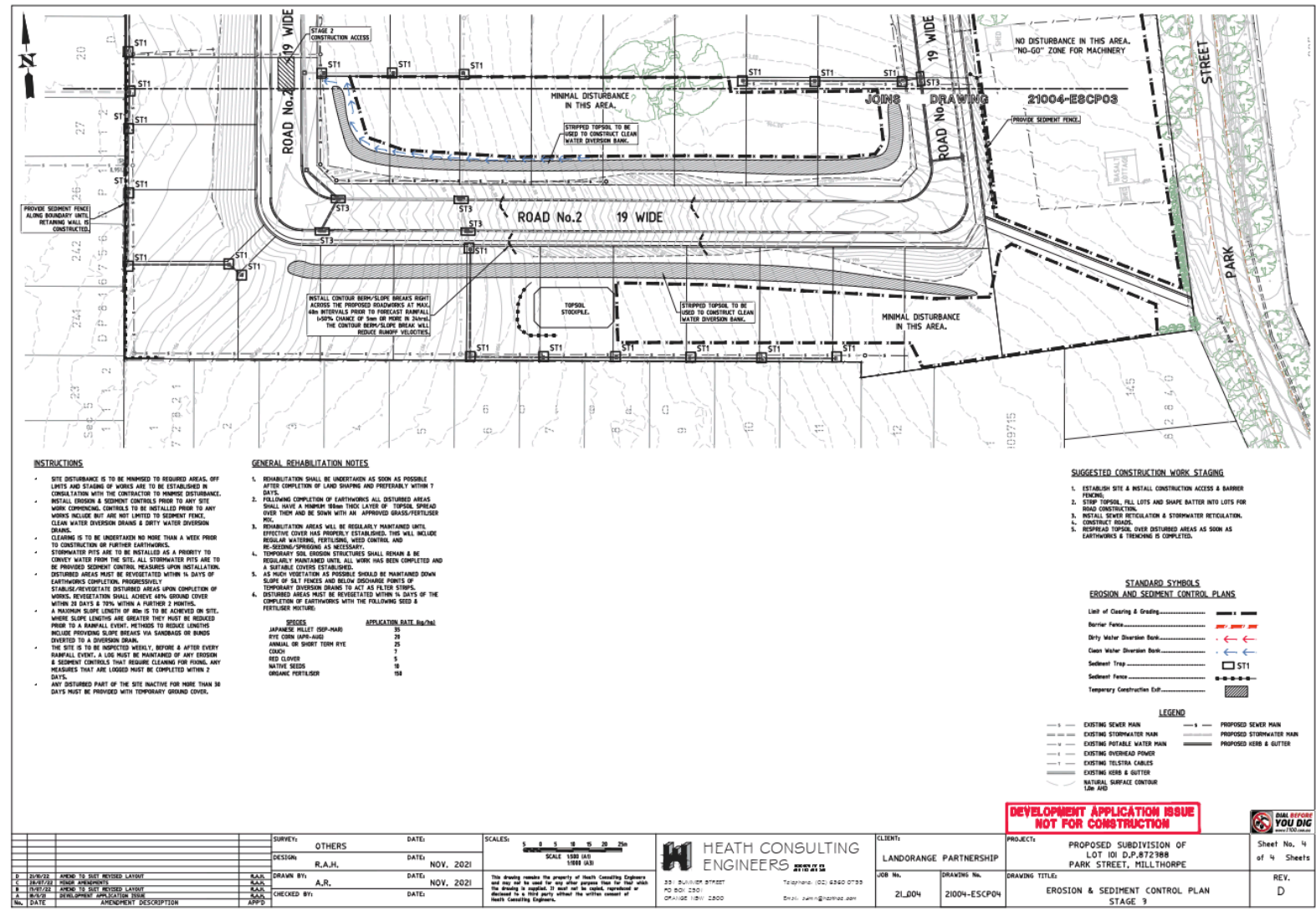
**DEVELOPMENT APPLICATION ISSUE NOT FOR CONSTRUCTION**



SURVEY: OTHERS DESIGN: R.A.H. DRAWN BY: R.A.H. CHECKED BY: A.R. APPD:		DATE: NOV. 2021 DATE: NOV. 2021 DATE:		SCALES: 1 2 3 4 5 10 20 30 40 SCALE 1:500 (AS 1581 (A))		<b>HEATH CONSULTING ENGINEERS</b> 23 BULLOCK STREET PO BOX 2301 ORANGE NSW 2800 Telephone: (02) 6360 0733 Email: john@hce.com.au		CLIENT: LANDORANGE PARTNERSHIP JOB No. 21_004 DRAWING No. 21004-ESCP03		PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE DRAWING TITLE: EROSION & SEDIMENT CONTROL PLAN STAGE 2		Sheet No. 2 of 4 Sheets REV. D	
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**INSTRUCTIONS**

- SITE DISTURBANCE IS TO BE MINIMISED TO REQUIRED AREAS, OFF LOTS AND STAGING OF WORKS ARE TO BE ESTABLISHED IN CONSULTATION WITH THE CONTRACTOR TO MINIMISE DISTURBANCE.
- INSTALL EROSION & SEDIMENT CONTROLS PRIOR TO ANY SITE WORK COMMENCING. CONTROLS TO BE INSTALLED PRIOR TO ANY WORKS INCLUDE BUT ARE NOT LIMITED TO SEDIMENT FENCE, CLEAN WATER DIVERSION CHANNEL & DIRTY WATER DIVERSION CHANNEL.
- CLEARING IS TO BE UNDERTAKEN NO MORE THAN A WEEK PRIOR TO CONSTRUCTION OR FURTHER EARTHWORKS.
- STORMWATER PITS ARE TO BE INSTALLED AS A PRIORITY TO CONVEY WATER FROM THE SITE. ALL STORMWATER PITS ARE TO BE PROVIDED SEDIMENT CONTROL MEASURES UPON INSTALLATION. DISTURBED AREAS MUST BE REVEGETATED WITHIN 14 DAYS OF EARTHWORKS COMPLETION. PROGRESSIVELY STABILISE/REVEGETATE DISTURBED AREAS UPON COMPLETION OF WORKS. REVEGETATION SHALL ACHIEVE 40% GROUND COVER WITHIN 30 DAYS & 70% WITHIN A FURTHER 2 MONTHS.
- A MAXIMUM SLOPE LENGTH OF 40m IS TO BE ACHIEVED ON SITE. WHERE SLOPE LENGTHS ARE GREATER THEY MUST BE REDUCED PRIOR TO A RAINFALL EVENT, METHODS TO REDUCE LENGTHS INCLUDE PROVIDING SLOPE BREAKS VIA SANDBAGS OR BANDS DIVERTED TO A DIVERSION CHANNEL.
- THE SITE IS TO BE INSPECTED WEEKLY, BEFORE & AFTER EVERY RAINFALL EVENT. A LOG MUST BE MAINTAINED OF ANY EROSION & SEDIMENT CONTROLS THAT REQUIRE CLEANING FOR FURTHER. ANY MEASURES THAT ARE LOGGED MUST BE COMPLETED WITHIN 7 DAYS.
- ANY DISTURBED PART OF THE SITE INACTIVE FOR MORE THAN 30 DAYS MUST BE PROVIDED WITH TEMPORARY GROUND COVER.

**GENERAL REHABILITATION NOTES**

1. REHABILITATION SHALL BE UNDERTAKEN AS SOON AS POSSIBLE AFTER COMPLETION OF LAND SHAPING AND PREFERABLY WITHIN 7 DAYS.
2. FOLLOWING COMPLETION OF EARTHWORKS ALL DISTURBED AREAS SHALL HAVE A MINIMUM 75mm THICK LAYER OF TOPSOIL SPREAD OVER TOP AND BE SOWN WITH AN APPROVED SEEDS/FERTILISER MIX.
3. REHABILITATION AREAS WILL BE REGULARLY MAINTAINED UNTIL EFFECTIVE COVER HAS PROPERLY ESTABLISHED. THIS WILL INCLUDE REGULAR WATERING, WEEDING, WEED CONTROL AND RE-SEEDING/SPRINGING AS NECESSARY.
4. TEMPORARY SOIL EROSION STRUCTURES SHALL BE MAINTAINED & BE REGULARLY MAINTAINED UNTIL ALL WORK HAS BEEN COMPLETED AND A SATISFACTORY COVER ESTABLISHED.
5. A 500m VEGETATION AS POSSIBLE SHOULD BE MAINTAINED DOWN SLOPE OF SILT FENCES AND BELOW DOWNDRAIN POINTS OF TEMPORARY DIVERSION CHANNELS TO ACT AS FILTER STRIPS.
6. DISTURBED AREAS MUST BE REVEGETATED WITHIN 14 DAYS OF THE COMPLETION OF EARTHWORKS WITH THE FOLLOWING SEED & FERTILISER MIXTURE:
 

SEEDS	APPLICATION RATE (kg/ha)
JAPANESE RILEET (DEE-NAH)	35
EYE CORN (MHP-AVID)	25
ANNULAR OR SHORT TOWN RYE	25
COCK	7
RED CLOVER	5
NATIVE SEEDS	10
ORGANIC FERTILISER	100

**SUGGESTED CONSTRUCTION WORK STAGING**

1. ESTABLISH SITE & INSTALL CONSTRUCTION ACCESS & BARRIER FENCING.
2. STRIP TOPSOIL, FILL LOTS AND SHAPE BATTER INTO LOTS FOR ROAD CONSTRUCTION.
3. INSTALL SEWER RETICULATION & STORMWATER RETICULATION.
4. CONSTRUCT ROADS.
5. RESPREAD TOPSOIL OVER DISTURBED AREAS AS SOON AS EARTHWORKS & TENDRONE IS COMPLETED.

**STANDARD SYMBOLS  
EROSION AND SEDIMENT CONTROL PLANS**

- Limit of Clearing & Grading
- Barrier Fence
- Dirty Water Diversion Bank
- Clean Water Diversion Bank
- Sediment Trap
- Sediment Fence
- Temporary Construction Eddy

**LEGEND**

- EXISTING SEWER MAIN
- EXISTING STORMWATER MAIN
- EXISTING POTABLE WATER MAIN
- EXISTING OVERHEAD POWER
- EXISTING HEALTH CABLES
- EXISTING KERB & GUTTER
- NATURAL SURFACE CONTOUR (1:10 AID)
- PROPOSED SEWER MAIN
- PROPOSED STORMWATER MAIN
- PROPOSED KERB & GUTTER

**DEVELOPMENT APPLICATION ISSUE  
NOT FOR CONSTRUCTION**



SURVEY: OTHERS		DATE: NOV. 2021	SCALES: 1:500 (A3), 1:1000 (A2), 1:2000 (A1)	<b>HEATH CONSULTING ENGINEERS</b> 23 BULLOCK STREET PO BOX 1301 ORANGE NSW 2800 Phone: (02) 6360 0733 Email: admin@hce.com.au	CLIENT: LANDORANGE PARTNERSHIP	PROJECT: PROPOSED SUBDIVISION OF LOT 101 D.P.872988 PARK STREET, MILLTHORPE	Sheet No. 4 of 4 Sheets
DESIGN: R.A.H.	DRAWN BY: A.R.	DATE: NOV. 2021	JOB NO: 21_004 DRAWING NO: 21004-ESCP04 DRAWING TITLE: EROSION & SEDIMENT CONTROL PLAN STAGE 3		REV: D		
D 20/07/22 AMEND TO SITE PROPOSED LAYOUT C 18/07/22 CHECK REVISIONS B 13/07/22 AMEND TO SITE PROPOSED LAYOUT A 06/07/22 DEVELOPMENT APPLICATION ISSUE	CHECKED BY: APPD						





Transport Assessment  
Millthorpe Residential Development Proposal  
for  
Landorange Partnership

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P0371r1v4 Millthorpe Residential Proposal Transport Assessment  
14/02/2023



## Document Control

**Project No:** 0371  
**Project:** Millthorpe Residential Access Proposal  
**Client:** Landorange Partnership  
**File Reference:** P0371r1v4 Millthorpe Residential Proposal Transport Assessment

## Revision History

Revision	Date	Details	Approved by
v1	25/01/2023	Draft 1	A. Reisch
v2	6/02/2023	Draft 2	A. Reisch
v3	10/02/2023	Draft 3	A. Reisch
v4	14/02/2023	Final 1	A. Reisch

This document has been prepared by arc traffic + transport for the use of the stated Client only, and addresses the project specifically detailed in this document, and as such should not be considered in regard to any other project. This document has been prepared based on the Client's description of its requirements, information provided by the Client and other third parties. arc traffic + transport does not accept any responsibility for the use of or reference to this document other than intended by the stated Client.

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P0371r1v4 Millthorpe Residential Proposal Transport Assessment  
14/02/2023



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**Appendix A: SIDRA Movement Reports**

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P0371r1v4 Millthorpe Residential Proposal Transport Assessment  
14/02/2023



## 1 Introduction

### 1.1 Overview

arc traffic + transport has been engaged by Landorange Partnership (**Landorange**) to prepare a Transport Assessment in regard to a proposed residential development (the **Proposal**) on Lots 101 DP 872388, Park Street, Millthorpe (the **Site**). The Proposal would provide:

- 52 low density residential lots;
- A new separate lot for the existing heritage cottage which lies in the eastern part of the Site;
- A new access road to Richards Lane; and
- New internal road and pedestrian infrastructure.

Full details of the Proposal are provided in the broader Development Application which this Transport Assessment accompanies, which will be submitted to Blayney Shire Council (**Council**) for assessment.

### 1.2 Transport Assessment Tasks

This Transport Assessment provides an assessment of the relevant access, traffic and parking characteristics of the Proposal; this has included consideration of the following:

- Existing and future base traffic and transport conditions in the local road network providing for the Site;
- Existing and future public and active transport services and infrastructure;
- The future vehicle trip generation and distribution of the Site, and the potential impact of those trips on the local road network and the key intersections;
- Parking requirements and provision; and
- An assessment of the Site's internal road network design with reference to the applicable guidelines.

### 1.3 Reference Documents

#### 1.3.1 Planning Controls

### 1.4 Reference Documents

#### 1.4.1 Planning Controls and Strategies

The Site lies within the Blayney Shire (the **Shire**); key Council planning and strategic documents referenced in the preparation of this TA include:

- Blayney Shire Development Control Plan 2018 (**Blayney DCP**);
- Blayney Shire Local Environmental Plan 2012 (**Blayney LEP**);
- Blayney Shire Settlement Plan 2021 (**Settlement Plan**);
- Blayney Shire Council Local Strategic Planning Statement 2020 (**LSPS**);
- Blayney Shire Community Strategic Plan 2018 (**Community Strategy**);



- Guidelines for Engineering Works 2009, WBC Strategic Alliance (**WBC Engineering Guidelines**); and
- Millthorpe Village and Surrounding Area Planning Proposal (PP2021-3588) Gateway Determination Report 2022, Department of Planning, Industry & Environment (**Millthorpe PP Report**).

#### 1.4.2 Traffic and Transport Guidelines

This TA also references general traffic and transport guidelines, including:

- Guide to Traffic Generating Developments 2002, Roads & Maritime Services (**RMS Guide**);
- Guide to Traffic Generating Developments – Updated Traffic Surveys 2013, Roads & Maritime (**RMS Guide Update**);
- Austroads Guide to Road Design Part 3: Geometric Design (**Austroads GRD 3**);
- Austroads Guide to Road Design Part 4: Intersections & Crossings General (**Austroads GRD 4**);
- Austroads Guide to Road Design Part 4A: Unsignalised & Signalised Intersections (**Austroads GRD 4A**);
- Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings Management (**Austroads GTM 6**);
- State Environmental Planning Policy Transport & Infrastructure 2021 (**SEPP 2021**); and
- Transport for NSW (**TfNSW**) Guide to Transport Impact Assessments.

