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HELD ON TUESDAY 18 APRIL 2017**

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Officer Responsible	Chief Financial Officer
Last Review Date	

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1. Purpose of the Related Parties Disclosures Policy

From 1 July 2016, Council is required to disclose Related Party Relationships and Key Management Personnel (KMP) compensation in its Annual Financial Statements.

The purpose of this policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

2. Definitions

AASB 124 - means the Australian Accounting Standards Board, Related Party Disclosures Standard.

Act - means the Local Government Act 1993.

Close members of the family of a person - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependants of that person or that person's spouse or domestic partner.

Entity can include companies, trusts, joint ventures, partnerships, incorporated association or unincorporated group or body and non-profit associations such as sporting clubs.

Key Management Personnel (KMP) - as defined under section 5 of this policy.

KMP Compensation - means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- *Short-term employee benefits*, such as wages, salaries and social security contributions, paid annual leave and paid sick leave,
- profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- *Post-employment benefits* such as pensions, other retirement benefits, post employment life insurance and post-employment medical care;
- *Other long-term employee benefits*, including long-service leave or sabbatical leave, jubilee or other long-service benefits,
- long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- *Termination benefits*.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. Materiality does not refer to a dollar sum solely and the nature of the transaction may result in disclosure even if a small dollar value. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Possible (Possibly) Close members of the family of a person - are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a. that person's brothers' and sisters';
- b. aunts', uncles', and cousins' of that person's spouse or domestic partner;
- c. dependants of those persons' or that person's spouse or domestic partner as stated in (b); and
- d. that person's or that person's spouse or domestic partners', parents' and grandparents'.

Related Parties - as defined under section 6 of this policy.

Related Party Transaction - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

Regulation - means the Local Government (General) Regulation 2005.

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

Remuneration means remuneration package and includes any money, consideration, benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

3. Background

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments (Councils).

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- disclosure of any related party relationship;
 - must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;
- Key Management Personnel (KMP) Compensation Disclosures;
 - must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

4. Policy Statement

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances; including commitments, in its Annual Financial Statements. Generally, disclosure shall only be made where a transaction has occurred between council and a related party of council. In addition, the transaction must be material in nature or size, when considered individually or collectively.

When assessing whether such transactions are significant the following factors shall be taken into consideration:

- significance in terms of size;
- was it carried out on non-market terms;
- is it outside normal day-to-day council operations;
- was it subject to council approval;
- did it provide a financial benefit not available to the general public;
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

Regard must also be given for transactions that are collectively, but not individually significant.

To enable Council to comply with AASB 124 Council's KMP, as defined within this Policy, are required to declare full details of any Related Parties and Related Party Transactions. Such information shall be retained and reported, where necessary, in Council's Annual Financial Statements.

5. Key Management Personnel

AASB 124 defines KMP's as "those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity."

For Council purposes KMP include:

- the Mayor,
- Councillors,
- Administrators,
- the General Manager, and
- Directors.

6. Related Parties

For the purposes of this policy, related parties of Council are:

- entities related to Council;
- KMP of Council;
- close family members of KMP;
- possible close family members of KMP's; and entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

In addition, a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are part of a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;

- they are controlled or jointly controlled by close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or
- possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

The following shall be considered as close family members of KMP:

- a) Children and dependents of the Mayor, Councillors, General Manager and Directors;
- b) Spouse/domestic partner of the Mayor, Councillors, General Manager and Directors;
- c) Children and dependents of a spouse/domestic partner of the Mayor, Councillors, General Manager and Directors;
- d) Other Family Members of a KMP that may be expected to influence, or be influenced by, that person in their dealings with Council.

Close family members shall be identified in the Related Party Declaration made by a KMP.

7. Related Party Transactions

Related Party Transactions are required to be disclosed regardless of whether a price is charged. Such transactions may include:

- *compensation paid to KMP;*
- purchase or sale of goods (finished or unfinished);
- purchase or sale of property and other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- quotations and/or tenders;
- commitments; and
- settlements of liabilities on behalf of Council or by Council on behalf of the related party.

8. Disclosure

AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its Annual financial statements by aggregate or general description and include the following detail:

- the nature of the related party relationship; and

- relevant information about the transactions including:
 - the amount of the transaction;
 - the amount of outstanding balances, including commitments, and
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - details of any guarantee given or received;
 - provision for doubtful debts related to the amount of outstanding balances; and
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

All transactions involving Related Parties shall be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to KMP or their related parties that occur within normal employee, customer or supplier relationships and at arm's length that are immaterial or insignificant shall be excluded from detailed disclosures. Such activity shall be disclosed in the financial statements by general description.

Disclosures that Related Party Transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

AASB requirements in this regard are available at Attachment A

9. Procedures

The method for identifying the close family members and associated entities of KMP shall be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

It is not the responsibility of the KMP is to make an assessment as to whether they have any related party transactions or not. It is their responsibility to identify all their related parties. The determination of and assessment of transactions will be undertaken by relevant Council staff.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions, utilising the Reporting Templates (Attachment B), to the General Manager.

Information provided will be held on a centralised register. Access to the register shall be available to only those who may lawfully be granted access after consideration of matters of privacy and other legislative requirements.

The register shall be used as a basis for information for inclusion into Council's Annual Financial Statements to satisfy Related Party reporting requirements.

10. Related Parties Disclosure timetable

Disclosures of Related Parties and Transactions shall be required of Key Management Personnel at least twice annually.

The due dates for Disclosures will be 31 December and 30 June annually.

Key Management Personnel should provide updates on Related Parties and Transactions as issues arise by submitting an updated Related Parties Disclosure Form at times other than the two collection dates listed above if their situation changes.

11. Privacy

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

12. Review

This policy shall be reviewed at specified review intervals and may be reviewed if any of the following events occur:

- corporate restructure that impacts of the KMP's;
- the related legislation/documents or OLG Local Government Code of Accounting Practice that impact on application of the policy are amended or replaced; and
- other circumstances that may arise as determined by resolution of Council.

12. Related Legislation, Policies and Guidelines

Local Government Act 1993

Australian Accounting Board Standard – AASB124 Related Parties Disclosures

Local Government Act 1993

Local Government (General) Regulation 2005

Local Government Code of Accounting Practice

Blayney Shire Council Code of Conduct

Attachment A – AASB References

Reference	Reporting Requirements
AASB124.17	<p>The entity discloses key management personnel compensation in total and for each of the following categories:</p> <ol style="list-style-type: none"> a. short-term employee benefits; b. post-employment benefits; c. other long-term benefits; and d. termination benefits; <p>Key management personnel (KMP) are not named – disclosure on an aggregate basis only.</p> <p>Short-term employee benefits include non-monetary benefits.</p>
AASB124.18	<p>If there have been transactions between related parties, the entity discloses the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.</p> <p>Types of Transactions:</p> <ol style="list-style-type: none"> a. purchases or sales of goods (finished or unfinished); b. purchases or sales of property and other assets; c. rendering or receiving of services; d. leases; e. transfers of research and development; f. transfers under licence agreements; g. transfers under finance arrangements (including loans and equity contributions in cash or in kind); h. provision of guarantees or collateral; i. commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and j. settlement of liabilities on behalf of the related party. <p>The following information, at a minimum, is disclosed:</p> <ol style="list-style-type: none"> i. the amount of the transactions; ii. the amount of outstanding balances, including commitments, and terms and iii. conditions (i.e. secured or unsecured) and the nature of consideration to be provided in settlement; and details of guarantees given or received; iv. provisions for doubtful debts related to the amount of outstanding balances; and v. the expense recognised during the period relating to bad or doubtful debts due from related parties.