#### 1.5 Consultation

The Project Team assessing the Proposal has had the opportunity to discuss the Proposal with Council and TfNSW (Roads & Maritime) representatives, particularly in regard to existing and future local conditions; the broader Proposal; and access to the Site via Richards Lane, and in turn the intersection of Millthorpe Road & Richards Lane. arc traffic + transport wishes to acknowledge the assistance and insights provided by these officers.

Roads & Maritime have also reviewed historical traffic volumes in Millthorpe Road/Park Street, and in turn factored traffic volumes based on average growth to 2021 volumes, and provided that data to arc traffic + transport. These Roads & Maritime factored traffic volumes have been referenced in the assessment of existing and future traffic conditions.



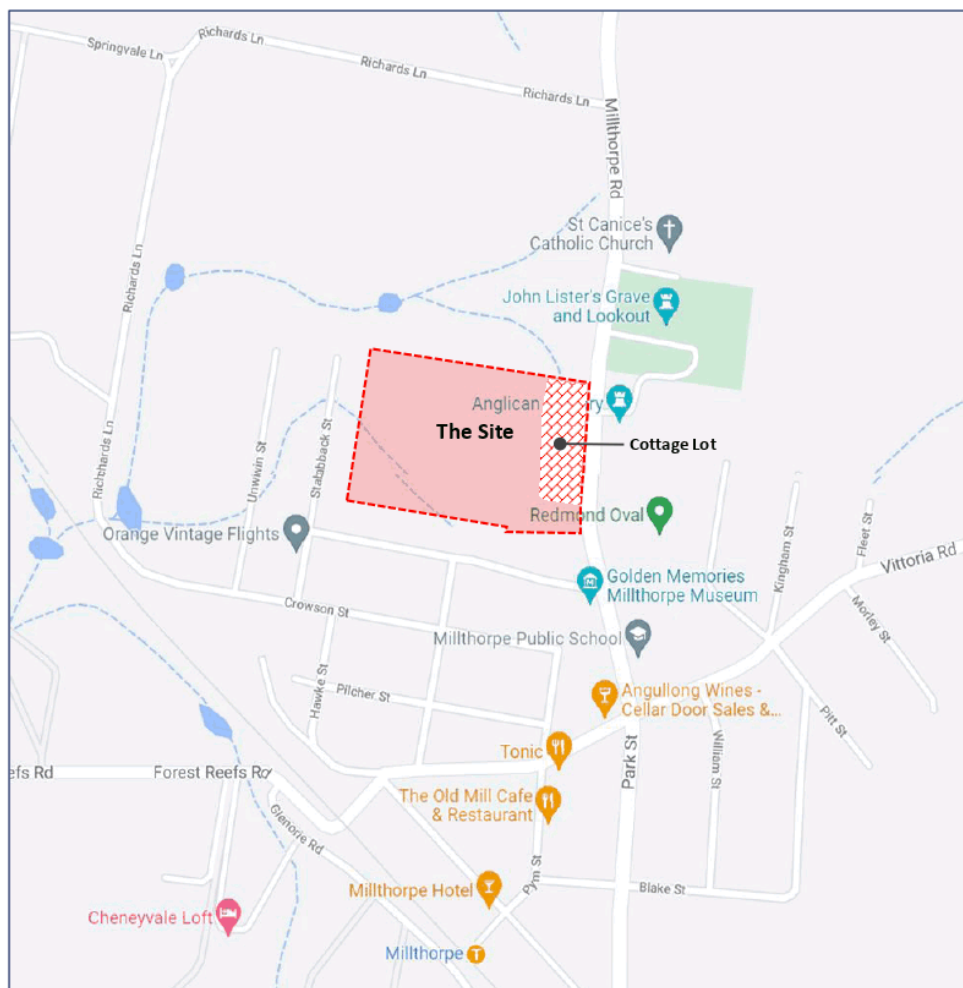
## 2 Existing Conditions

### 2.1 Site Location

The Site is located on the northern edge of Millthorpe Village (the **Village**), and is bordered by a large lot residential area to the north, existing residential dwellings to the south, Park Street to the east, and recently developed low density dwellings to the west. The Site is zoned RU5 in the Blayney LEP, which provides for low density residential development

The Site is shown in its local context in **Figure 1**, including the land to be set aside as a new lot for the heritage cottage.

**Figure 1: Site Location**





## 2.2 Current Site Characteristics

The Site is undeveloped, except for the existing heritage cottage, which has a single gate access to Park Street that will be retained and separated from the proposed new dwellings. As such, the Site (excluding the cottage) does not currently generate any regular vehicle trips.

## 2.3 Local Road Conditions

### 2.3.1 Millthorpe Road/Park Street

Millthorpe Road is a classified (State) road that generally runs north/south between Mitchell Highway at Shadforth and Blayney; Millthorpe Road is sign-posted as Park Street through the Village, generally between south of Richards Lane and Glenorie Road.

In the vicinity of the Site, Millthorpe Road provides 1 traffic lane in each direction and wide sealed and unsealed verges, and has a posted speed limit of 50km/h.

### 2.3.2 Richards Lane

Richards Lane is a local access road that runs west from Millthorpe Road and then south to Crowson Street. In the vicinity of the Site it provides 1 unsealed traffic lane of variable width (generally 4.0m to 5.5m) for two-way traffic flows within a wider road reserve of approximately 20m, with verges largely uncleared of vegetation. Richards Lane has a nominal local road speed limit of 50km/h.

### 2.3.3 Millthorpe Road & Richards Lane

The intersection of Millthorpe Road & Richards Lane operates under priority (Give Way) control with priority to Millthorpe Road. It provides a wide sealed and unsealed (particuaarly north-west of the intersection) apron, but does not provide any formal auxiliary turn treatments.

## 2.4 Existing Traffic Volumes

### 2.4.1 Daily Traffic Volumes

As discussed, Roads & Maritime provided arc traffic + transport with traffic volumes surveyed in Millthorpe Road south of Blayney from 2008 and 2011; the most recent of these traffic surveys (2011) reported an Average Daily Traffic (**ADT**) volume of 2,710 two-way vehicle trips per day (**vpd**).

With reference to the 2008 surveys, Roads & Maritime also determined an average annual growth rate in Millthorpe Road of 0.5% per year between 2008 and 2011; application of this growth rate to the 2011 traffic volumes indicates a 2023 two-way traffic volume in Millthorpe Road of 2,870vpd.

Roads & Maritime also provided an annual growth rate based on traffic surveys of other similar roads within the sub-region, which indicates an annual growth rate of up to 1.35% per year; application of this growth rate to the 2011 traffic volumes indicates a 2023 two-way traffic volume in Millthorpe Road of 3,200vpd.

This higher traffic volume has been adopted for the assessment of existing and future traffic conditions.



### 2.4.2 Peak Hour Traffic Volumes

In determining peak hour traffic volumes, arc traffic + transport has considered:

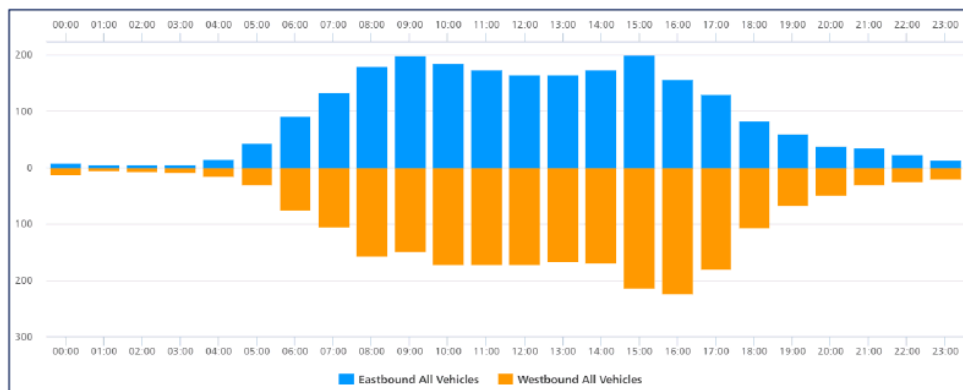
- The proximity of Millthorpe Public School, and in turn the higher traffic volumes generated in the AM drop-off peak and PM pick-up peak; and
- Roads & Maritime Count Stations in the sub-region, particularly focusing on stations on key collector routes approaching local and sub-regional centres, i.e. routes such as Millthorpe Road towards Blayney.

Further to the above, daily traffic volume profiles have been sourced from the following Count Stations:

- Count Station 93863, Adelaide Street on the approach to Blayney;
- Count Station 93090, Mitchell Highway on the approach to Orange; and
- Count Station 93859, Escort Way on the approach to Orange

A summary of the hourly traffic profile for these Count Stations is provided in the figures below.

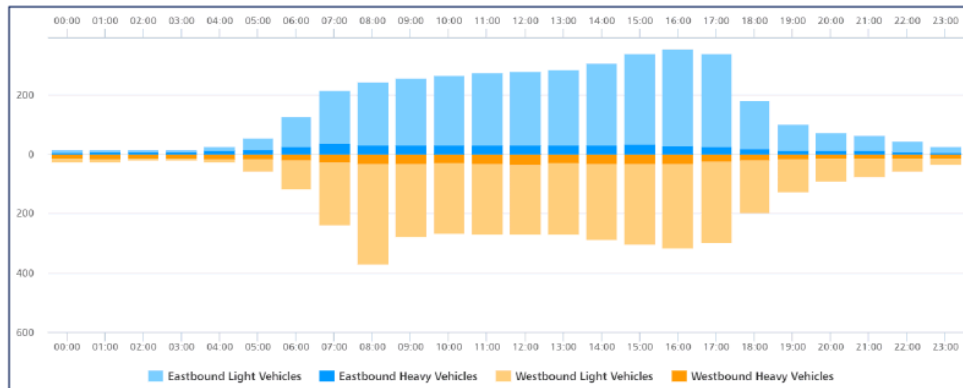
Figure 2: Count Station 93863 Adelaide Street



Source: TfNSW

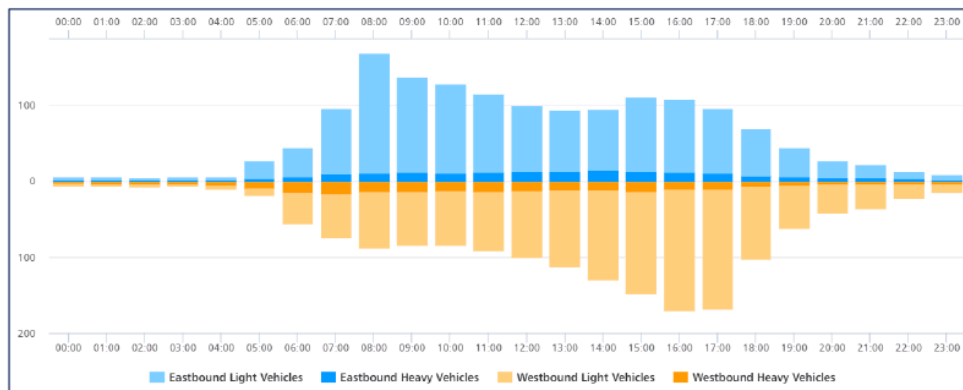


Figure 3: Count Station 93090 Mitchell Highway



Source: TfNSW

Figure 4: Count Station 93859 Escort Way



Source: TfNSW

With reference to the figures above, all Count Stations report an average of 7% - 8% of trips being generated in both the AM peak hour (8:00am – 9:00am) and PM peak hour (3:00pm – 4:00pm), i.e. the periods coinciding school peak periods. To provide for a worst case assessment, arc traffic + transport has adopted the higher peak hour traffic volume of 8% of daily traffic volumes for application in the assessment to both the AM and PM peak hours.

In turning, this provides an estimate of 260 two-way vehicle trips per hour (**vph**) in Millthorpe Road at Richards Lane.

Traffic volumes in Richards Lane at Millthorpe Road (and past the future Site access road) would be relatively minor based on the low number of properties served by Richards Lane. In this regard, it is estimated that Richards Lane would generate no more than 10vph at the Millthorpe Road intersection.



### 2.4.3 Heavy Vehicles

The Roads & Maritime data indicates that up to 9.5% of the daily traffic volumes comprise heavy vehicles, and it is anticipated that a similar percentage of heavy vehicles would be generated in the peak hours; the traffic assessment has assigned 10% of total traffic volumes in Millthorpe Road as heavy vehicle trips.

### 2.4.4 Trip Distribution

Based on the major employment and services centre being Orange to the north, it is estimated that 55% of trips past the Site would be northbound and 45% southbound in the AM peak; and 45% of trips would be northbound and 55% southbound in the PM peak. Trips to/from Richards Lane would have the same directional profile, and a standard residential arrival and departure pattern of 75% departure in the AM peak and 75% arrival in the PM peak.

## 2.5 Local Road Network Operations

### 2.5.1 Environmental Capacity

The RMS Guide provides guidance in regard to both the traffic carrying capacity of roads, and the Environmental Capacity of roads, i.e. target volumes suitable to the type and location of a road, noting that there will always be a range of differing perceptions and attitudes to what constitutes traffic impacts as the environmental expectations of residents often varies significantly, even within the same district.

The RMS Guide also states:

*It is accepted that the performance standard usually occurs at the top end of a range. While it can be argued that there is no particular threshold beyond which problems may emerge, this standard is subject to the same constraints as all other standards.*

*Engineering standards are often based on concepts of good practice, with a concerted focus on safety factors. While it is generally accepted that a departure from this standard may be accommodated to a degree, developers must justify plans where designs significantly exceed the standard.*

The Environmental Capacity performance standards are detailed in Table 4.6 of the RMS Guide, which is reproduced below, noting the standards relate to streets with direct access to residential properties.





Table 1: Roads & Maritime Environmental Capacity Performance Standards

Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal 300 maximum
Collector	Street	50	300 environmental goal 500 maximum

Source: RMS Guide

With reference to Table 1, traffic volumes in Millthorpe Road are slightly higher than the Collector Road environmental goal of 300 vph; however, this is not surprising given that Millthorpe Road operates as both a local collector road and as a sub-regional link between Orange and Blayney.

### 2.5.2 Level of Service

The RMS Guide also provides guidance in regard to the overall Level of Service of urban roads based on the number of traffic lanes and traffic volumes. These Level of Service criteria are detailed in Table 4.4 of the RMS Guide, which is reproduced below.

Table 2: Roads & Maritime Urban Road Level of Service

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

Source: RMS Guide

With reference to Table 2, Millthorpe Road would generally operate at a Level of Service A, and at worst at a Level of Service B during school peak periods.

### 2.5.3 Intersection Operations

The operation of the Millthorpe Road & Richards Lane intersection has been assessed using the SIDRA intersection model, a Roads & Maritime approved model for the assessment of intersection performance.

SIDRA provides a number of outputs by which to measure the performance of an intersection, including:



> **Degree of Saturation:** Degree of Saturation is defined as the ratio of demand (arrival) flow to capacity. Degrees of Saturation above 1.0 represent over-saturated conditions (demand flows exceed capacity) and degrees of saturation below 1.0 represent under-saturated conditions (demand flows are below capacity).

> **Average Vehicle Delay:** Average Vehicle Delay represents the difference between interrupted and uninterrupted travel times through an intersection, and is measured in seconds per vehicle in this assessment. Delays include queued vehicles accelerating and decelerating from/to the intersection stop, as well as general delays to all vehicles travelling through the intersection.

With reference to the Level of Service criteria below, the key delay consideration relates to the average delay for the worst movement rather than an average of all movements.

> **Level of Service:** Level of Service is a basic performance parameter assigned to an intersection based on average delay; we note that we have assessed the intersections using the Roads & Maritime recommended parameters which use only delay in the calculation of LOS.

As noted above, Level of Service at priority controlled intersections is based on the worst minor approach movement delay.

Table 3 provides a summary of the SIDRA recommended criteria for the assessment of intersections.

**Table 3: SIDRA Level of Service Criteria**

Level of Service	Average Delay (seconds per vehicle)	Stop & Give Way
A	less than 14	Good operation
B	15 to 28	Acceptable delays & spare capacity
C	29 to 42	Satisfactory, but accident study required
D	43 to 56	Near capacity & accident study required
E	57 to 70	At capacity, requires other control mode
F	More than 70	Unsatisfactory and requires other control mode or major treatment.

Source: SIDRA Systems

SIDRA analysis has been undertaken that considers the existing intersection geometry, speeds and traffic volumes, noting again that no auxiliary lane infrastructure is provided. The intersection design is shown in Figure 5, while Table 4 provides a summary of the current operation of the intersection during the peak periods. Detailed SIDRA Movement Reports are provided in Appendix A.



Figure 5: Intersection of Millthorpe Road & Richards Lane

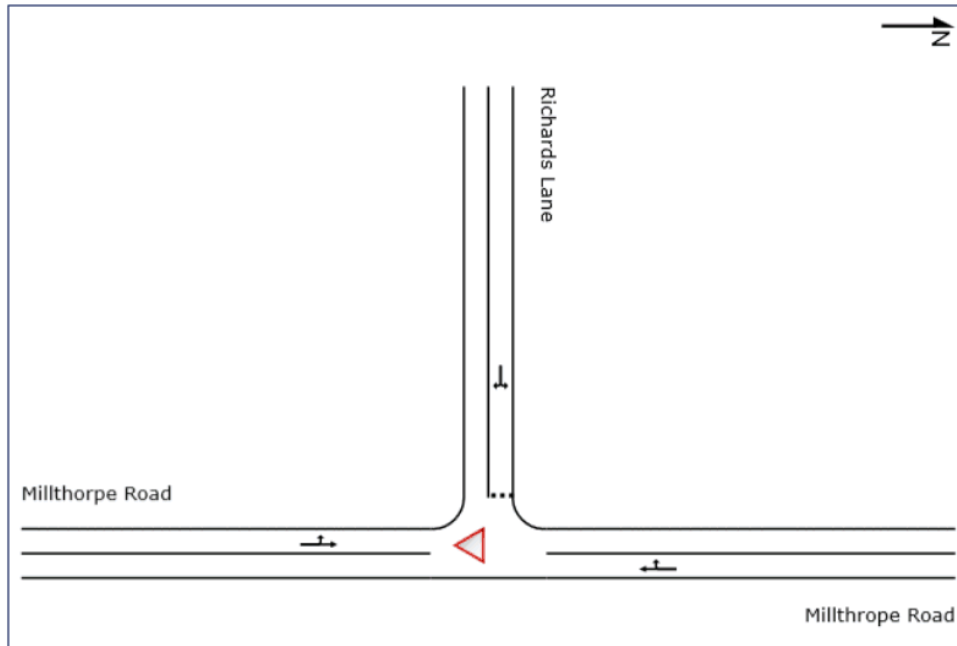


Table 4: 2023 Intersection Operations, Millthorpe Road & Richards Lane

2023	Level of Service	Average Delay (s)	Worst Delay (s)	Degree of Saturation
AM	A	0.1	5.1	0.083
PM	A	0.1	5.0	0.084

With reference to Table 4:

- The intersection currently operates at a LOS A in both peaks, with essentially no delays to any movement other than geometric delay; and
- The intersection has significant spare capacity, operating at less than 10% of available capacity in Millthorpe Road and less than 0.1% of available capacity in Richards Lane.

## 2.6 Future Base Conditions

When assessing a development such as the Proposal, it is standard practice to assess the development based not on existing traffic conditions, but on future traffic conditions; in this regard, it is standard Roads & Maritime practice to provide a 10 year forecast for the purpose of assessing the road network.



As such, the traffic volumes in Millthorpe Road have been factored to **Base 2033** volumes in accordance with the annual growth determined by Roads & Maritime, providing a forecast ADT volume in Millthorpe Road of 3,680vpd, and 295vph in the peak periods.

At this time, there is no information available to indicate any other significant development (other than the Site) that would increase traffic volumes in Richards Lane.

The intersection of Millthorpe Road & Richards Lane under Base 2033 conditions has again been assessed using SIDRA; the results of this assessment are provided in Table 5.

**Table 5: Base 2032 Intersection Operations Millthorpe Road & Richards Lane**

Base 2033	Level of Service	Average Delay (s)	Worst Delay (s)	Degree of Saturation
AM	A	0.1	5.1	0.094
PM	A	0.1	5.0	0.095

With reference to Table 5:

- The intersection continues to operate at a LOS A in both peaks under Base 2033 conditions, with essentially no delay to any movement other than geometric delay; and
- The intersection retains significant spare capacity, operating at less than 10% of available capacity in Millthorpe Road and less than 0.1% of available capacity in Richards Lane.

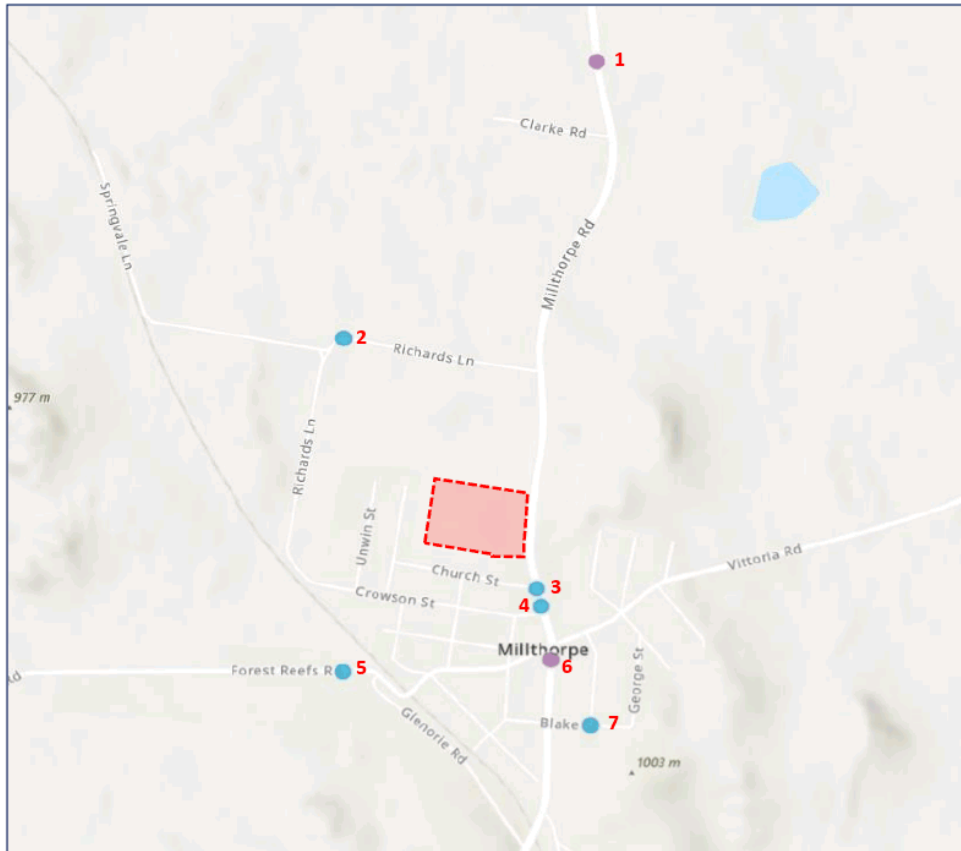
In summary, the intersection of Millthorpe Road & Richards Lane operates with essentially no constraints under Base 2033 conditions.

## 2.7 Crash Data

TfNSW's Centre for Road Safety provides crash data for the reporting period 2017 – 2021 inclusive, which shows that there were a total of 7 crashes in and around the Millthorpe during this period. These crash locations and the type of crash are shown in Figure 6, while the characteristics of each crash are summarised in Table 6, noting that 5 of the 7 crashes involved either speeding or fatigue.



Figure 6: Crash Locations & Crash Type



Source: TfNSW

Table 6: 2017 - 2021 Crash Data

Crash	Year	Rum Code	Crash Type	Speed or Fatigue	Lighting	Degree of Crash
1	2019	71	Off-Road Left		Darkness	Minor
2	2020	81	Off Left/Right Bend	Yes	Light	Moderate
3	2020	71	Off-Road Left	Yes	Dark	Moderate
4	2017	70	Off Road Left	Yes	Light	Moderate
5	2019	30	Rear End		Dusk	Moderate
6	2019	71	Off-Road Left	Yes	Light	Minor
7	2018	86	Off Left/Left Bend	Yes	Dark	Non Injury

Source: TfNSW





With reference to the crash data detailed above, there is no information to indicate that there are any underlying issues in regard to the geometric design and/or inherent safety of the local road network in Millthorpe.

## 2.8 Public & Active Transport

### 2.8.1 Public Transport

Public bus services are relatively limited in Millthorpe, and many services operate on school days only (in addition to a number of school buses providing student access to Millthorpe Public School). These public services include:

- Route 516 between Orange and Blayney, which runs at a 2 – 4 hour headway (total 3 buses); and
- Route 530 between Orange and Bathurst, which runs at a 2 – 3 hour headway in both directions through the day (total 2 southbound and 3 northbound buses).

### 2.8.2 Active Transport

Footpaths are provided on at least one side of the road in most local streets through the Village, while paths are provided on both sides of Park Street between Church Street and Blake Street; and in Victoria Street between William Street and Montgomery Street. A formal pedestrian crossing of Park Street is provided adjacent to Millthorpe Public School.

As part of the Proposal, a new footpath will be provided that connects the Site to Park Street north of Church Street, and it is anticipated that the Park Street footpath on the western side of the road would be extended north to the Site (see also Section 4.3).

While there is no formal cycling infrastructure in the Village, wide marked parking lanes and low vehicle speeds through the Village would generally provide a safe cycling environment,



### 3 Blayney Shire Planning Policies

#### 3.1 Blayney Shire Settlement Strategy

The Settlement Strategy identifies the need to *identify sufficient land to meet the short and medium term housing needs generated by the changing demographic profile and population growth of the Blayney Shire, particularly within Blayney and Millthorpe.*

With specific reference to the Proposal, one of the key components of the Settlement Strategy relates to urban residential land already zoned for the dwellings, *providing opportunities for infill development and to better realise a full range of residential accommodation.*

For Millthorpe – the second largest residential settlement in the Shire - the Settlement Strategy identifies that while population growth has not been significant, there has been a change in the dynamics of the population, with many new residents coming from outside the Shire given Millthorpe's proximity to Orange and to major sub-regional developments such as mines.

The Site is currently zoned for development and the Settlement Strategy supports its development subject to addressing site constraints; in this regard, Settlement Strategy indicates that the development of the Site *may be deferred to enable Council to undertake a more detailed investigation having regard to issues including the suitability of the individual sites, access road and transport hierarchy, visual amenity, infrastructure and servicing requirements and cost, stormwater and water quality management, urban design and layout and staging and sequencing of development.*

Notwithstanding, the Settlement Strategy then states:

*Despite the deferral of these areas, the notation in the Strategy signals a clear intention to commence investigation and provides a starting point for consideration.*

While the issue of deferral is addressed in other sections of the Development Application that this Transport Assessment accompanies, it is anticipated that this Transport Assessment itself will provide Council with important information in regard to *access road and transport hierarchy considerations.*

#### 3.2 Blayney Shire Local Strategic Planning Statement

The Blayney LSPS sets out a 20-year vision for land use planning in the Shire, and provides a framework by which to manage growth and change while retaining the unique characteristics of the Shire. The Blayney LSPS identifies 6 key Planning Priorities, including economic and sustainable growth across a range of industries, supporting and encouraging growth in the logistics and transport sectors, and protecting the environment.

With specific reference to the Proposal, Planning Priority 4 of the Blayney LSPS relates to the need to provide more residential dwellings, and a diverse range of dwellings, to provide for the needs of a broad range of existing and future residents. In this regard, Planning Priority 4 includes the following framework to provide these dwellings:



#### Strategic Directions

- *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 development in the town of Blayney and Millthorpe where there are higher levels of service, infrastructure and facilities to support growth.*

#### Actions

- *Implement the recommendations within the review of the Draft Blayney Settlement Strategy 2019.*
- *Guide local and strategic planning to create diverse housing choices and opportunities within Blayney Shire.*

The Proposal is entirely aligned with these Priorities.

### **3.3 Blayney Shire Community Strategic Plan**

The Community Strategy is an evolving strategy development by Council in consultation with the community, and documents the *priorities and aspirations for the future of the Shire covering a period of at least 10 years.*

With specific reference to the Proposal, the Blayney CSP again identifies the need for housing growth, stating:

*We need to promote the Shire as a great place to work or raise a family with good schools and easy access to universities and job opportunities. However the lack of residential zone expansion is limiting new housing development opportunities in areas of high demand such as Millthorpe and Blayney.*

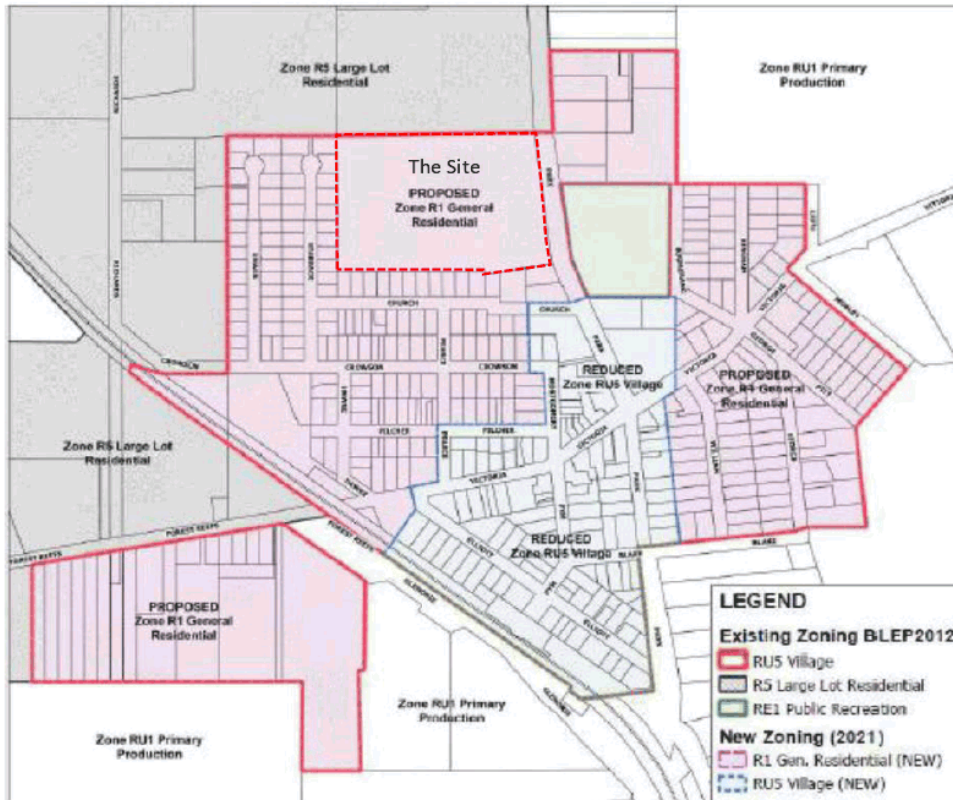
The Proposal is again entirely aligned with these Priorities.