Reference	Reporting Requirements
AASB124.19	The entity separately discloses all the information required by Paragraph 18 at the following levels: <ul style="list-style-type: none">a. subsidiaries;b. associates;c. joint ventures in which the entity is a joint venturer;d. key management personnel of the entity or its parent; ande. other related parties.
AASB124.24	The entity discloses items of a similar nature in aggregate, except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity.

Attachment B – Related Party Disclosure Form



Related Parties - Disclosure Form

Name of Key Management Personnel (KMP):

Related person <i>and / or</i> entity	Relationship of KMP with the person or entity	Nature of Transaction

Notification

I _____,
(Full name)

_____ notify that,
(Position)

to the best of my knowledge, information and belief that as at the date of this notification, the above list includes all existing and potential related party transactions *parties that may transact* with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the above period.

I permit authorised Council Officers and other permitted recipients specified in Council’s Related Parties Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named KMP: _____

Dated: _____

Adopted:		
Lasted Reviewed:		
Next Review:		

Planning Proposal – Updated Flood Planning Map BLEP2012, Blayney Shire NSW

**Planning Proposal to Amend
Blayney Local Environmental Plan 2012
Flood Planning Map
Applicable to the Town of Blayney & Surrounds**

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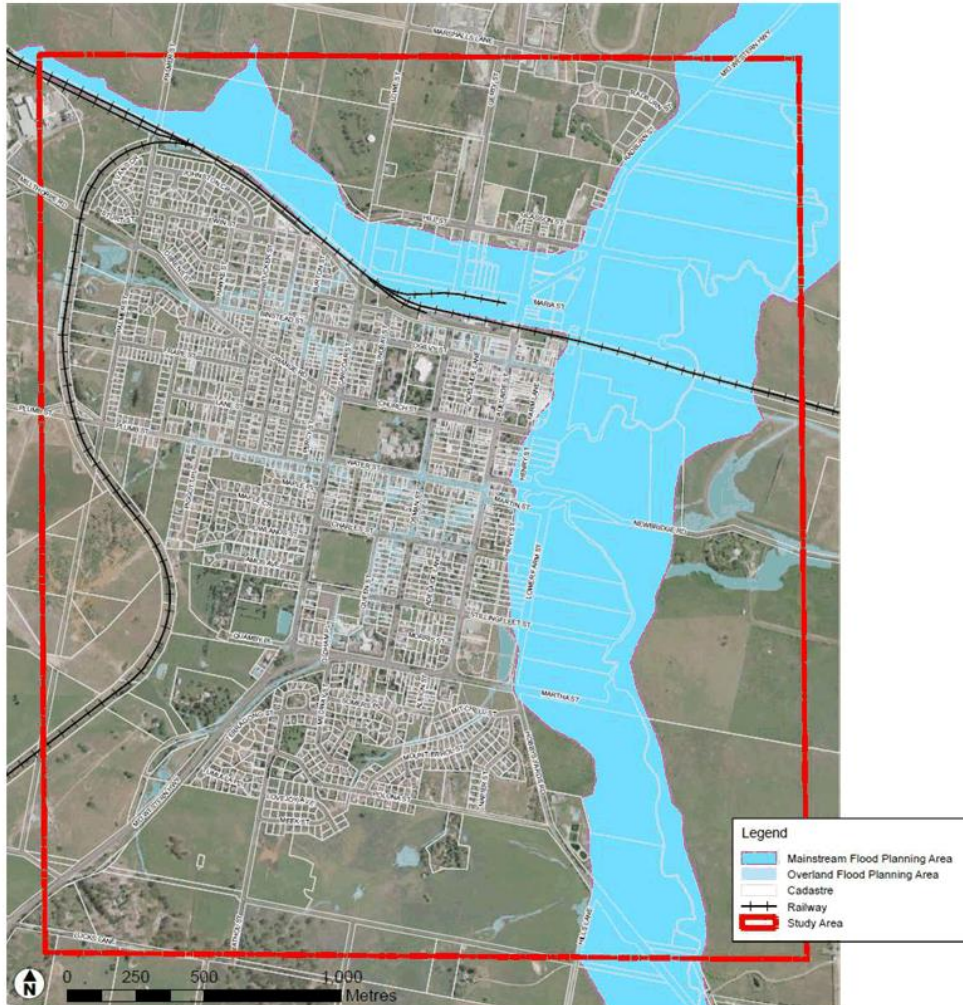


Figure 1: Proposed Flood Planning Area (including Mainstream and Overland Flood Planning Areas) for Blayney Local Environmental Plan 2012 (Source: Figure.5-5 Jacobs (2016) FRMS&P).

**Prepared on behalf of Blayney Council for
Submission to the NSW Department of Planning & Environment**

3 April 2017

Version: B (Final Council Resolution / Gateway Determination)

iPLAN PROJECTS
Planning & Development Solutions

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Document Control

Version / Date	Document	Provided To
A – 17/02/17	Draft Final for Internal Review	Mark Dicker – Blayney Council
B – 03/04/17	Final for Council Resolution & to DPE for Gateway Determination	Mark Dicker – Blayney Council

1 OVERVIEW

1.1 Reason for Amendment / Supporting Information

This Planning Proposal seeks to amend *Blayney Local Environmental Plan 2012* ('BLEP2012'), in particular, by updating the Flood Planning Map applicable to the Town of Blayney and surrounds.

The reason for this update is that Blayney Council ('Council') has (through its consultants – Jacobs) prepared the following key studies that provide updated flooding information for the Town of Blayney and this information should be updated in BLEP2012 in accordance with NSW Government flood policies. Those studies are:

- a) Jacobs (15 June 2015) *Blayney Flood Study – Flood Study Report* ('Flood Study');
- b) Jacobs (December 2016) *Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney – Final* ('FRMS&P').

The Flood Study and FRMS&P were both prepared in accordance with the NSW Government (April 2005) *Floodplain Development Manual – the management of flood liable land* ('Flood Manual'). They provide updated modelling and mapping of potential flood risks based on improved information.

Flood risk is an important input into development management and control. The Flood Planning Maps provide guidance on flood risks and require applicants and Council to consider the requirements of Clause 6.1 of BLEP2012 (and any other relevant State and Local Government Policy) for development affected by flood risk.

1.2 Summary of Amendment(s)

In summary, this Planning Proposal seeks to amend the **Flood Planning Map** for the Town of Blayney & surrounds (FLD_004B). There is no need to amend the wording of Clause 6.1 or other clauses in BLEP2012 at this time. This is a mapping issue only. By updating the map in accordance with the FRMS&P, this Proposal seeks to create a more secure future for the township of Blayney and minimise risk of flood damage/loss.