### **3.4 Millthorpe and Surrounds Planning Proposal**

#### **3.4.1 Overview**

In August 2021, Council submitted a Planning Proposal to the Department of Planning & Environment (**DPE**) proposing amendments to the LEP which would provide for rezoning and revised minimum lot sizes in Millthorpe and the surrounding area; the Planning Proposal specifically includes the Site, as shown in Figure 1 of the Millthorpe PP Report, which is reproduced below.

Figure 7: Millthorpe Planning Proposal Residential Areas



Source: Millthorpe PP Report

### 3.4.2 Millthorpe Planning Proposal Objectives

With reference to Section 2 of the Millthorpe PP Report:

*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.*



### 3.4.3 Gateway Assessment

The Millthorpe PP Report provides a number of comments in specific relation to the Site; Section 3.2 of the Millthorpe PP Report states the following:

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

*Millthorpe Urban area- Site PP2A [the Site] - 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.*

In summary, the Proposal is entirely aligned with the Millthorpe PP objectives, and moreover those objectives and a determination that the Site is appropriate for low density residential development are clearly detailed in the Millthorpe PP Report.

### 3.5 Recent Approvals

In line with Council's strategic policies, a number of residential developments have been approved in Richards Lane (and adjacent roads) in recent years; with reference to Council's DA Tracker, these include:

- DA 2016/0028 3 lots subdivision;
- DA 2020/0054 6 lot subdivision;
- DA 2021/0152 1 dwelling;
- DA 2021/0149 1 dwelling; and
- DA 20210071 1 dwelling.

arc traffic + transport notes that additional residential developments have been approved by Council over the past 10 – 15 years, though some of these approved developments have not proceeded; we note in particular DA 59/2011 which provided an approval for 96 dwellings at 56 Richards Lane, though the development did not ultimately proceed based, we understand, on issues relating to contributions. Notwithstanding, it is certainly the case that Council has previously identified Richards Lane (and adjacent lands) as appropriate for low density residential development.



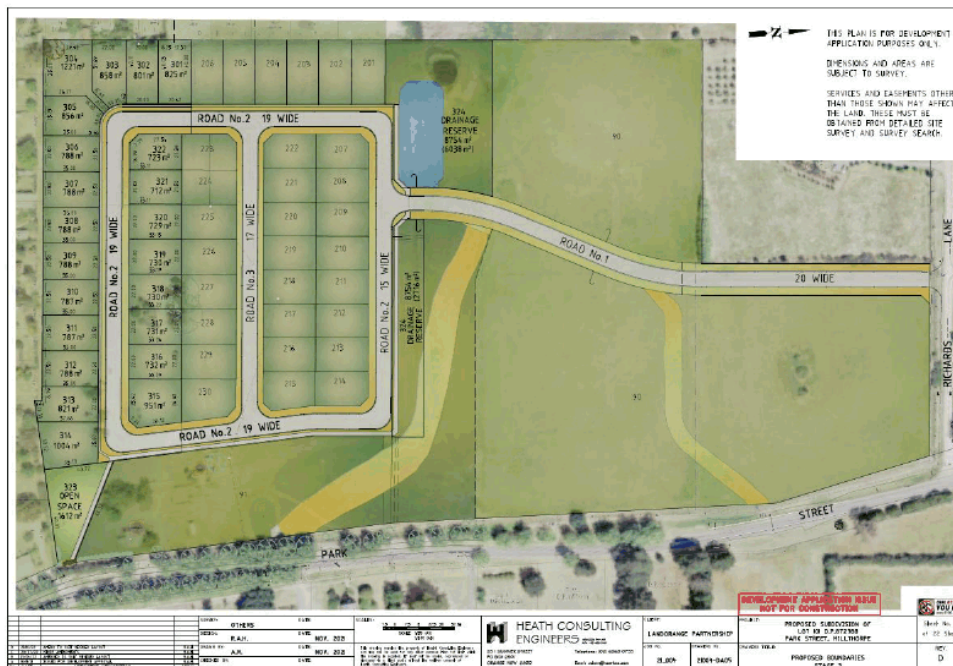


## 4 The Proposal

### 4.1 Overview

As discussed in the Introduction, the Proposal provides for the subdivision of the Site to provide 52 residential lots along with ancillary road and pedestrian infrastructure. The Site Plan is shown in Figure 8.

Figure 8: The Proposal Site Plan



Source: Heath Consulting Engineers

### 4.2 Site Access

#### 4.2.1 Primary Site Access

All access to the local road network will be via a new internal road to Richards Lane approximately 120m west of Millthorpe Road. From Richards Lane, access to/from the north and south would be via the intersection of Millthorpe Road & Richards Lane.

A simple internal road network provides two-way roads for access to all lots.



#### 4.2.2 Access Road Design

Guidance in regard to the design of internal roads is provided in the Engineering Guidelines; the general parameters of new roads within the road hierarchy are detailed in Table 2.1 of the Engineering Guidelines, which is reproduced below.

Table 7: Engineering Guidelines Road Hierarchy

Function	Max. No. of Dwellings/Lots Served	Design Traffic (ESA's)	Frontage Access	Design Speed Environment (km/h)
<b>Urban</b>				
Urban Collector	300	$2.0 \times 10^6$	Yes	50
Urban Local Access	100	$6.0 \times 10^5$	Yes	50
Urban Cul-de-sac	25	$2.0 \times 10^5$	Yes	40
<b>Industrial</b>				
		$1.0 \times 10^7$	Yes	50
<b>Rural</b>				
Rural Collector		$2.0 \times 10^6$	Yes	80 - 100
Rural Local Access		$1.0 \times 10^5$	Yes	60

Source: Engineering Guidelines

In turn, Table 2.3 of the Engineering Guidelines provides details of the design profile of residential roads, and is reproduced below.

Table 8: Engineering Guidelines Road Profiles

Class of Road	Width of Road Reserve	Footway Width	C'way Width	Traffic Lanes	Parking Lanes	Seal Width	Formation Width	Shoulder Width
<b>Urban</b>								
Urban Collector	20	2 / 3.5	13.0	2 / 3.5	2 / 3.0			
Urban Local Access	17	2 / 3.5	10.0	2 / 3.0	2 / 2.0			
Urban Cul-de-sac	15	2 / 3.5	8.0	2 / 3.0	2 / 1.0			
<b>Industrial</b>								
	20	2 / 3.5	13.0	2 / 3.5	2 / 3.0			
<b>Rural*</b>								
Rural Collector	20					8.0	10.0	2 / 1.0
Rural Local Access	20					6.0	8.0	2 / 1.0
<b>Pedestrian Facilities</b>								
Pathway	5	1.2						
Cycleway	5	2.0 – 2.5						

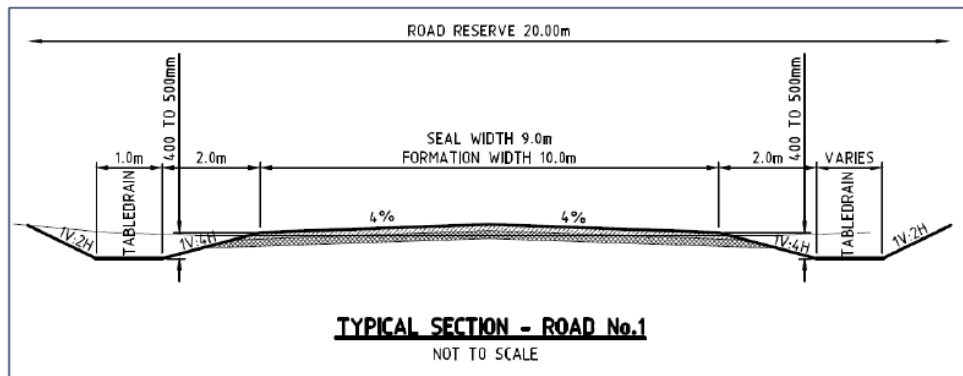
Source: Engineering Guidelines



With reference to the tables above, the main entry road from Richards Lane will be constructed as a Rural Collector Road, noting that this design appropriately provides for the traffic volumes generated by the Site while maintaining an appropriate profile through the adjacent [rural] large residential lots. All internal roads will be designed to the Urban Local Access profile, noting that the width of Road No. 2 complies with the Urban Local Access profile, but with the 2.0m shared path located within the adjacent drainage reserve.

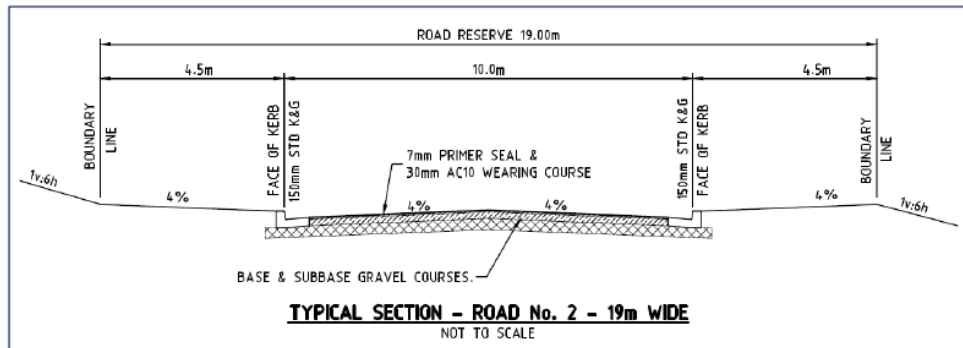
The proposed road profiles are shown in the figures below.

Figure 9: Road 1 Typical Section



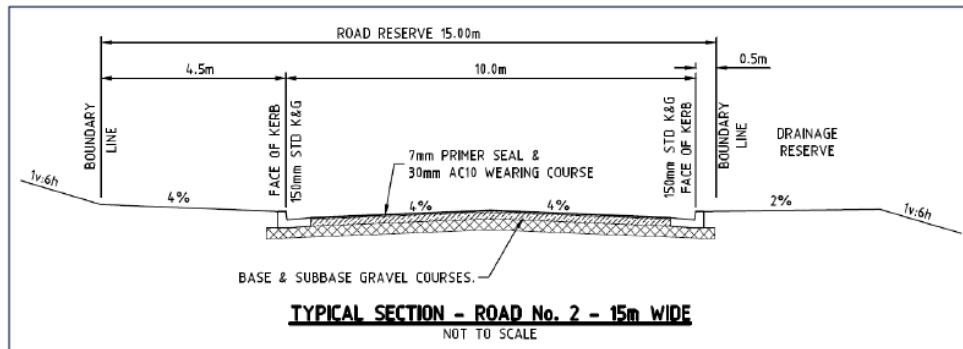
Source: Heath Consulting Engineers

Figure 10: Road 2 Typical Section (Not Adjacent to Drainage Reserve)



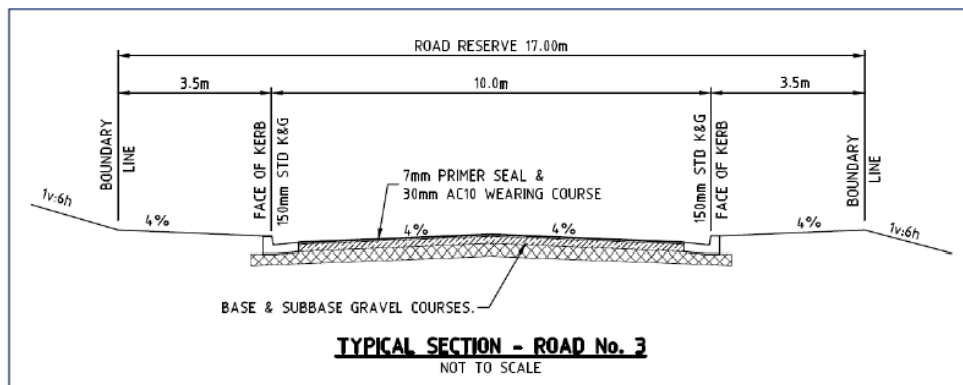
Source: Heath Consulting Engineers

Figure 11: Road 2 Typical Section (Adjacent to Drainage Reserve)



Source: Heath Consulting Engineers

Figure 12: Road 3 Typical Section



Source: Heath Consulting Engineers

#### 4.2.3 Richards Lane

Based on our discussions with Landorange, it is our understanding that Council is examining the upgrade of Richards Lane in the short term to and through the Site access road intersection. The design of the access road is anticipated to be in line with the Urban Collector or Urban Local Access road profile as detailed in the Engineering Guidelines.

arc traffic + transport notes that the road reserve in Richards Lane has a width capable of accommodating these road profiles.

#### 4.3 Active Transport

With reference to the road profile detailed in Table 8, footpaths will be provided in all internal roads, and a shared path will run along the northern and eastern borders of the Site, connecting to Park Street north of Church Street.



## 4.4 Traffic

### 4.4.1 Trip Generation

The RMS Guide Update provides trip generation rates for standard residential dwellings in regional centres; these rates are:

- 0.78 trips per dwelling in the AM peak hour; and
- 0.71 trips per dwelling in the PM peak hour.

It is noted that all of the rural residential areas surveyed by Roads & Maritime are located in close proximity to a major regional centre, including Wollongong, Dubbo, Wagga and Orange, and moreover within a 5 – 10 minute drive to key destinations within each centre.

With reference to our past work on regional subdivisions not in immediate proximity to a regional centre, residential trip rates are generally lower than the Roads & Maritime rates, being 0.5 – 0.6 trips per dwelling in the peak hours, and 5 – 6 trips per dwelling daily. Notwithstanding, so as to provide a conservative trip generation estimate, the higher RMS Guide Update trip rates have been adopted for the traffic assessment.

The application of these trips rates indicates that the Site would generate:

- 41vph in the AM peak period; and
- 37vph in the PM peak period.

### 4.4.2 Trip Distribution

As discussed in Section 2.4.4, a review of key local and sub-regional employment, retail and service centres suggests that approximately 55% of trips will be to/from the north, and 45% to/from the south.

In the AM peak hour, 25% of trips would be arrival trips, and 75% departure trips; in the PM peak hour, 75% of trips would be arrival trips, and 25% departure trips.

This two-way Park Street traffic volume – distributed in line with the existing distribution identified in Section 2.4.4 - has been adopted for the assessment of the proposed Site access intersection to Park Street.

## 4.5 Future Road Network Operations

### 4.5.1 Environmental Capacity

With reference to the Roads & Maritime Environmental Capacity and Level of Service guidelines detailed in Section 2.5.1, the additional traffic generated by the Site would have no significant impact on either of these impact criteria, with total volumes in Millthorpe Road (and Park Street) remaining well below the maximum Collector Road traffic volumes, and Level of Service remaining at Level of Service A other than perhaps for short periods school peaks.





In Richards Lane, traffic volumes between the Site access road and Millthorpe Road would represent less than 50% of the environmental target for a local access road.

#### 4.5.2 Intersection Operations

The intersection of Millthorpe Road & Richards Road has again been assessed using SIDRA under Base 2033 + Site conditions. The results of the assessment are summarised in Table 9, and the more detailed Movement Summaries are provided in Appendix A.

**Table 9: Base 2033 + Site Intersection Operations Millthorpe Road & Richards Lane**

Base 2033 + Site	Level of Service	Average Delay (s)	Worst Delay (s)	Degree of Saturation
AM	A	0.5	5.2	0.097
PM	A	0.7	5.1	0.106

With reference to Table 9:

- The intersection continues to operate at a LOS A in both peaks under Base 2033 + Site conditions, with essentially no delay to any movement other than geometric delay; and
- The intersection retains significant spare capacity, operating at approximately 10% of available capacity in Millthorpe Road and less than 0.2% of available capacity in Richards Lane.