1.3 Process Overview

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (August 2016) '*A guide to preparing planning proposals*'.

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('DPE) to allow this planning proposal to be placed on public exhibition.

Planning Circular PS 16-005 (30 August 2016) updates delegation of plan making decisions under Part 3 of the EP&A Act (and replaces PS12-006). The regional office of DPE has delegations to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application).

We suggest that the update of Flood Planning Maps is a procedural matter (when it implements the adopted Flood Study / FRMS&P that were prepared in accordance the Flood Manual/NSW Policy).

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment as it is a procedural matter and the Proposal is consistent with adopted Flood Risk Plan.

Once a Gateway Determination is achieved it may provide details of any further studies / consultation required by the Applicant / Council to enable the public exhibition and finalisation of the LEP amendments. Please see Part 6: Project Timeline for an indicative timetable of steps to achieve the outcomes in this Proposal.

2 BACKGROUND

Whilst the Planning Proposal Guidelines provide a structure for explaining the amendment and justifying it against relevant legislation, instruments and policy, it is important to provide some background and a summary of the outcomes of the Flood Study and FRMS&P so the reason for and implications of the amendment are clearer to the affected community.

2.1 Affected Area - Town of Blayney

As stated in Section 1.2 of the FRMS&P:

The Town of Blayney sits in the Belubula River valley, part of the larger Lachlan River basin, and is surrounded by rolling hills that range from 890m to 930m above sea level and falling to the river corridor at approximately 850m to 860m. As a result of this pattern of watercourses and the catchment topography there are potential drainage/flooding issues present in Blayney.

The town generally drains from west to east, with the major watercourse being the Belubula River running north to south along the eastern edge of the urban area (catchment size approximately 120km² upstream of the town). Remaining watercourses are either drainage channels or intermittent watercourses that generally run from the higher elevations to the north and west towards the Belubula River in the east.

The only other named watercourse is Abattoir Creek (sometimes referred to as Farm Creek and with an approximate catchment area of 20km²), which rises in the rural lands and undulating hills to the north west and drains along the northern edge of town, north of the Main Western Railway, before joining the Belubula River.

As stated in Section 1.1 of the FRMS&P:

The town is located in the upper reaches of the catchment, so flooding occurs with little or no warning, other than the contributory rain. Severe weather events in September and December 2010 and March 2012 resulted in the Belubula River and its tributaries all experiencing high flows which caused damage to infrastructure including roads and bridges. Roads were closed in the town due to elevated water levels and SES attended houses in the area.

Note: Whilst BLEP2012 in 2017 only includes a Flood Planning Map for the Town of Blayney and surrounds, this does not mean that there are no flood risks elsewhere in the Shire, just that other areas do not have sufficiently detailed studies to support the mapping of those risks. Clause 6.1 of BLEP2012 applies both to:

- a) Land identified as 'Flood Planning Area' on the Flood Planning Map, AND
- b) Other land that is flood liable land.

This Planning Proposal does not affect the fact that other parts of the Shire may be considered **flood liable land**.

The land on which the Flood Planning Area will be shown is illustrated by the Study Area on the figure below and/or the maximum area where there is verified data in the FRMS&P that would fit within the existing Flood Planning Map FLD_004B for the Town of Blayney and surrounds.

Planning Proposal – Updated Flood Planning Map BLEP2012, Blayney Shire NSW

Map 1 – Study Area for the Town of Blayney

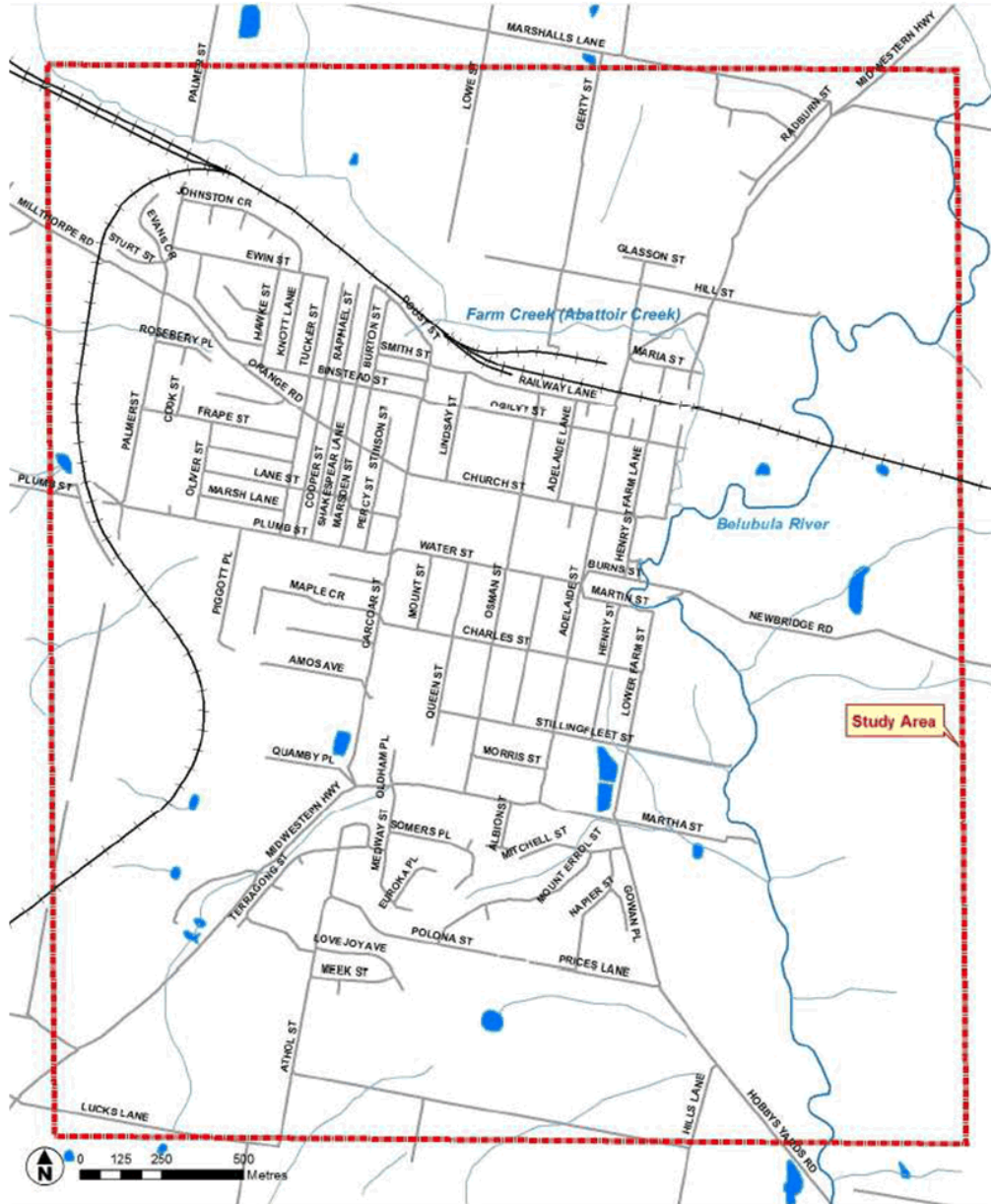


Figure 2: Study Area (Source: Figure 1-1 of FRMS&P).