In summary, the intersection of Millthorpe Road & Richards Lane operates with essentially no constraints under Base 2033 + Site conditions.

#### 4.5.3 Intersection Design, Millthorpe Road & Richards Lane

As discussed in Section 2.3.3, the intersection of Millthorpe Road & Richards Lane provides a simple T intersection with no auxiliary turning lanes.

Austrroads GTM Part 6 provides guidance in regard to the design of urban intersections where vehicle speeds are below 70km/h, providing a set of warrants for different intersection treatments to appropriately accommodate traffic volumes.

However, these warrants are not applicable to existing intersections, but rather for greenfield sites only, with Commentary C9.2 of Austrroads GTM Part 6 stating:

*The warrants are based on the construction of intersections on new roads (i.e. Greenfield sites). Therefore, their most appropriate application is to the selection of turn types for intersections on new roads. However, the warrants may also be used:*

- as a reference for the construction of new intersections on existing roads
- as a reference for intervention levels when upgrading existing intersection turn treatments



- *although not intended for direct application to accesses and driveways, they may be used as a reference for such*

Moreover, the Austroads GTM Part 6 warrants require the provision of auxiliary lane treatments even if the traffic volume turning to/from the minor road is minimal. As such, if Council or Roads & Maritime considered that an upgraded intersection were required, most likely providing Basic Left (**BAL**) and Basic Right (**BAR**) treatments, then such would have been conditioned as part of earlier approvals for development in Richards Lane (and adjacent roads) with access to the intersection.

Finally, arc traffic + transport notes that Council is currently undertaking an assessment of the potential design and upgrade of the intersection for purposes other than the development of the Site.

#### 4.6 Existing Millthorpe Intersection Designs

Further to the above, it is important to note that there are a number of intersections in the Village (and more broadly across Millthorpe) that similarly do not provide compliant BAL or BAR treatments, including numerous intersections that have been upgraded or revised in recent years by Roads & Maritime and/or Council. Details of a selection of these intersections are provided in sections below.

##### 4.6.1 Intersection of Park Street & Church Street

The intersection of Park Street & Church Street – located 100m north of the Site - essentially provides an identical design to that which is provided at the Millthorpe Road & Richards Lane intersection. A southbound vehicle in Park Street cannot pass a vehicle turning right to Church Street, with the western verge reduced due to trees, even though the trip generation to/from Park Street would be higher given the number of dwellings provided with access via Church Street.

With reference to the crash data in Section 2.7, there is no information to suggest that this design was a factor in the crashes reported at, and adjacent to, the intersection in 2017 and 2020.

Figure 13: Park Street & Church Street



Source: Google

#### 4.6.2 Intersection of Park Street & Victoria Street

A northbound through vehicle in Park Street cannot properly pass a vehicle turning right from Park Street (south) to Victoria Street (east) given the geometry of the northbound lane/kerb extension. The same is the case for a southbound through vehicle passing a vehicle turning right to Victoria Street west.

Figure 14: Park Street & Victoria Street



Source: Google

Figure 15: Park Street & Victoria Street



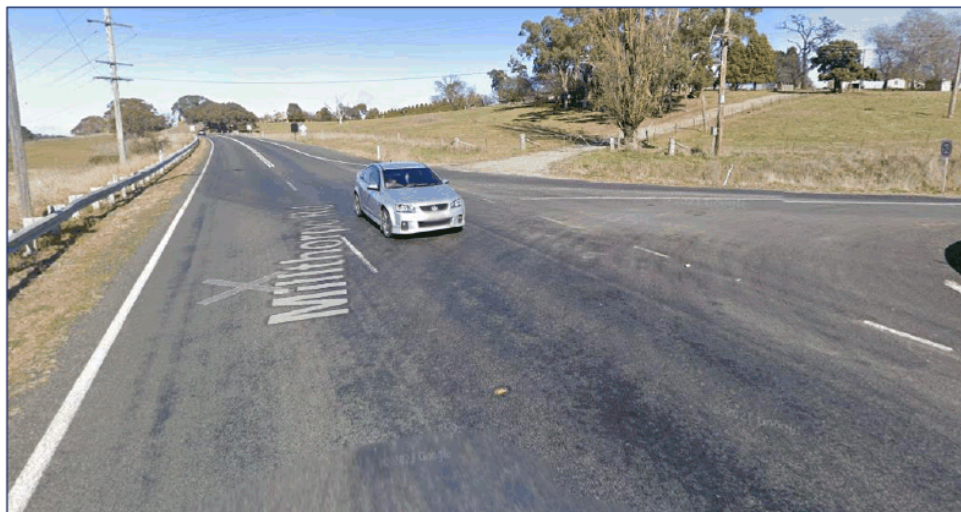
Source: Google



#### 4.6.3 Intersection of Millthorpe Road & Glenorie Road

A southbound vehicle in Millthorpe Road cannot pass a vehicle turning right to Glenorie Road, with no formal BAR provided and indeed only a very narrow verge. Vehicles speeds in Millthorpe Road at this location would also be significantly higher than at Richards Lane given the nearby speed transition from 100km/h.

Figure 16: Millthorpe Road & Glenorie Road



Source: Google

#### 4.7 Parking

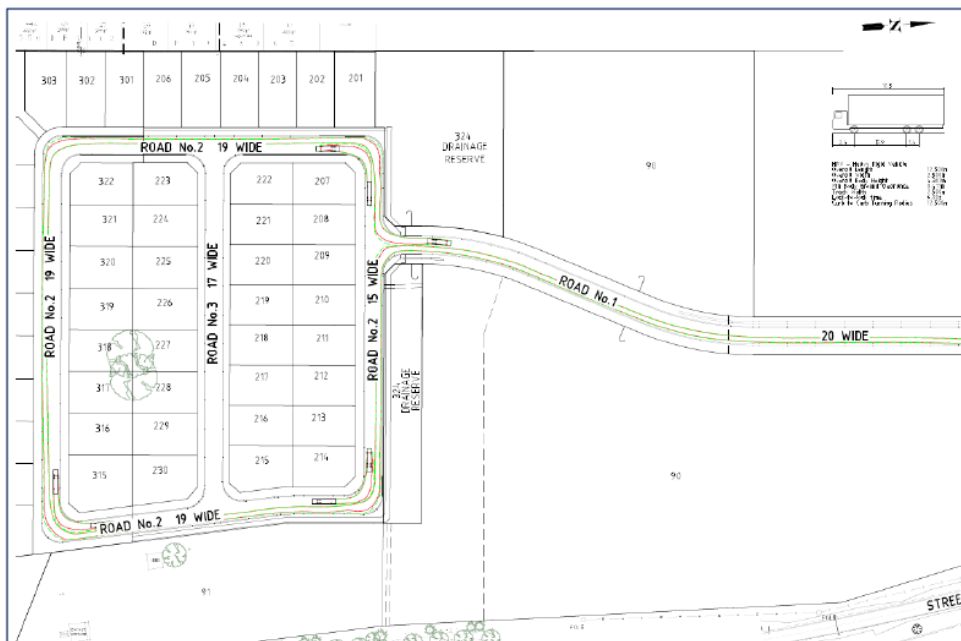
All dwellings will be provided with on-site parking in accordance with the Blayney DCP.

#### 4.8 Servicing

The design of the internal roads provides for a 12.5m Heavy Rigid Vehicle (**HRV**) to traverse the Site. The HRV is the standard design vehicle for Council's waste collection vehicles, and as such the Site can be appropriately serviced by HRVs; swept paths for the HRV are shown in Figure 17.



Figure 17: Heavy Rigid Vehicle Swept Paths



Source: Landorange





## 5 Conclusions

Further to our assessment of the access, traffic and parking characteristics of the Proposal, arc traffic + transport has determined the following:

- The Proposal is entirely in line with key Council housing strategies and policies for both the Shire and Millthorpe specifically;
- All internal roads will be constructed in full accordance with the Engineering Guidelines;
- Traffic volumes in both Millthorpe Road and Richards Lane are very moderate, and the trip generation of the Site is similarly moderate during the peak periods;
- SIDRA modelling of the intersection of Millthorpe Road & Richards Lane indicates that it would operate with virtually no delays under Base 2033 + Site conditions, and future volumes in local roads remain well below Environmental Amenity guidelines;
- The warrants for intersection upgrades provided in Austroads GTM Part 6 are intended for application to new intersections, not existing intersections, and as such an upgrade of the Millthorpe Road & Richards Lane intersection is not warranted as part of the Proposal. Notwithstanding, it is noted that Council is currently undertaking an assessment of the potential upgrade of the intersection for purposes other than the development of the Site.
- Parking for all future dwellings would be provided in accordance with the DCP.
- The proposed internal road network can accommodate the movements of a HRV.

In summary, arc traffic + transport has determined that the Proposal is entirely supportable further to access, traffic and parking considerations.



Appendix A: SIDRA Movement Summaries

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P0371r1v4 Millthorpe Residential Proposal Transport Assessment  
14/02/2023



### 2023 AM Peak Hour Millthorpe Road & Richards Lane

#### MOVEMENT SUMMARY

Site: [2023 AM Peak Millthorpe Road & Richards Lane (Site Folder: General)]

Site Category: Existing Design  
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg Satn	Aver Delay	Level of Service	90% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[ Total veh/h	HV ] %	[ Total veh/h	HV ] %	v/c	sec		[ Veh. veh	Dist ] m				km/h
South: Millthorpe Road														
1	L2	1	0.0	1	0.0	0.083	4.6	LOS A	0.0	0.0	0.00	0.00	0.00	49.5
2	T1	143	10.0	151	10.0	0.083	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		144	9.9	152	9.9	0.083	0.1	NA	0.0	0.0	0.00	0.00	0.00	49.9
North: Millthorpe Road														
8	T1	117	10.0	123	10.0	0.068	0.0	LOS A	0.0	0.1	0.01	0.00	0.01	50.0
9	R2	1	0.0	1	0.0	0.068	5.1	LOS A	0.0	0.1	0.01	0.00	0.01	37.8
Approach		118	9.9	124	9.9	0.068	0.0	NA	0.0	0.1	0.01	0.00	0.01	49.8
West: Richards Lane														
10	L2	2	0.0	2	0.0	0.004	2.4	LOS A	0.0	0.1	0.26	0.38	0.26	36.0
12	R2	2	0.0	2	0.0	0.004	3.3	LOS A	0.0	0.1	0.26	0.38	0.26	35.7
Approach		4	0.0	4	0.0	0.004	2.8	LOS A	0.0	0.1	0.26	0.38	0.26	35.8
All Vehicles		256	9.8	280	9.8	0.083	0.1	NA	0.0	0.1	0.01	0.01	0.01	49.6

### 2023 PM Peak Hour Millthorpe Road & Richards Lane

#### MOVEMENT SUMMARY

Site: [2023 PM Peak Millthorpe Road & Richards Lane (Site Folder: General)]

Site Category: Existing Design  
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg Satn	Aver Delay	Level of Service	90% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[ Total veh/h	HV ] %	[ Total veh/h	HV ] %	v/c	sec		[ Veh. veh	Dist ] m				km/h
South: Millthorpe Road														
1	L2	2	0.0	2	0.0	0.056	4.6	LOS A	0.0	0.0	0.00	0.01	0.00	49.4
2	T1	117	10.0	123	10.0	0.056	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	49.9
Approach		119	9.8	125	9.8	0.056	0.1	NA	0.0	0.0	0.00	0.01	0.00	49.9
North: Millthorpe Road														
8	T1	143	10.0	151	10.0	0.084	0.0	LOS A	0.0	0.1	0.01	0.01	0.01	49.9
9	R2	2	0.0	2	0.0	0.084	5.0	LOS A	0.0	0.1	0.01	0.01	0.01	37.8
Approach		145	9.9	153	9.9	0.084	0.1	NA	0.0	0.1	0.01	0.01	0.01	49.7
West: Richards Lane														
10	L2	1	0.0	1	0.0	0.002	2.3	LOS A	0.0	0.0	0.24	0.37	0.24	36.0
12	R2	1	0.0	1	0.0	0.002	3.3	LOS A	0.0	0.0	0.24	0.37	0.24	35.7
Approach		2	0.0	2	0.0	0.002	2.8	LOS A	0.0	0.0	0.24	0.37	0.24	35.9
All Vehicles		256	9.8	280	9.8	0.084	0.1	NA	0.0	0.1	0.01	0.01	0.01	49.7



Base 2033 AM Peak Hour Millthorpe Road & Richards Lane

MOVEMENT SUMMARY

Site: [2033 AM Peak Millthorpe Road & Richards Lane (Site Folder: General)]

Site Category: Existing Design  
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg Satn	Aver Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver No Cycles	Aver Speed
		[ Total veh/h ]	[ HV ] %	[ Total veh/h ]	[ HV ] %	v/c	sec		[ Veh. ]	[ Dist ] m				km/h
South: Millthorpe Road														
1	L2	1	0.0	1	0.0	0.094	4.6	LOS A	0.0	0.0	0.00	0.00	0.00	49.5
2	T1	163	10.0	172	10.0	0.094	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		164	9.9	173	9.9	0.094	0.1	NA	0.0	0.0	0.00	0.00	0.00	49.9
North: Millthorpe Road														
8	T1	133	10.0	140	10.0	0.077	0.0	LOS A	0.0	0.1	0.01	0.00	0.01	50.0
9	R2	1	0.0	1	0.0	0.077	5.1	LOS A	0.0	0.1	0.01	0.00	0.01	37.8
Approach		134	9.9	141	9.9	0.077	0.0	NA	0.0	0.1	0.01	0.00	0.01	49.8
West: Richards Lane														
10	L2	2	0.0	2	0.0	0.004	2.5	LOS A	0.0	0.1	0.28	0.39	0.28	35.9
12	R2	2	0.0	2	0.0	0.004	3.4	LOS A	0.0	0.1	0.28	0.39	0.28	35.7
Approach		4	0.0	4	0.0	0.004	2.9	LOS A	0.0	0.1	0.28	0.39	0.28	35.8
All Vehicles		302	9.6	318	9.6	0.094	0.1	NA	0.0	0.1	0.01	0.01	0.01	49.6

Base 2033 PM Peak Hour Millthorpe Road & Richards Lane

MOVEMENT SUMMARY

Site: [2033 PM Peak Millthorpe Road & Richards Lane (Site Folder: General)]

Site Category: Existing Design  
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg Satn	Aver Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver No Cycles	Aver Speed
		[ Total veh/h ]	[ HV ] %	[ Total veh/h ]	[ HV ] %	v/c	sec		[ Veh. ]	[ Dist ] m				km/h
South: Millthorpe Road														
1	L2	2	0.0	2	0.0	0.076	4.6	LOS A	0.0	0.0	0.00	0.01	0.00	49.4
2	T1	133	10.0	140	10.0	0.076	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	49.9
Approach		135	9.9	142	9.9	0.076	0.1	NA	0.0	0.0	0.00	0.01	0.00	49.9
North: Millthorpe Road														
8	T1	163	10.0	172	10.0	0.095	0.0	LOS A	0.0	0.1	0.01	0.01	0.01	49.9
9	R2	2	0.0	2	0.0	0.095	5.0	LOS A	0.0	0.1	0.01	0.01	0.01	37.8
Approach		165	9.9	174	9.9	0.095	0.1	NA	0.0	0.1	0.01	0.01	0.01	49.7
West: Richards Lane														
10	L2	1	0.0	1	0.0	0.002	2.3	LOS A	0.0	0.0	0.26	0.37	0.26	36.0
12	R2	1	0.0	1	0.0	0.002	3.4	LOS A	0.0	0.0	0.26	0.37	0.26	35.7
Approach		2	0.0	2	0.0	0.002	2.9	LOS A	0.0	0.0	0.26	0.37	0.26	36.8
All Vehicles		302	9.8	316	9.8	0.095	0.1	NA	0.0	0.1	0.01	0.01	0.01	49.7