2.2 Relevant Flood Definitions

Definitions are critical to understanding the outcomes of the relevant flood studies and are set out in the Flood Manual (and replicated in the Flood Study & FRMS&P). Key definitions to understand this Planning Proposal include: (**Note:** Other definitions can be found in the Flood Study or FRMS&P)

Chance of a Flood & Flood Levels

- **Annual Exceedance Probability (AEP)** is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. [Flood Study p.38/ Flood Manual p.19].
- **Flood liable land** is synonymous with **flood prone land** and **floodplain** i.e. 'area of land which is subject to inundation by floods up to and including the probable maximum flood ('PMF') event. Note that the term flood liable land covers the whole floodplain, not just that part below the Flood Planning Level. [Flood Study p.39/ Flood Manual p.21]
- **Probable Maximum Flood (PMF)** means the largest flood that could conceivably occur at a particular location; usually estimated from probable maximum precipitation, where applicable, snow melt, coupled with the worst flood producing catchment conditions. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land that is the floodplain. [Flood Study p.41/ Flood Manual p.24]
- **Flood Planning Area ('FPA')** is the area of land below the **Flood Planning Level ('FPL')** and thus subject to flood related development controls. [Flood Manual p.21] The FPA is shown on the Flood Planning Map where Clause 6.1 of BLEP2012 must be considered.
- **Flood Planning Levels (FPLs)** are the combinations of flood levels (derived from significant historical flood events or floods of specific AEPs) and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans. [Flood Study p.39/ Flood Manual p.21]
- **Freeboard** provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for the FPL is actually provided. It is a factor of safety typically used in relation to the setting of floor levels. Freeboard is included in the FPL. [Flood Study p.40/ Flood Manual p.22]

In the FRMS&P, Blayney Council has adopted as its **Flood Planning Level (FPL)** - a freeboard of 0.5m above the 1% AEP flood level on mainstream floodplains (e.g. Belubula River and Abattoir Creek) and a reduced freeboard of 0.3m has been used for those areas affected by overland flooding through the Town of Blayney

Types of Flooding

- **Mainstream flooding** is the inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam. [Flood Study p.40/ Flood Manual p.23]
- **Local overland flooding** is inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam. [Flood Study p.40/ Flood Manual p.22]
- **Overland flowpath** is the path floodwaters can follow as they are conveyed towards the main flow channel or if they leave the confines of the main flow channel. They can also occur through private property or along roads. [Flood Study p.41]

Hydraulic Categories / Areas in a Floodplain

- **Floodway areas** are those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels. [Flood Study p.40/ Flood Manual p.22]. Generally characterised by relatively high flow rates; depths and velocities. [FRMS&P p.23]
- **Flood storage areas** are those areas of the floodplain that are important for the temporary storage of floodwater during passage of a flood. The extent and behaviour of flood storage areas may change with

flood severity, and loss of flood storage can increase the severity of flood impacts by reducing natural flood attenuation. [Flood Study p.40/ Flood Manual p.22]

- **Flood fringe areas** are the remaining areas of flood prone land after floodway and flood storage areas have been defined. [Flood Study p.39/ Flood Manual p.21] In the FRMS&P flood depths below 150mm were trimmed from the flood fringe.

In addition, the FRMS&P defined a 'low hazard' and 'high hazard' flood areas (see Section 5.3 Hazard Categorisation). Generally, the highest flood risks are in floodways and flood storage areas and lower risks in the flood fringe areas but this is not always the case. The flood hazard categories will be dealt with in the DCP, not in the LEP.

2.3 NSW Policy & Guidelines

2.3.1 NSW Flood Risk Management (FRM) Policy & Guidelines

The NSW Flood Prone Land Policy is produced within Section 1.1 of the Floodplain Development Manual ('Flood Manual'). The primary objective of NSW Flood Risk Management ('FRM') (from Flood Manual p.1) is:

'To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.'

This policy is consistent with that first introduced in 1984, which places the primary responsibility for implementation on local councils. This provides the opportunity for FRM to be integrated within council's normal planning processes but also to recognise that flood characteristics are site-specific and the outcomes of a merit based approach would be different in different communities.

The NSW Government provides financial and technical assistance, and indemnity is provided in Section 733 of the Local Government Act 1993, subject to acting in "good faith" - being performance in accordance with the principles and guidelines of the Flood Manual unless proven otherwise.

The Flood Manual requires a merit approach to be adopted for the purposes of formulating a FRMS&P that provides a basis for decision making in the floodplain. This recognises that flood prone land is a valuable resource which should not be unnecessarily sterilised by the rigid application of prescriptive criteria, and to equally avoid the approval of inappropriate proposals. The merit approach is defined as follows:

"The merit approach weighs socio-economic, ecological and cultural impacts of land use options for different flood prone land areas together with flood damage, hazard and behaviour implications, and environmental protection and wellbeing of the State's rivers and floodplains."

The NSW Flood Prone Land Policy and the Flood Manual provide a platform for the management of floodplains in a manner that follows a risk management approach. Consistent with this approach the Flood Manual is a manual which provides guidance with regard to how to implement the NSW Flood Prone Land Policy. The Flood Manual requires that the level of flood risk acceptable to the community is to be determined through a process overseen by a committee comprised of local elected representatives, community members and state and local Government officials (including the SES).

The ultimate outcome is the preparation of a Floodplain Risk Management Plan (FRMP), which is a plan formally adopted by a local council in accordance with the NSW Flood Prone Land Policy. FRMPs should have an integrated mix of management measures that address existing, future and continuing risk. Council's adopted FRMS&P would satisfy this requirement.

2.3.2 2007 Flood Planning Guideline ('Guideline')

On 31 January 2007, the NSW Planning Minister announced a new guideline for development control on floodplains (the "Flood Planning Guideline"). An overview of the new Guideline and associated changes to the *Environmental Planning and Assessment Act, 1979* ('EP&A Act') and *Environmental Planning and Assessment Regulation 2000* ('Regulation') was issued by the Department of Planning in a Circular dated January 31, 2007 (Reference PS 07-003).

The Flood Planning Guideline issued by the Minister in effect relates to a package of directions and changes to the EP&A Act, Regulation(s) and Flood Manual. This Flood Planning Guideline provides an amendment to the Flood Manual.

The Guideline confirms that **unless there are “exceptional circumstances”, Councils are to adopt the 100 year flood as the flood planning level (FPL) for residential development**, with the exception of some sensitive forms of residential development such as seniors living housing.

The Guideline does provide that controls on residential development above the 100 year flood may be imposed subject to an “exceptional circumstance” justification being agreed to by the Department of Natural Resources (now the Office of Environment and Heritage -OEH) and the Department of Planning (now the Department of Planning and Environment - DPE) prior to the exhibition of a Draft LEP or Draft DCP.

The Guideline provides various potentially ambiguous statements in regard to what is the Residential FPL for the purposes of applying the directions in the Guideline. **The DPE has advised that the reference to the FPL is a reference to the 100 year flood plus freeboard (typically 0.5 metres).** The Guideline only applies to the introduction of “new” controls and does not rescind pre-existing controls.

2.3.3 Section 117 EP&A Act (‘Ministerial Directions’)

Section 117(2) of the EP&A Act specifies matters which local councils must take into consideration in preparing Local Environmental Plans (‘LEPs’). Direction 4.3 deals specifically with flood prone lands and includes two objectives:

- a) *“To ensure that the development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005.*
- b) *To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land”.*

This is dealt with in more detail in the Planning Proposal requirements below but in short the Flood Planning Map will affect what land can be rezoned for development in flood prone areas, particularly in flood-ways and high risk areas. It also reiterates that an LEP cannot have flood related development controls above the residential flood planning level for residential development unless there is adequate justification.

2.4 BLEP2012 Flood Map & Clause 6.1 – Flood Planning

In 2012 the *Blayney Local Environmental Plan 2012* (‘BLEP2012’) was prepared, and commenced on 23 November 2012. BLEP2012 includes Clause 6.1 – Flood Planning that is applicable to land identified as ‘**Flood Planning Area**’ on the ‘**Flood Planning Map**’ and other land this is flood liable land (see Clause below). In summary, development consent cannot be granted to land in the Flood Planning Area unless the impacts on and from a flood are addressed and justified in accordance with the Flood Manual.

It incorporated a Flood Map based on historical knowledge of flood prone lands but it was not supported by a comprehensive Flood Study or Floodplain Risk Management Plan using detailed hydrological studies.

The Flood Map was taken from *Blayney Local Environmental Plan 1998* (‘BLEP1998’) so it had been relied on and enforced for some time (an analysis of the origins of the maps has not been undertaken but it may have been based on the Rankine & Hill (1983) *A Plan for Flood Mitigation in the Lachlan Valley* (see Flood Study Figure 2-1)). The mapping was indicative only but was the best available information at the time. This is now in Flood Map FLD_004B (see excerpt below).

6.1 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 land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
- (a) land identified as "Flood planning area" on the Flood Planning Map, and
 - (b) other land that is flood liable land.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

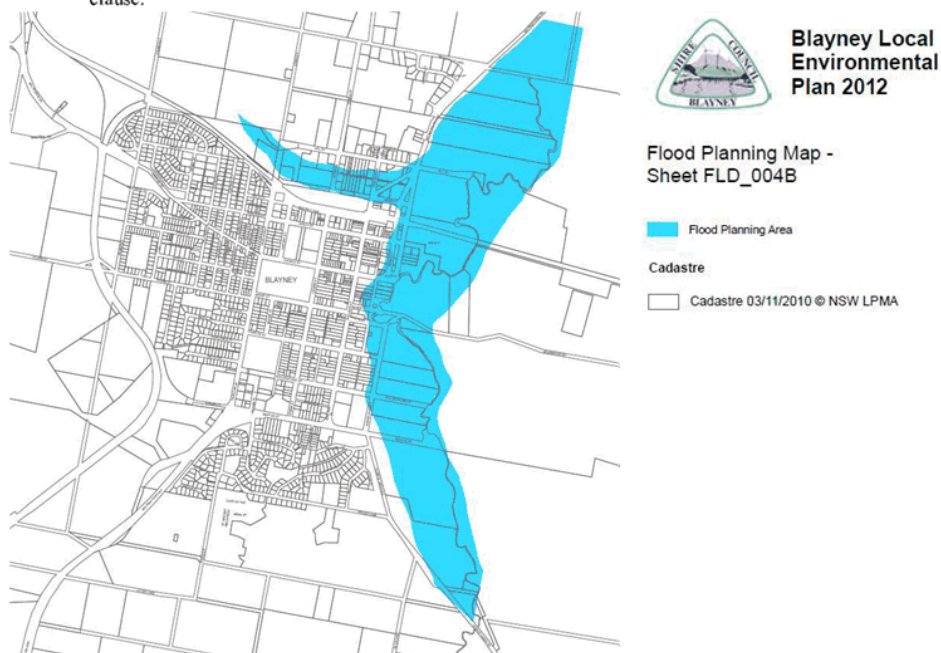


Figure 3: Clause 6.1 & Excerpt from Flood Planning Map FLD_004B for the Town of Blayney (Source: BLEP2012 as at Feb.2017).

2.5 Flood Study (2015)

Subsequently, Council received funding from the NSW Government to prepare up-to-date flood modelling in accordance with the Floodplain Development Manual. The first step was a Flood Study to determine the nature and extent of the flood problem. The final version was dated 15 June 2015.

This included modelling the topography, stormwater infrastructure, watercourses, and flood potential in the Study Area, community consultation. Detailed flood mapping was created to define peak flood depths, maximum flood extents, peak flow velocities, and a sensitivity analysis for the full range of flood events. Provisional flood hazard mapping was undertaken for the 5% AEP and 1% AEP events. A preliminary flood planning area map was created showing the extent of the 1% AEP flood level with a 0.5m freeboard. The flood behaviour shown on the flood maps was generally consistent with the flood behaviour experienced by the community.

2.6 Flood Risk Management Study & Plan (2016) ('FRMS&P')

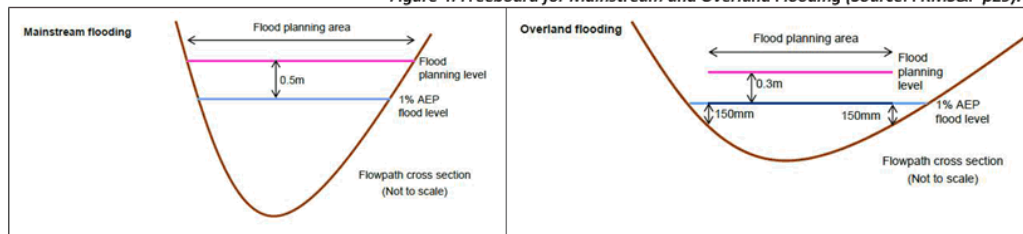
The next step in the process was to prepare a Floodplain Risk Management Study that evaluates management options in consideration of social, ecological and economic factors relating to flood risk with respect to both existing and future development. This was then followed by a Floodplain Risk Management Plan that involved consideration of floodplain risk management measures and formal adoption by Council of a plan of management for the floodplain. The combination is the FRMS&P. Additional data was prepared including, but not limited to surveyed floor levels of 185 buildings (more reliable than the LiDAR data used in the Flood Study) and feedback from community consultation on the draft Flood Study.