Base 2033 + Site AM Peak Hour Millthorpe Road & Richards Lane

**MOVEMENT SUMMARY**

Site: [2033 AM Peak + Site Millthorpe Road & Richards Lane (Site Folder: General)]

Site Category: Existing Design  
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES [ Total Veh/h ]		DEMAND FLOWS [ Total Veh/h ]		Disp Satur v/c	Aver Delay sec	Level of Service	90% BACK OF QUEUE [ Veh. veh. Dist ]		Prop. Que	Effective Stop Rate	Aver No Cycles	Aver Speed km/h
South: Millthorpe Road														
1	L2	6	0.0	6	0.0	0.097	4.6	LOS A	0.0	0.0	0.00	0.02	0.00	49.4
2	T1	163	10.0	172	10.0	0.097	0.0	LOS A	0.0	0.0	0.00	0.02	0.00	49.8
Approach		169	9.6	178	9.6	0.097	0.2	NA	0.0	0.0	0.00	0.02	0.00	49.8
North: Millthorpe Road														
8	T1	123	10.0	140	10.0	0.081	0.0	LOS A	0.0	0.3	0.03	0.02	0.03	49.8
9	R2	6	0.0	6	0.0	0.081	5.2	LOS A	0.0	0.3	0.03	0.02	0.03	37.7
Approach		139	9.6	146	9.6	0.081	0.3	NA	0.0	0.3	0.03	0.02	0.03	49.1
West: Richards Lane														
10	L2	19	0.0	20	0.0	0.032	2.5	LOS A	0.1	0.8	0.29	0.41	0.29	35.9
12	R2	16	0.0	17	0.0	0.032	3.5	LOS A	0.1	0.8	0.29	0.41	0.29	35.7
Approach		35	0.0	37	0.0	0.032	3.0	LOS A	0.1	0.8	0.29	0.41	0.29	35.8
All Vehicles		343	8.6	361	8.6	0.097	0.5	NA	0.1	0.8	0.04	0.05	0.04	47.6

Base 2033 + Site PM Peak Hour Millthorpe Road & Richards Lane

**MOVEMENT SUMMARY**

Site: [2033 PM Peak + Site Millthorpe Road & Richards Lane (Site Folder: General)]

Site Category: Existing Design  
Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES [ Total veh/h ]		DEMAND FLOWS [ Total Veh/h ]		Disp Satur v/c	Aver Delay sec	Level of Service	90% BACK OF QUEUE [ Veh. veh. Dist ]		Prop. Que	Effective Stop Rate	Aver No Cycles	Aver Speed km/h
South: Millthorpe Road														
1	L2	16	0.0	17	0.0	0.086	4.6	LOS A	0.0	0.0	0.00	0.06	0.00	49.1
2	T1	133	10.0	140	10.0	0.086	0.0	LOS A	0.0	0.0	0.00	0.06	0.00	49.6
Approach		149	8.9	157	8.9	0.086	0.5	NA	0.0	0.0	0.00	0.06	0.00	49.5
North: Millthorpe Road														
8	T1	163	10.0	172	10.0	0.106	0.1	LOS A	0.1	1.0	0.07	0.06	0.07	49.5
9	R2	19	0.0	20	0.0	0.106	5.1	LOS A	0.1	1.0	0.07	0.06	0.07	37.5
Approach		182	9.0	192	9.0	0.106	0.6	NA	0.1	1.0	0.07	0.06	0.07	47.9
West: Richards Lane														
10	L2	7	0.0	7	0.0	0.012	2.4	LOS A	0.0	0.3	0.26	0.39	0.26	36.0
12	R2	6	0.0	6	0.0	0.012	3.6	LOS A	0.0	0.3	0.26	0.39	0.26	35.7
Approach		13	0.0	14	0.0	0.012	2.9	LOS A	0.0	0.3	0.26	0.39	0.26	35.9
All Vehicles		344	6.6	362	8.6	0.106	0.7	NA	0.1	1.0	0.05	0.07	0.05	48.0



Response to Submissions, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

**DA2021/146**  
**Consolidated Response to Submissions**  
**for Discussion with Council**

Including submissions received 31/10/2023

**iPLAN PROJECTS**  
Planning & Development Solutions  
andrew@iplanprojects.com.au  
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Ph. 0410 519 469

**56 Lot Subdivision (52 Urban Residential Lots)**

**No.1279 Millthorpe Road (Park Street)**

**Lot 101 DP872388**

**MILLTHORPE NSW**



*Figure 1: Photo of Heritage Cottage from Park St entrance.*

**Prepared for/ Applicant:**

Landorange Partnership Pty Ltd

**To be lodged with**

**Authority:** Blayney Council

17 November 2023

Version C (To Portal)

**iPLAN PROJECTS**  
Planning & Development Solutions

Response to Submissions, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

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Response to Submissions, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

## 1 Summary of Development Application Timeline

We note briefly the key events leading to this latest notification period and submissions provided by Council on 31/10/2023, as follows:

- November 2021 – DA No.1 (direct access to Park St) uploaded to Portal and lodged.
- December 2021-January 2022 – **Notification Period No.1** (direct access to Park St)). Community Presentation.
- 22 December 2021 – Request for Further Information (RFI No.1) from Council.
- 10 & 22 March 2022 – Requests for Further Information (RFI No.2) from Council (22/03/23 consolidated email).
- 22 March 2022 – Meeting with Council & offer to amend access to Richards Ln in exchange for intersection upgrade. Discussed alternative access point but only Richards Ln was supported.
- **October 2022 – Updated DA No.2 uploaded to Portal and lodged.**
- November-December 2022 – **Notification Period No.2.**
- 2 December 2022 – Request for Further Information (RFI No.3) – TfNSW re intersection + VPA request. Please note that other than TfNSW letter the Applicant did not receive a copy of any other submissions or request to address any other key points so it assumed Council's previous RFIs had covered these issues or they were not relevant.
- February 2023 – Draft VPA/Deed/Updated Traffic Assessment uploaded to Portal.
- May 2023 – Updated Draft VPA/Deed/Conditions + Plans emailed to Council.
- August 2023 – Final amended VPA/Deed emailed to Council (largely agreed).
- October 2023 – **Notification Period No.3** (closed 20/10/23) for the DA (but not the VPA or the upgraded intersection design). Receipt of redacted submissions 31/10/23.
- 16 November 2023 – Meeting with Council to finalise way forward & respond to submissions.

## 2 Responses to Submissions

We have brought together all our responses to agency and public submissions or those raised in Council's initial RFI below – working backwards from the latest set of submissions that are most relevant.

### 2.1 Response to Public Submissions (Notification Period No.3)

#### **Summary – 13 Submissions: 2 in support; 10 objections (+1 duplicated); 1 query.**

The Applicant queried the need to re-notify/exhibit the DA a 3<sup>rd</sup> time as nothing substantial had changed since Notification Period No.2 except for some staging of the drainage lot and lot numbering to align with the VPA. However, Council chose to renotify the DA concluding on 20 October 2023.

Council also exhibited a peer review (**Stantec**) of the ARC Traffic Assessment (**Arc Report**) that the Applicant had not previously seen or addressed. It does not appear that the upgraded intersection design by Council was exhibited as part of this (as TfNSW requested changes to the design). The fact that the ARC report did not address the intersection design was picked up by the Stantec Report and raised as an issue by multiple objectors even though the Applicant's plans were not required to address this intersection.

On 31/10/23 Council provided a redacted copy of the submissions to Notification Period No.3 and these are briefly addressed as follows in order in the PDF file (with references to the SoEE October 2022 for more detail if relevant):

Several objections raise similar issues relating to **traffic & heritage** so we have provided a grouped response to these issues below followed by any specific additional issues/responses for each submission below:

<b>ISSUES: Traffic on Richards Lane &amp; Intersection with Millthorpe Road</b>
<p>As part of the AMENDED DESIGN lodged in October 2022, the Applicant moved the Site entrance to Millthorpe Rd (MR245) from closer to town to the Richards Lane intersection based on a request from Council &amp; TfNSW following Notification Period No.1.</p> <p>Council offered to be responsible for the upgraded intersection design, compliance, and construction and <u>on this basis</u> the Applicant lodged amended plans with the new entrance location. The agreement between Council and the Applicant on payment for road works has been a transparent and negotiated arrangement and the amended entrance location was provisional on Council and TfNSW support.</p> <p>The Applicant has not been provided a copy of Council's intersection design (it is changing in response to TfNSW further comment), the Applicant is not in control of the design, and the Applicant is not able to review the design to confirm compliance with relevant standards. However, based on TfNSW preliminary review it would appear it is capable of compliance and it is expected compliance will be ensured by Council, not the Applicant.</p> <p>As it appears the upgraded intersection design was <b>NOT</b> exhibited as part of Notification No.3. As a result, there may have been some confusion by the community on suitability of the proposed road system for the Proposal</p>



Response to Submissions, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

because the Applicant's Traffic Report did not address these upgrades. We suggest any submissions objecting on this basis will be addressed by the upgraded intersection design and do not need to/cannot be addressed by the Applicant at this time.

An amended Traffic Report addressing the AMENDED DESIGN was lodged by the Applicant in February 2023 and exhibited. It could only address those aspects that the Applicant is responsible for including traffic generation and internal roads but not the main intersection upgrades or compliance.

Council sought an independent review of the Applicant's Traffic Report by Stantec. Stantec raised issues about lack of information relating to the intersection and or upgrades to Richards Lane and it would appear Council's consultant did not have access to those upgrade plans. By exhibiting the Stantec review with the DA it is potentially misleading to the public because neither Stantec or the community could see the proposed road/intersection upgrades.

Several submissions sought more road connections between the Proposal and the existing local road networks of the town. At the Applicant's meeting with Council in March 2022 (the time when Richard Lane entrance was proposed) – the Applicant reviewed alternative local road connections including to Stabback St. It was clear that these local road connections were not deemed acceptable to Council or the Applicant at that time. For Stabback St the only available location would likely be too close to the existing cul-de-sac head, result in higher impacts on local streets and residential amenity, and likely not to be supported by residents along the affected streets.

Therefore, the AMENDED DESIGN with the Richards Lane connection has been put forward after considerable discussion and review of different impacts and deemed to impact the least on the town.

See *SoEE Section 4.3 Vehicle Access & Internal Road* for more details.

#### **ISSUES: Suitability of the Site; Heritage & visual impact of urban housing development on the slopes up to the Church St ridgeline; Control of future housing impacts**

There is a general suggestion in multiple submissions that development should not impact on the heritage conservation area of Millthorpe at all or significantly and/or the rural context of the original village and views to the original should be retained or only have very low-density housing around the perimeter.

The Applicant has worked closely with Council for nearly two (2) years on this Site with a similar density/yield proposed throughout. The Site has been zoned for URBAN residential expansion for over 25 years with a 450-500m<sup>2</sup> min. lot size. Whilst it is appreciated this lot size is a minimum, it sets a reasonable expectation that the land can be largely subdivided for urban sized lots over a significant portion of the land, subject to addressing site constraints.

The Applicant's proposed lot size averages 700-800m<sup>2</sup> per lot - nearly double the minimum lot size. In addition, the Amended design has increased setbacks of urban development from Park St and the heritage curtilage of the cottage to maintain the rural landscape 'gateway' to town. The buffer extends beyond our understanding of the curtilage of the heritage cottage.

It is IMPORTANT to note that this is an application for subdivision only. Dwellings will form part of future applications so it is difficult to comment or unduly restrict dwellings at this stage. The Site remains in the heritage conservation area so all new houses will likely require a Development Application (DA). Council can assess the merits of any proposed future houses in line with adopted planning controls.

Council has a range of adopted controls including, but not limited to, DCP heritage controls that address some of the requests. Council advised us on 16/11/2023 that they are currently working on some further controls for the Site that will assist in guiding future applications. This is supported if they balance the relative heritage importance of the Site against all of Council's strategic directives for growth of Millthorpe and are economically viable and consistent with other similar development areas.

We recognise that the heritage conservation area extends over the Site and suggest that the Amended Design has improved its response to the heritage requirements and visual impact of the development with setbacks to Park St and screening vegetation.

A key concern raised by the community seems to be the density of housing adjacent to existing urban housing along Church St resulting in visual impact and loss of rural views to/from Millthorpe's original residential area. We suggest views (rural or otherwise) are rarely protected in the planning system (particularly over urban zoned land) unless clearly identified in a planning instrument and/or there is unreasonable blocking of shared views.

The visibility of proposed lots close to Church St (when viewed from Park St) is reduced by 80-100m setbacks to Park St, proposed landscape screening, and partly blocked by the ridgeline through the centre of the Site with the eucalypt trees at the high point.

Response to Submissions, Residential Subdivision, 1279 Millthorpe Rd (Part Lot 101 DP872388), MILLTHORPE NSW

We suggest that the priority areas for managing visual impact are likely to be views to/from the historic town centre. From the village itself, Crowson St provides an east-west ridgeline that largely blocks views from the historic town centre to the Site. From those dwellings between Crowson St and Church St – it must be recognised that there are 1-2 storey existing dwellings on the north side of Church St with some significant landscape and vegetation that largely block views to the Site and the adjacent rural areas except at a few key points.

On this basis, we suggest that a suggestion of restricting height to single storey dwellings close to Church St is perhaps unwarranted. On lots of 700-800m<sup>2</sup> or larger the market/building costs are more likely to promote single storey development. As stated above, we note that along Church St there are several dwellings that are 2-storey or have 2-storey components due to the slope of the land. These partly block views to the Site and also indicate that 1-2 storeys is acceptable in the heritage conservation area.

It would be unreasonable to require additional setbacks from all higher elevations as well as setbacks to Park St and limit development to a small area on the lower contours. We suggest the AMENDED DESIGN achieves a suitable balance of visual impacts from modern development with the benefits of providing more compact housing, on more affordable lot sizes, in proximity to services and infrastructure to avoid urban sprawl.

See SoEE Section 4.6 Heritage for more details.