The FRMS&P (p.26) states that *'the preliminary flood hazard map was revised to determine the 'true' hazard. The flood hazard for the 20% and 1% AEP events has been determined based on the peak depth and peak velocity (as defined in Figure 5-2). Other factors, such as isolation, effective warning time, flood readiness, etc. have been considered in determining the 'true' hazard for these events.'*

The FRMS&P (p.26) states that *'the flood hazards for the 5% AEP event are generally restricted to the Belubula River and Abattoir Creek, with some isolated areas where there is deep ponding of water and along designated drainage channels. The flood hazards for the 1% AEP event for Blayney are generally low for the majority of the overland flooding that occurs through the town, with some areas of high hazard flooding along designated drainage channels, the lower portion of Water Street and Martin Street, and a section of Plumb Street and Binstead Street. The Belubula River and Abattoir Creek contain the majority of high hazard area which encroaches on the town.'*

The flood planning area map for Blayney is shown in **Figure 5-5 of the FRMS&P (See Appendices)**. The Flood Study and FRMS&P have adopted the 1% **Annual Exceedance Probability (1% AEP)** plus a **freeboard** as the **Flood Planning Level ('FPL')**. Since Blayney is subject to both **mainstream** and **overland flooding**, a combination of **freeboards** has been considered in defining the **flood planning area**.

Figure 4: Freeboard for Mainstream and Overland Flooding (Source: FRMS&P p29).



As the Figure above shows, a freeboard of 0.5m above the 1% AEP flood level has been used to define the flood planning level on mainstream floodplains (e.g. Belubula River and Abattoir Creek). However, a reduced freeboard of 0.3m has been used for those areas affected by overland flooding through the Town of Blayney. Flood depths below 150mm were filtered out of the flood results as well as small areas of isolated and shallow inundation that could be considered 'drainage' issues rather than 'flooding'.

Note: A reduced freeboard may also be considered in the Development Control Plan for less sensitive land uses such as commercial and industrial activities (subject to environmental risks and storage above the 0.5m freeboard).

Section 6.4 sets out the estimated flood damage in key flood events as follows:

Flood damage in Blayney is primarily attributed to residential dwellings that are impacted by overland flooding. There are 55 properties that are estimated to experience above floor flooding (nominal flood levels) for the 20% AEP event and this number increases to 106 properties for the 1% AEP event. In the PMF, 569 properties are estimated to experience above floor flooding, with damages reaching \$55 million. The total flood damages for the 20% to 1% AEP events, however, range from \$6.23 Million to \$12.24 Million when considering flood damages using nominal flood levels only. The AAD for Blayney based on nominal flood levels is \$2.66 Million.

These numbers increase significantly if freeboard is allowed for (0.3m for overland flooding and 0.5m for mainstream flooding). The number of properties with flooding above the protection level is 266 for the 20% AEP event and 455 for the 1% AEP event. Flood damages range from \$19.95 Million to \$34.56 Million for these events. The AAD is estimated at \$7.99 Million based on flooding above the protection level.

It can also be seen that the majority of costs associated with flood damages is from residential dwellings, contributing approximately 90-95% of the flood damages in each flood event up to the 0.5% AEP flood. From the assessment it is also evident that the flood damages due to overland flooding are far greater than those related to mainstream flooding in Abattoir Creek and Belubula River. Overland flooding contributes at least 95% of the flood damages in events up to the 0.5% AEP flood. Together, residential dwellings impacted by overland flooding contribute at least 90% of flood damages in events up to the 0.5% AEP.

Although this damage assessment is based upon tangible damages only, it is worthy to note that intangible damages could be significant for Blayney. This is due to the duration of flooding being more than a day and lack of warning of an event occurring. While flood damage estimates for Blayney are indicative only, they are useful in the evaluation of flood management options, aimed at reducing flood damage estimates while being economically viable to implement.

The FRMP recommended relevant changes to the planning controls applicable to development including (in summary – See Executive Summary of FRMS&P for details):

- **LEP & DCP:** Flood levels of new developments are to be located at the Flood Planning Level (1% AEP flood levels plus the adopted freeboard) for residential buildings (though the DCP may detail alternative requirements or exceptions for commercial and industrial buildings)(High Priority);
- **LEP & DCP:** A detailed flood assessment should be undertaken prior to Council approval of any proposed works within the Floodway and Major Overland Flowpaths identified in the FRMS&P (Jacobs 2016) (High Priority);
- **LEP & DCP:** A cumulative flood impact assessment is to be undertaken for all development applications involving significant earthworks within the Blayney Flood Planning Area (High Priority);
- **DCP:** All new development within the Flood Planning Area are to be constructed using flood compatible materials to withstand hydrostatic pressures and debris loads (High Priority);
- **S.149 Certificates:** Council to provide information on flooding in Section 149 Certificates.
- **WSUD:** Council to develop a stormwater management strategy to implement principles of water sensitive urban design for the town of Blayney.
- **Future Development (p.36)** It is recommended that a detailed flood study be undertaken to address any flooding issues that may occur as a result of new residential development on existing vacant lands. On-site retention / detention is to be considered to maintain site runoff at pre-development levels.

These recommendations have supported this Proposal to update the BLEP2012 Flood Planning Maps in accordance with the mapping in the FRMS&P.

3 PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Discusses proposed mapping changes;
- Part 5 - Details of the community consultation that is to be undertaken with the planning proposal. Part 5 would be confirmed following a gateway determination of this Planning
- Proposal by the Department of Planning; and,
- Part 6 – Project Timeline.

3.1 Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective of this Proposal is the same as the objective of the NSW Flood Prone Lands Policy and Floodplain Development Manual (page 1) is:

‘To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.’

This Planning Proposal aims to ensure that flood mapping (that relates to flood-related development controls) is updated in accordance with the latest available/accurate information and to ensure compliance with the NSW Flood Prone Lands Policy and Floodplain Development Manual 2005.

3.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The objective or intended outcome is to be achieved by amending the *Blayney Local Environmental Plan 2012* (‘BLEP2012’) Flood Planning Map (Sheet FLD_004B) applying to the Town of Blayney and surrounds in accordance with the updated Flood Planning Area (‘FPA’) and Flood Planning Levels (‘FPLs’) from Figure 5-5 in the FRMS&P (reproduced in the Appendices).

Note: This does not require any amendment to Clause 6.1 of BLEP2012 or any other clauses in BLEP2012.

3.3 Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed LEP. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised and the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination. In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: State and Commonwealth interests.

3.3.1 Section A – Need for the Planning Proposal

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

The Proposal seeks to implement the recommendations of the Flood Study (2015) and FRMS&P (2016) that were prepared in accordance with NSW Flood Policy and the Floodplain Development Manual and have been publicly exhibited and adopted by Council. Therefore, it is entirely consistent with the relevant strategic study for flooding for the area. As stated above, the previous Flood Planning Map for the Town of Blayney was not supported by such a comprehensive study and was due for amendment and update.

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

The Planning Proposal is the only way to achieve the intended outcomes as the Flood Planning Map in BLEP2012 can only be amended by a Planning Proposal / LEP Amendment. The aim is to highlight to land owners / applicants where land is at or below the Flood Planning Level so that it triggers the requirements of Clause 6.1 and requires any Applicant to consider / address the requirements in that clause in accordance with NSW Flood Policy. The best way to show where that clause applies is through mapping overlays supported in BLEP2012 and, particularly, linked to Clause 6.1 Flood Planning.

There is no need to change any clause wording in BLEP2012 as the existing Clause 6.1 Flood Planning provides the same flood controls for any affected lots in the Flood Planning Area but can generate different solutions depending on what development/works are being proposed.

The potential methods for achieving the outcomes through amendments to BLEP2012 include map changes, clause changes, schedule changes, and land-use table changes. The Flood Planning Area / Level is best shown by a map rather than listing all of the properties that may be affected as it covers a significant area of the Town of Blayney.

It is not appropriate at this time to change the zoning of those particular lots as that could unduly sterilise land and whilst flooding has different impacts for different land uses, the best method to test what is a suitable outcome is to require applicants and Council to address Clause 6.1 Flood Planning.

The proposed amendment is not of a scale to be considered 'State or Regionally Significant' such that amendments to a State Environmental Planning Policy ('SEPP') would be appropriate to sit above and amend BLEP2012.

Therefore, the most appropriate ‘tool’ or methodology is to amend the Flood Planning Map in BLEP2012 applying to the Site so it is a ‘site-specific’ outcome that does not affect other sites and creates a transparent connection between the land use controls and the intended development outcomes in the Flood Planning Area.

3.3.2 Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Draft Central West and Orana Regional Plan (2016)

Within the Draft Central West and Orana Regional Plan (2016) is *Goal 3 – A region that protects and enhances its productive agricultural land, natural resources and environmental assets*. Included is *Direction 3.6 - Protect people, property, and the environment from exposure to natural hazards and build resilient communities* that outlines the importance and challenges of natural hazard management in the region.

The proposal can be directly related to:

Action 3.6.1 Review and map natural hazard risks to inform land use planning decisions. Specifically this action requires councils to adopt ‘a more strategic approach to mapping ... including the progressive updating of regional hazard datasets, and improved communication with councils about updated data (p.69).’ ‘Managing flooding is an important priority for the NSW Government and councils’ (p.69). Support is provided ‘so they can develop and implement Floodplain Risk Management Plans to manage flood risk in local communities’ (p.69).

Action 3.6.3 Support communities to build resilience to the impacts of natural hazards and climate also requires a systematic and coordinated approach to manage climate change risks and reduce the community’s exposure to natural hazards. This includes requiring councils to ‘incorporate best available hazard information into planning controls, prohibit new urban releases in high flood hazard areas and designated waterways, consistent with the floodplain risk management plans, implement the findings of flood studies, modelling and floodplain risk management plans, for example, by including amendments to planning instruments and incorporating findings into local strategic plans, and to locate developments away from known ... flooding hazard’ (p.71). This planning proposal seeks to comply with these actions.

The Sub-Regional Rural and Industrial Land Use Strategy (2008)

The Sub-Regional Rural and Industrial Land Use Strategy (2008) covered Councils of Blayney, Cabonne and Orange and is applicable to the proposal. Under Section 12.3 Strategies and Actions (for Natural and Scenic Environment), Environmental Hazard strategies are outlined. The Planning Proposal is entirely consistent with the following relevant strategies:

- Limit development within areas as identified as having an environmental hazard;
- Ensure land development and hazards avoided in the first instance, with minimisation, rehabilitation, and offsetting impacts in instances where development is allowed; and,
- Identify and direct development away from flood prone lands.

4. Is the planning proposal consistent with a council’s local strategy or other local strategic plans?

The planning proposal is consistent with Council adopted Flood Study (2015) and FRMS&P (2016). Please see sections 2.4 and 2.5 above for details.

The Blayney Settlement Strategy (2012) addresses flood hazard both at the Local Government Level (Section 2.6.15 Natural Hazards – Inundation & Drainage issues) and specifically for the Town of Blayney (Section 3.10.2 Natural Environment – Water Management – Watercourses, Flooding & Drainage). The Strategy recommended that more comprehensive flood studies and floodplain management plans should be prepared and adopted across the LGA (but specifically for the Town of Blayney) and this should be used to

guide future land use planning. Obviously Figure 13 in Chapter 3 should be updated with the Flood Map. Stormwater and drainage issues are also raised with potential for review. This proposal seeks to comply with recommendations.

The Proposal is also consistent with the Blayney 2025 Community Strategic Plan and the Integrated Planning and Reporting documentation in that avoidance and minimisation/mitigation of flood hazard aims to:

- Direction 1: Growth the wealth of the shire – by avoiding flood related impacts and costs;
- Direction 3: Preserve and enhance our heritage and rural landscapes – by avoiding inappropriate development along key waterways in high flood impact areas;
- Direction 4: Develop and maintain Shire infrastructure – by ensuring that it is protected from or capable of withstanding flooding;
- Direction 5: Develop strong and connected communities – by ensuring resilience to flood hazards and appropriate flood related development controls to protect life and property;
- Direction 6: Leadership – provide clear direction on flood hazards and appropriate development outcomes with community engagement and education.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

A State Environmental Planning Policy (SEPP) is a planning document that deals with matters of significance for environmental planning for the State. An analysis of the applicable State Environmental Planning Policies (SEPP) is included in the table below. It is noted that the proposal is consistent with any applicable SEPP's.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This SEPP is relevant because certain development or works may be 'exempt' or 'complying' development unless there are particular site constraints that prevent the SEPP from applying. A 'flood control lot' is:

'a lot to which flood related development controls apply in respect of development for the purpose of industrial building, commercial premises, dwelling houses, dual occupancies, multi-dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).'

In 2014 Clause 1.19 of the Codes SEPP was amended so that land identified as a 'flood control lot' is no longer excluded from the application of the Code. Where lots are only partially affected by flooding then complying development can take place on parts of the lot that are not affected (subject to specific controls).

Also, specified development and development standards have been added to the Code for development on low hazard flood control lots. The development standards have been designed to ensure that complying development is not allowed on high hazard or high risk flood control lots including flood-ways, flood storage areas, a flow path or areas identified in local flood plans as high hazard or high risk.

Key clauses reference 'flood control lots' including:

- Part 2 (Exempt Dev. Codes) Division 1 (General Ex. Dev. Code) – Subdivision 15 (Earthworks, retaining walls, structural sup.) Cl.2.29 / Subdivision 17 (Fences-residential zones) Cl.2.33 / Subdivision 18. (Fences-rural & env. prot. zones) Cl.2.36 / Subdivision 19 (Fences-business & ind. zones) Cl.2.37
- Part 3 (General Housing Code) Division 2 – Subdivision 9 (Dev. standards for particular land), Cl.3.36C
- Part 3A (Rural Housing Code) Division 3, Subdivision 9 (Dev. standards for particular land), Cl.3A.38
- Part 4 (Housing Alterations Code) Division 1 Subdivision 2A (Ext. alterations to res. accom. other than dwelling houses), Cl.4.4A
- Part 5 (Commercial & Industrial Alterations Code) Division 1 Subdivision 9 (Dev. Ancillary to the use of land), Cl.5.17 / Subdivision 10 (Earthworks, retaining walls, and structural support) Cl.5.19
- Part 5A (Commercial & Industrial – New Buildings and Additions) Division 4 Cl.5A.30

Therefore, if the flood status of particular land changes it may affect whether exempt or complying development would be permissible on that land or for specific development (but it is less restrictive than in the past). The Proposal only seeks to implement updated mapping that can more accurately determine where exempt or complying development would be appropriate. **Consistent.**