Date / Ref.	Summary of Key Issues	Brief Response
1) TfNSW – 4/09/23	<b>SUPPORTIVE</b> <ul style="list-style-type: none"> <li>Generally supportive of proposed intersection design subject to Attachment 1:</li> <li>CHR(S) and BAL design to Austroads</li> <li>Intersection to be illuminated TD93/21</li> <li>Works Authorisation Deed (WAD) with TfNSW</li> <li>Determine if Road Occupancy Licence (ROL) required.</li> </ul>	Agreed. No further response required. Traffic addressed above.
2) 30/09/23 Letter to GM	<b>OBJECTION</b> <ul style="list-style-type: none"> <li>2.0 Existing Tree – Insufficient protection zone around 2-3 eucalypts on ridge – suggests likely future removal.</li> <li>1.0 Heritage - Loss of rural context of the original village / development on the ridge will impact rural views and the entrance views (see Image 1 &amp; 2).</li> <li>3.0 Future Housing – visual damage of housing viewed from village &amp; Pearce St.</li> <li>4.0 Permissible within the Zone – Land on ridge and south facing slope is unsuitable for high density residential development (Image 3). Stages 1 &amp; 2 ok but Stage 3 unsuitable.</li> </ul>	<ul style="list-style-type: none"> <li>Trees - We suggest that future dwelling impacts on retained vegetation forms part of future DAs. As each lot is in the heritage conservation area it will require a DA and Council can assess/ensure appropriate protections for any eucalypts near any future dwelling. Trees have been located near boundaries to maximise protection.</li> <li>Heritage/Views/Housing – Addressed above.</li> </ul>
3) 3/10/23 Email to Council re IS/81270	<b>SUPPORTIVE</b> <ul style="list-style-type: none"> <li>Supports proposed upgrade to Richards Lane / Park St intersection.</li> <li>Stantec independent traffic review reflects lack of local knowledge rather than a problem.</li> </ul>	Agreed. No further response required.
4) 3/10/23 Email to JEvans	<b>QUERY – PREVIOUS SUBMISSION NOT PROVIDED.</b> <ul style="list-style-type: none"> <li>Previous submission in December 2022 was not referenced in SoEE dated 26/10/2022.</li> </ul>	The Applicant lodged the AMENDED DA in late 2022 and it was exhibited for the 2 <sup>nd</sup> time in Nov/Dec 2022. On 23/12/22 I received an email from Claire Johnstone of Council stating that other than a TfNSW letter there were <u>no other public or agency submissions</u> (or no issues we needed to address) so we have not responded to submissions from Notification Period No.2. The 3 <sup>rd</sup> notification in Oct 2023 did not include the



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		VPA and upgraded intersection design so it has confused submitters. Without the 2022 previous submission we cannot respond.
5) 17/10/23 Letter to GM	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>Traffic &amp; Roads – single entry/exit with queuing to Park St/ no proposed turning lane to Richards Ln / upkeep of internal road / bottle-neck / alternative access to Stabback St / Council cannot afford to maintain roads across drainage area.</li> <li>Infrastructure – concern Council does not have infrastructure to support proposed development.</li> <li>Storm and Water Management – the Site is a ‘flood plain’ / how can we predict the future with changing weather patterns / how can we assure these areas are free from flooding / impacts on Richards Lane.</li> <li>Design of Houses – Does not think modern housing/subdivisions sufficiently address setbacks / heritage /green spaces/ response to landscape.</li> <li>Heritage – Comparison to other Landorange developments suggests heritage will not be protected. Raises sustainable development. Raises Millthorpe Village Plan. Suggests developments should not impact on the village at all. Disputes LSPS Planning Priority No.4 and developer response to locate denser urban subdivisions in serviced urban areas.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic &amp; Roads – Addressed above.</li> <li>Infrastructure – This is a matter for each of the relevant infrastructure providers. No issues have been raised that there is insufficient capacity by these stakeholders. The Millthorpe Village Plan encourages growth in these areas.</li> <li>Flood Controls - BLEP1998 does not apply to the Site. BLEP2012 does apply. Council requested that the entrance road connect to Richards Lane across the potential stormwater affected area. The Applicant has designed this road to Council’s standards and provided flood modelling for the required rainfall events that demonstrate the Proposal meets current planning standards that address increased rainfall events to a reasonable degree (‘flood free’ is not the required standard). The Proposal improves stormwater detention to mitigate increased development run-off. See SoEE <i>Section 4.8 Watercourses, Flood Potential &amp; Stormwater/Drainage</i>.</li> <li>Heritage – Addressed above.</li> <li>Future Housing &amp; Controls – Addressed above.</li> <li>Open Space - The Proposal has provided significant open space corridors and parks in suitable locations / curtilage around the heritage item / and larger lots than the minimum lot size. Other Landorange developments may not be in heritage conservation areas and are not comparable and the Shiralee DCP promotes much smaller lots.</li> </ul>
6) 20/10/23 Email to Council	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>Recognises new Richards Lane access point still connects to Millthorpe Rd (MR245).</li> <li>Raises concerns about the extent of road works paid for by the Applicant.</li> <li>Additional traffic load to Richards Lane.</li> <li>Delay at Richards Ln/MR245 intersection unrealistic.</li> <li>A much larger intersection should be constructed.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic &amp; safety – addressed above.</li> </ul>
7) 20/10/23 Email 7.24am to Mark/ Andrew / Claire / Council 8/12/2022 Email to Council	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>Objections dated 26/02/22 &amp; 8/12/22 remain valid except for changes to access.</li> <li>Amended Traffic Report required.</li> <li>Concern about Richards Ln gravel road, damage, &amp; costs to Council.</li> <li>Only one ingress/egress point to subdivision.</li> <li>Drainage reserves to be dedicated to Council – additional ratepayer costs.</li> </ul>	<ul style="list-style-type: none"> <li>A copy of submission dated 8/12/22 was attached to this email but is largely covered below.</li> <li>Traffic – addressed above.</li> <li>Community benefit - Under the NSW planning system, whilst applications must consider relevant impacts, they are not required to demonstrate an overall community benefit to be approved. Economic demand is not a planning consideration for residential development. Council’s LSPS has clearly identified a need for increased housing supply</li> </ul>

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<p>26/01/2022 Email to Council</p>	<ul style="list-style-type: none"> <li>• Millthorpe’s tourism will be impacted by subdivision like North Orange. There is no community benefit.</li> <li>• Concerned owner may not still support Application.</li> <li>• DA has no value other than for the developer, does not have community support &amp; has not demonstrated demand.</li> <li>• Council will be required to maintain the landscape buffers.</li> </ul>	<p>in suitable locations (such as serviced villages). Generally, residential subdivision applications are not required to review every service that may be affected by growth except capacity in existing infrastructure. A 52 lot subdivision is unlikely to significantly impact local service capacity but can improve its sustainability.</p> <ul style="list-style-type: none"> <li>• Owner’s consent has been provided to the application and has not been withdrawn.</li> <li>• Council has requested that drainage land is dedicated to Council at no cost.</li> </ul>
<p>8) Undated Letter to GM (no subject)</p>	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>• Impact on Heritage &amp; Village Entrance – improvement from 1<sup>st</sup> design (no housing to Park St) but still concerned about visual impact / wants height limit of single storey / wants no dwellings along ridgeline / wants more screening and bigger setbacks / damage to tourist appeal.</li> <li>• Traffic impact – improvement does not impact Park St trees but concerned about safety of access via Richards Ln set out in Stantec review.</li> <li>• Site is not suitable for this density of urban residential development.</li> </ul>	<p>See SoEE <i>Section 4.6 Heritage &amp; Section 4.9 Open Space &amp; Section 4.7 Proposed Landscaping &amp; Views to Site.</i></p> <ul style="list-style-type: none"> <li>• Visual impact – addressed above.</li> <li>• Heritage – addressed above.</li> <li>• Traffic – addressed above.</li> <li>• Suitability of Site – addressed above.</li> </ul>
<p>9) 20/10/23 Letter to GM</p>	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>• Increased Traffic Richards Ln/Millthorpe Rd – Issues raised in Stantec review/ comparison to other intersections not valid.</li> <li>• Potential Building Heights &amp; Heritage Impact – Avoid 2 storey houses on ridgeline / impact on rural outlook &amp; views / impact on heritage character of village.</li> <li>• Potential Loss of Native Trees – Do not think lots can be developed without removing these trees. Inadequate solar access with trees. Need to explicitly protect these trees or put them in open space.</li> <li>• Lack of Connections to Existing Village – Existing street patterns should be extended outwards – not a cul-de-sac.</li> <li>• Site not suitable for this density of urban residential development – claims that site has several constraints including slope, sensitive ridgelines, native trees, heritage item, lack of connections that limit its suitability for housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic – addressed above.</li> <li>• Building Height/Heritage – addressed above.</li> <li>• Trees – The trees were intentionally located on the boundaries of the proposed lots to maximise the chance of their protection and allow suitable building envelopes on the remainder of the lot(s). This can be assessed as part of any DA for the future houses. These trees are unlikely to block solar access to significantly reduce amenity.</li> <li>• Pedestrian Connections – Pedestrian access directly to Park St and the town centre is provided. There may be potential to connect around to the end of Stabback St along the drainage reserve in the future. See SoEE <i>Section 4.5 Proposed Pedestrian &amp; Cycle Connections.</i></li> <li>• Suitability of the Site – addressed above.</li> </ul>
<p>10) 20/10/23 Email to Council</p>	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>• Quality of Life/Environment/Heritage/ Business – Increase in noise &amp; traffic / unsustainable growth / damage to character and amenity of village.</li> <li>• Traffic safety – Richards Lane/ Millthorpe Rd intersection is more dangerous than original access point / traffic density concern/ increased local traffic.</li> </ul>	<ul style="list-style-type: none"> <li>• Quality of life – whilst there will be some impacts from the growth of Millthorpe many of these would happen regardless the Site. There will also be some benefits as local services and infrastructure upgrades become more sustainable. Whilst character is an important planning consideration this must be reflected in the planning controls and balanced with competing needs for efficient development and growth.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Non-Compliance Planning Legislation – higher level aims relating to enhancing character / sustainable growth / commensurate with services / grid layout / heritage significance / heritage curtilage &amp; views / visual impact / scale</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic – addressed above.</li> <li>• Planning Aims – we suggest the application has sought to balance competing planning aims for housing supply/growth/density with the constraints of the Site. These planning aims should not be read in isolation. The application has addressed heritage and visual impact and other impacts.</li> </ul>
11) 20/10/23 Email to Councillors	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>• Style &amp; appearance of housing – wants covenants for colours and controls on fencing.</li> <li>• Concern about fencing style</li> <li>• Traffic Management Study for intersection</li> <li>• Access to Church St for pedestrians</li> </ul>	<ul style="list-style-type: none"> <li>• Future Housing – addressed above.</li> <li>• Fencing – can be appropriately conditioned to avoid colorbond fencing in areas where it directly interfaces the public domain. As it is a heritage conservation area it will need to meet heritage controls (e.g., DCP <i>Part H Heritage Section 5.6</i> – re fencing) and fit with the character of the village.</li> <li>• Traffic – addressed above.</li> <li>• Pedestrians – as state above, pedestrian access directly to Park St and the town centre is provided. There may be potential to connect around to the end of Stabback St along the drainage reserve in the future. See SoEE <i>Section 4.5 Proposed Pedestrian &amp; Cycle Connections</i>.</li> </ul>
12) 24/10/23 Letter to GM 27/10/22 Letter to GM 8/12/2022 Letter to GM	<p><b>OBJECTION</b></p> <p>Heritage &amp; associated impacts including:</p> <ul style="list-style-type: none"> <li>• Reduction in residential lots / creation of more public space.</li> <li>• Impact on the significance of Millthorpe / protecting heritage item / protecting northern entrance / protecting rural setting / protecting views to/from HCA &amp; other heritage items in the village / bare-minimum compliance.</li> <li>• Removal of large tree in south-west corner as does not prevent development of Lot 304.</li> <li>• Staging impact on timing of planting of landscape – ensuring as early in process as possible.</li> <li>• Previous Submission 27/01/2022.</li> <li>• Previous Submission 8/12/2022.</li> </ul>	<p>Amongst others, see SoEE <i>Section 4.6 Heritage &amp; Section 4.9 Open Space &amp; Section 4.7 Proposed Landscaping &amp; Views to Site</i>.</p> <ul style="list-style-type: none"> <li>• These issues are largely duplicated and addressed above. Some additional points as follows.</li> <li>• Open Space - Sufficient open space has been provided for this development noting it is immediately adjacent to Redmond Oval and Council is unlikely to want the ownership and cost of maintenance of additional space that is not warranted for this density. Open space to reduce density and visual impact has been addressed above.</li> <li>• Heritage – addressed above.</li> <li>• Tree - The tree in the south-west corner is likely to be impacted by utility provision including sewer main and stormwater.</li> <li>• Staging – planting of street trees can only occur once major roads and infrastructure have been put in as part of each stage. The aim is to minimise these trees being damaged by contractors. However, some of the screening planting to the north along the drainage line is associated with earlier stages. This can be agreed in conditions.</li> <li>• We have addressed the issues provided by Council as part of RFIs below.</li> <li>• We did not receive a copy of the December 2022 submission. These issues have largely been addressed above.</li> <li>•</li> </ul>

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13) 20/10/23 Email 3.55pm to Council staff	<b>OBJECTION</b> Traffic - Richards Ln is a gravel road / lack of funds to repair / one ingress & access road to development / emergency access point not reviewed in traffic assessment / Issues raised in Stantec review.	<ul style="list-style-type: none"> <li>Traffic – addressed above.</li> <li>Submission does not recognise Richards Ln will be sealed from Site access to intersection. Emergency access point addresses concerns if main vehicle access becomes blocked.</li> </ul>
14) 20/10/23 Email 7.24am to Council staff 8/12/2022 Email to Council 26/01/2022 Email to Council	<b>OBJECTION</b> This appears to be a copy of Submission No.7 with the exact same time of email, issues, & previous submissions.	We have addressed these above in relation to Submission No.7 above.

## 2.2 Response to Submissions (Notification Period No.2)

In our **SoEE dated October 2022** we provided a response to Council’s Request for Further Information (RFI No.3) issued on 2 December 2022. To the best of our awareness, this RFI only related to:

- A further TfNSW letter requesting a Traffic Report for the upgraded intersection; and
- A request for a Voluntary Planning Agreement (VPA) due to recent caselaw stating that Council had no power to condition the dedication of the drainage reserve.

In February 2023 the Applicant submitted a Traffic Assessment of the proposal (excluding the intersection which was Council’ agreed responsibility to design and confirm compliance) and a Draft VPA (Drainage Reserve) and Deed (Intersection Agreement). We have worked with Council for most of 2023 to reach agreement on the VPA/Deed.

Please note that other than TfNSW letter, the Applicant did NOT receive a copy of any other submissions or request from Council to address any other key points so it assumed Council’s previous RFIs had covered these issues or they were not relevant. However, the submissions provided in Notification Period No.3 have sometimes attached previous submissions from Notification Period No.2 – so where relevant we have addressed these above.

## 2.3 Response to Council’s RFIs (Notification Period No.1)

In our **SoEE dated October 2022** we provided a response to Council’s Requests for Further Information (RFIs) on several dates including 22/12/2021; 10/03/2022; and 22/03/2022. We addressed the issues in Council’s email dated 22/03/2022 as a consolidated list of RFIs. Most of these issues arose from the ORIGINAL DESIGN (with direct access to Park St) and the AMENDED DESIGN (October 2022) relocated access to Richards Lane and resolved most of these, as follows:

No.	Council RFI Request	Applicant Brief Response
1.	<b>Location of the Proposed Intersection.</b> <i>Given the foregoing issues and the advice provided by Transport for NSW, Council staff recommend that the Development Application be amended to incorporate a new road access to the local road network. Given the existing conditions of the local road network, it is considered that Richards Lane is likely to present the most suitable location for a new road access subject to an appropriate design being achieved.</i>	The Amended Proposal complies with Council/TfNSW’s request to relocate primary vehicle access to a new internal road via Richards Lane. Alternative local road access points were considered & discussed with Council at Meeting March 2022 and were not supported by Council due to impact on local residential roads/amenity. <b>Complies.</b>
	<b>Heritage Impact (see issues below):</b>	
2.	<i>The curtilage for the cottage and in particular the southern boundary appears not to have been established or clear in the heritage analysis and proposal drawings. The intent of a statement of heritage impact is that the design process includes heritage issues together with stormwater lot</i>	This SoEE notes that the heritage curtilage of the cottage is most likely defined by a combination of the fenced yard to the south and west of the cottage as well as the sight-lines to the cottage from Park St within a



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	<i>provision and housing provision/orientation as an integrated analysis and resolution. The adequacy of the grounds around the cottage, the setback from the existing rear extension on the cottage and the impact of the access road are not regarded as being acceptable. While there may have been some discussions around alternatives, there is no evidence of analysis or options within the submissions to indicate otherwise;</i>	reasonable distance. An indicative heritage curtilage and sightlines to the cottage is shown on <b>Figure.4</b> [in SoEE]. By relocating the vehicle entrance away from the south of the cottage and providing a small park with pedestrian access to the south of the cottage - it has expanded the protection area as agreed with Council.
3.	<i>(Council's RFI) A curtilage study is to be prepared for the cottage, privy and shed to determine the precise locations for new and existing fence lines and planting. This is to ensure that the spaces will be sufficient to protect the character and setting of the historic site, the works will not affect the survival of the existing trees and the new and existing planting will produce sufficient and acceptable long-term mitigation;</i>	The key sightlines to the cottage from Park St are maintained and the size of the heritage lot increased to provide increased protection. This addresses the key concerns. <b>Complies.</b>
4.	<i>The current condition of the heritage site including the grounds, cottage and shed do not sustain the general character and heritage significance of their fabric and setting. They are highly visible and prominent on one of the two primary access routes in and out of the village. The conditions of the buildings and landscape therefore reflect poorly on the proposal. As the cottage and outbuildings form part of the site and have the status of being listed items, it is recommended that a Conservation Management Strategy is prepared for the site (CMS). This standard heritage document will establish appropriate conditions for the fabric and for the subdivision and impacts on the heritage significance of the site;</i>	The Proposal seeks to define the heritage curtilage and future lot boundary of the heritage cottage but does not include works to the cottage. The existing condition of the cottage and grounds have been improved but as the Applicant does not have control or ownership over the cottage it is difficult to address. The land owner will continue to discuss with Council appropriate heritage considerations for the upgrades to the cottage. <b>Improved Heritage Outcome from Amended Proposal.</b>
5.	<i>The Hawthorn hedge along the main road is a rare example of what was once a common element in defining boundaries, protecting stock and marking the transition from village to rural. The hedge on the subject site is therefore significant and its retention is recommended. Replacing planting with new planting has not been successful in Millthorpe for various circumstances. The scale and quality of this particular example and its proximity to the village makes it highly significant. Removal and replacement of the hawthorn hedge will not be supported;</i>	Whilst the Applicant continues to note that the Hawthorn Hedge is a prescribed noxious weed species – the Amended Proposal will retain the majority of the hedge – except for a minor opening where Council agrees the pedestrian access (& emergency narrow vehicle access) should be provided through the proposed park at the rear of the cottage to Park St. <b>Largely complies.</b>
6.	<i>It follows therefore, that an alternate site access to that proposed subdivision off the main road is to be prepared, consistent with the standard process set out in the Statement of Heritage Impact. The reasons for the alternative are the proposed impacts on the planting and curtilage of the cottage. It is appreciated that there are also other issues related to the use of this access point related to traffic safety, the opportunity of using an access from Richards Lane and the anticipated future sub-division of the land south of Richards Lane;</i>	Amended Proposal relocates primary vehicle access to Richards Lane as agreed with Council. <b>Complies.</b>
7.	<i>The group of eucalypt trees on the central high ground of the site are trees with significance in terms of their size, condition and rarity. They are evident on the early photos and indicate and are associated with the pastoral character of the land use and landscape. They are recommended for retention in a suitable pastoral setting. Inclusion within building lots may not be supported;</i>	Amended Proposal includes retention of the group of eucalypt trees on the ridgeline. Sufficient public open space has been provided elsewhere in the Amended Proposal. We strongly suggest that the trees have been protected by alignment with lot boundaries and redirection of



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		utilities so they do not need to be included in open space. <b>Partly Complies.</b>
8.	<i>The remnant floating stones in the two specific locations are to be relocated to the eucalypt setting and not demolished or removed in order to interpret the earlier pastoral use of the site and landscape;</i>	Key floating stones can be relocated to key public open space areas as agreed with Council to interpret the Site and enhance the landscape setting. <b>Largely Complies.</b>
9.	<i>The proposed planting to the northern and eastern boundaries is comparable with the historic use of windbreak planting in the vicinity. The proposal is supported subject to the width of the planting area, the species and the maintenance conditions being supported by Council's specialist;</i>	Agreed. The Applicant will work with Council to identify appropriate species for the landscape buffers. <b>Will Comply.</b>
10.	<i>The street planting nominated within the subdivision is supported subject to the species, planting conditions and maintenance being supported by Council's specialist. While street planting is not traditional within the village, the proposed street trees will mitigate the visual impact of the contemporary dwellings which will form the character of the new extension to the village;</i>	Agreed. The Applicant will work with Council to identify appropriate species for street tree planting. <b>Will Comply.</b>
11.	<i>In relation to the character and design of the roads and drainage, it is recommended that consideration be given to the use of roll-over curbing where feasible in terms of flow so as to minimise the impact of contemporary curb &amp; gutter – these details are currently in use in the Village, the use of Charcoal oxide in the concrete curb &amp; gutter so as to reflect and interpret the original Basalt in the Village – these details have been used in the Village to mitigate the impact of contemporary stormwater and vehicle access standards.</i>	The proposal includes stand-up kerbs for all of the urban subdivision area and no kerb for the large lot residential area. We suggest that roll-top kerb may not be conducive to the best outcomes as people tend to park on the verge impacting on landscape and pedestrian pathways. Colouring can be discussed with Council and the heritage advisor if required. <b>To be discussed with Council before conditions.</b>
12.	<b>Lot Size and Arrangement</b> <i>Further to the heritage advice regarding the curtilage of the cottage, it is considered that proposed Lot 201 and 202 are inconsistent with the objectives and acceptable solutions of F2.3 of the Blayney Development Control Plan 2018. Specifically, it is considered that proposed Lot 201 and 202 should form part of the curtilage around the cottage and that no additional residential lots should front Park Street / Millthorpe Road.</i>	Amended Proposal resolves this by removing any residential lots with frontage to Park St and replacing with a public park at the rear of the heritage cottage. <b>Complies.</b>
13.	<b>On Site Contamination</b> <i>I note the contamination report (R13961c) which has been submitted in support of the Development Application. Could you please provide a supplementary statement from Envirowest to address the following matters: - The empty chemical drum storage area is clearly identified in Figure 2 Site Layout, however the soil sample location shown in Figure 3 appears to have been taken outside the identified area. I note this specifically as there has clearly been some spillage / leaks from the chemical drums located within the storage area as shown in the photograph below. Soil staining around base of chemical / oil drum - Photograph taken during site inspection 3 March 2022. - While there was no obvious evidence of soil staining around the overhead fuel tank, I thought that there was an odour in the soil immediately below the outlet tap.</i>	We have contacted Envirowest Consulting about this request and they have provided an email dated 15/03/2022 stating the following: <i>I would recommend that the drums and tank are removed as part of site development. Stained soil should be removed at the same time and disposed to landfill. We can then collect validation samples to characterise potential contamination. This work would be undertaken in conjunction with the additional sampling recommended in the yard area.</i> We suggest that the validation report will address Council's concerns. <b>Can Comply.</b>

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No.	Council RFI Request	Applicant Brief Response
14.	<b>Storm Water</b> <i>Council staff continue to review the stormwater management plan. To assist in this matter could you please provide a copy of all data files used to model stormwater flows i.e. both DRAINS and HEC-RAS.</i>	Amended Proposal has a significantly increased OSD Basin on the Zone R5 land incorporated into a public open space drainage corridor. We will provide the DRAINS modelling to Council. <b>Will Comply.</b>
15.	<b>Sewerage System</b> <i>Council staff continue to review sewerage issues. We will be in contact regarding this matter if necessary.</i>	Council has not raised any subsequent issues regarding sewer servicing of the Site from the original design.
16.	<b>Public Submissions</b> <i>A redacted copy of all submissions to the Development Application will be provided in a separate email shortly. Could you please provide a response to the key issues identified in the submissions. In some instances you may find it appropriate to amend the Development Application in response to the issues that have been raised.</i>	Please see response to Public Submissions below. I don't believe we received redacted submissions – so we have responded only to Council's summary. Amended Proposal addresses majority of these submissions where valid planning considerations are raised.

## 2.4 Summary Response to Other Agency Submissions (Notification Period No.1)

In our **SoEE dated October 2022** we provided a response to the Agency submissions from Notification Period No.1 (reproduced here). The only other agency submission received was from Transport for NSW (TfNSW) dated 23/02/2022. This was followed up with further email correspondence from TfNSW on 22/03/2022.

In essence, TfNSW suggested there was inadequate information to support the proposed primary vehicle entrance from Park St in the south-east corner of the Site. Instead, TfNSW suggested that primary access should be via Richards Lane to the north.

As a result, the Applicant has relocated the primary vehicle access to Richards Lane in the amended application based on TfNSW input and negotiations with Council. Therefore, we suggest this submission/agency issues are adequately addressed.

## 2.5 Response to Public Submissions (Notification Period No.1)

In our **SoEE dated October 2022** we provided a response to Public submissions from Notification Period No.1 (reproduced here). The exhibition/notification period for this AMENDED Development Application (DA146/2021) ended on Friday 28/01/2022. The Applicant was not provided with a redacted copy of submissions. Instead, Council provided a summary/snapshot by email on 22/03/2022 with the following key points addressed as follows:

**NOTE: Any submissions relating to traffic, the entrance, or intersection design is NO LONGER RELEVANT to the Amended Design above.**

Council summary of Public Submissions (Key Points)	Applicant's Response or Reference
1. <i>The proposed subdivision would have a detrimental impact on the historical significance of Millthorpe Village, individual Heritage Items and the surrounding rural setting</i>	The Amended Proposal increases the heritage curtilage around the cottage and yard with a public park added to the south/rear and redirects the primary vehicle access point away from the cottage. There are significant setbacks to Park St and landscape buffers to minimise visual impact. The proposed grid road pattern is similar to existing road pattern in Millthorpe. The Site has been identified for urban growth for several decades so we suggest this is an appropriate heritage response as agreed with Council.
2. <i>The proposed intersection will create congestion and detrimentally impact on traffic safety</i>	The Amended Proposal relocates site vehicle access to Richards Lane as agreed with Council and TfNSW. There should be no significant impact on the school during AM/PM peak times as discussed in the Traffic Report.
3. <i>The proposed subdivision does not integrate with the existing street network and pedestrian footpaths</i>	Vehicle connection to surrounding <u>local street network</u> is not recommended/ supported and would result in traffic on local streets. Council & TfNSW prefer single access to Richards Lane. Emergency vehicle access via public park. Pedestrian connections have been provided to Park St (south-east corner), Richards Lane (no footpath), and possibly Stabback St (future connection) that provide good levels of local connectivity to key attractions/services.

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Council summary of Public Submissions (Key Points)	Applicant's Response or Reference
4. <i>The existing storm water network and associated infrastructure is inadequate and will be further impacted by the proposed subdivision – in particular the Crowson Street / Richards Lane corner and along the top of Stabback Street and Unwin Street</i>	The Amended Proposal is expanded to include an improved off-line On-Site Detention (OSD) Basin along the edge of existing drainage corridor on the adjacent Zone R5 Large Lot Residential Land. This will address stormwater for the majority of the development and improve existing stormwater issues at the corner of Richards Lane and Crowson St. A large portion of the drainage corridor will be dedicated to Council for public open space and for improved environmental outcomes.
5. <i>Lack of open space / green space within Millthorpe and the proposed subdivision</i>	A public park has been added to the south of the heritage cottage to enable appreciation of the heritage item and pedestrian connection to the subdivision. In addition, the drainage reserve and OSD Basin will be dedicated to Council with road frontage providing access possibly for passive recreation. The drainage reserve will be landscaped to provide an improved ecological & 'green' connection from Redmond Oval into the subdivision.
6. <i>Does not meet the principles of Ecologically Sustainable Development</i>	The lot orientation primarily responds to the contours on the site to minimise cut/fill. The proposed width of the lots will enable dwellings to orient a significant proportion of each dwelling to the north for passive solar orientation. The provision of significant areas for open space, landscape, ecological corridor and drainage will improve environmental outcomes. Logical urban growth close to existing services/utilities is consistent with ESD principles
7. <i>The design of future dwellings would have a detrimental impact on the historical significance of Millthorpe Village and individual Heritage Items.</i>	This is an application for Subdivision. It does not include the design of future dwellings. The Site is in a heritage conservation area so future dwellings are likely to require a Development Application to Council which will consider how they address heritage principles.
8. <i>Rate of growth and impact on services</i>	The Applicant has sought feedback from the relevant agencies for utility provision and there are no major constraints to servicing the proposed development. Whilst the growth of Millthorpe has the potential to increase local services by increasing demand, it is difficult to demand additional services prior to development occurring. In addition, the Site is within 15-20 minutes' drive of Orange for higher level services if required.
9. <i>Culture of the village community</i>	The impact on the culture of the existing community is not usually a planning consideration for a subdivision application and it is difficult for the Applicant to respond to this. The Applicant would hope that the future residents will respect and become an integral part of the Millthorpe community. In addition, the Applicant has worked with Council and to respond to community concerns to improve how the subdivision will integrate with the existing village, protect the curtilage of the heritage cottage/street trees/key sight-lines, adding additional public open space, improving pedestrian/cycle connections, and facilitating logical growth that can make Millthorpe sustainable.
10. <i>Economic impact</i>	Heritage considerations are addressed above and throughout this Report. The Applicant suggests that Council needs to balance growth needs with heritage and tourism considerations and that the Proposal addresses these by protecting the main gateway to town and visual sight-lines without affecting the historic centre of town.
11. <i>Removal of trees in association intersection</i>	This has been addressed by relocating the vehicle access to Richards Lane so no removal of street trees is required on Park St.

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<b>Council summary of Public Submissions (Key Points)</b>	<b>Applicant's Response or Reference</b>
12. <i>Proposed landscape buffer</i>	The proposed species for the landscape buffers will be agreed with Council balancing the need for a range of heights, quick growth, maintenance and solar aspect. Some deciduous species are likely to be included to ensure solar access during winter.
13. <i>Removal of mature Eucalypt trees</i>	The Amended Proposal will retain the existing 2 larger eucalyptus trees on the hill/ridgeline. Lot boundaries have been amended to improve their protection. Sufficient public open space has been provided elsewhere on the Site.
14. <i>Detrimental impact on residential amenity</i>	We suggest normal residential activity is consistent with the existing residential amenity and activity in Millthorpe. The development is governed by NSW laws & regulations regarding noise control. The Site has been identified for urban residential growth for several decades.
15. <i>Developer and owner have no local ties or involvement in the town</i>	Not a planning consideration.
16. <i>Impact on crime rate and safety</i>	There is no evidence this will eventuate. The subdivision has been designed with through-roads & logical navigation, road frontages to public spaces, good casual surveillance of public spaces and appropriate landscape areas to minimise the opportunities for crime.
17. <i>Aboriginal Cultural Heritage not adequately considered</i>	This is a matter for Council to consider and seeks to balance an appropriate level of study to support development based on the likelihood of finding or impacting Aboriginal cultural heritage. This has been addressed in this report.
18. <i>New Development Control Plan to specifically address greenfield development in the Millthorpe HCA to avoid an outcome like 'North Orange'</i>	Council may wish to prepare a site-specific Development Control Plan (DCP). However, until this occurs, the Applicant is entitled to lodge an application for subdivision based on current controls that address the current DCP. The Applicant has worked with Council to address the key community concerns. As stated above, Council is likely to consider heritage issues in assessing future dwelling applications. We suggest the proposed subdivision layout produces good urban outcomes consistent with the controls.