<p>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</p> <p>This SEPP aims to encourage development of residences that meet the needs of seniors or people with a disability. Whilst it acts to set aside development controls that prevent this in certain circumstances there are provisions requiring an assessment of the suitability of land including natural hazards such as flooding. On this basis the Proposal is consistent with and guides appropriate development in flood planning areas, particularly for sensitive uses such as seniors housing. Consistent.</p>
<p>State Environmental Planning Policy (State and Regional Development) 2011</p> <p>This SEPP seeks to facilitate state and regionally significant development that includes, amongst others, intensive agriculture and rural industries, above a certain investment value. This SEPP would not be affected by the proposed amendments and state and regionally significant development must still address any known flooding provided by this Proposal. Consistent.</p>
<p>State Environmental Planning Policy (Rural Lands) 2008</p> <p>This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles and Subdivision Principles, reduce land use conflicts, and identify State significant agricultural land. The proposed Flood Planning Map will affect rural lands. However, it is consistent with this policy by reducing conflicts with flood hazards and seeking appropriate development of rural lands. Consistent.</p>
<p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. The proposed Flood Planning Map will guide where it may be appropriate for infrastructure development but will not substantially affect the application or objectives of this SEPP. Flood mitigation work is permitted under Part 3 Division 7 and would be facilitated by this Proposal. Consistent.</p>
<p>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</p> <p>There are no known mineral or extractive resources in or near the Subject Area that would be affected by the proposal. White Quarry is out to the north-west of Blayney. Not Applicable.</p>
<p>SEPP No 55 – Remediation of Land</p> <p>This SEPP seeks to promote remediation of contaminated land and reduce the risk of harm to human health – to be considered when rezoning land or consenting to development on land. Clause 6 and Clause 7 state that contaminated land be remediated when rezoning or when determining a development application. This proposal does not seek to rezone land for the purpose of development. Not Applicable.</p>
<p>SEPP No 52 – Farms Dams and Other Works in Land and Water Management Plan Areas</p> <p>The Policy provides the thresholds to determine when consent is, or is not required for farm dams. The SEPP considers significant dams designated development. The policy also enables irrigation corporations to carry out maintenance and emergency works without development consent. The Town of Blayney is not within any of the identified irrigation areas. Not applicable.</p>
<p>SEPP No 44- Koala Habitat Protection</p> <p>This SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Blayney LGA is identified in the SEPP as containing koala habitat, however, this proposal is not changing the use of any land that may contain critical habitat. Consistent.</p>

6. Is the planning proposal consistent with applicable ministerial directions (s. 117 directions)?

Section 117 Direction		Applicable to Planning Proposal
1. Employment and Resources		
1.1	Business and Industrial Zones	See response below.
1.2	Rural Zones	See response below.
1.3	Mining, Petroleum Production and Extractive Industries	See response below.
1.4	Oyster Aquaculture	No.
1.5	Rural Lands	See response below.
2. Environment and Heritage		
2.1	Environment Protection Zones	See response below.
2.2	Coastal Protection	No.
2.3	Heritage Conservation	See response below.
2.4	Recreation Vehicle Areas	No.
2.5	E2 / E3 Zones & Environmental Overlays Far North Coast	No.
3. Housing		
3.1	Residential Zones	See response below.
3.2	Caravan Parks and Manufactured Home Estates	See response below.
3.3	Home Occupations	No.
3.4	Integrating Land Use and Transport	No.
3.5	Development Near Licensed Aerodromes	No.
3.6	Shooting Ranges	No.
4. Hazard & Risk		
4.1	Acid Sulfate Soils	No.
4.2	Mine Subsidence and Unstable Soil	No.
4.3	Flood Prone Land	See response below.
4.4	Planning for Bushfire Protection	No.
5. Regional Planning		
5.1	Implementation of Regional Strategies	No.
5.2	Sydney Drinking Water Catchments	No.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No.
5.4	Commercial & Retail Development along the Pacific Highway North Coast	No.
5.8	Second Sydney Airport: Badgerys Creek	No.
5.9	North West Rail Link Corridor Strategy	No.
6. Local Plan Making		
6.1	Approval & Referral Requirements	No change.
6.2	Reserving Land for Public Purposes	No.
6.3	Site Specific Provisions	No.

Applicable Section 117 Direction Responses
<p>1. Employment and Resources</p> <p>1.1 Business and Industrial Zones</p> <p>The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.</p> <p><i>Blayney Local Environmental Plan 2012 Land Zoning Map Sheet LZN_004B</i> shows that there are both industrial and business zones along Abattoir Creek and throughout the eastern side of the Town of Blayney that are affected by the Flood Planning Map. As a result, the planning proposal must:</p> <ol style="list-style-type: none"> give effect to the objectives of this direction, retain the areas and locations of existing business and industrial zones, not reduce the total potential floor space area for employment uses and related public services in business zones, not reduce the total potential floor space area for industrial uses in industrial zones, and ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. <p>The introduction of an updated Flood Planning Map will not affect the areas and locations of existing business and industrial zones in Blayney. However, it may affect the development controls applicable in those areas and therefore, has the potential to reduce the total floor space of these zones and uses. We suggest that this Proposal may be inconsistent with this direction as it is justified by the Flood Study (2015) and FRMS&P (2016) that recognise the important of business and industrial land but appropriately places a higher priority on minimising or mitigating flood impacts on those land uses/people through improved flood mapping. Alternatively, flooding is an <u>existing</u> affectation and the updated map merely reflects that hazard – so in reality it does not change the appropriate development outcomes for any lots affected. Consistent or Inconsistency Justified.</p>
<p>1.2 Rural Zones</p> <p>This direction applies when preparing a planning proposal that will affect land within an existing or proposed rural zone. Clause (4) applies to the Blayney LGA and requires that a draft LEP shall not rezone land from a rural zone to another specific zone or contain provisions that will increase the permissible density within a rural zone. This Proposal only provides an updated Flood Planning Map that overlays part of the existing rural zone east of the Town of Blayney. It does not rezone land or increase permissible density. Consistent.</p>
<p>1.3 Mining, Petroleum and Extractive Industries</p> <p>This direction seeks to protect State or regionally significant reserves of coal, other minerals, petroleum and extractive materials. This direction applies when a draft LEP would affect the permissibility of these activities or restrict the potential development of known resources. There are no known mineral or extractive resources to the east of and in close proximity to the area covered by the proposed Flood Planning Map. Whilst there may be Exploration Licences in the area it is unlikely these will become future mining areas in close proximity to an urban centre. We suggest that consultation with NSW Resources & Energy Division is not required. Consistent or Not Applicable.</p>
<p>1.5 Rural Lands</p> <p>Objectives seek to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The direction applies when a draft LEP affects land within an existing or proposed rural or environment protection zone or changes the minimum lot size in those areas. The Proposal overlaps Zone RU2 Rural Landscape but does not affect the zoning or minimum lot size. Therefore, there is no need to determine consistency with the Rural Planning Principles or Rural Subdivision Principles. Consistent or Not Applicable.</p>

<p>2. Environment and Heritage</p> <p>2.1 Environment Protection Zones</p> <p>The objective is to protect environmentally sensitive areas including environmental protection zones or land otherwise identified for environment protection purposes in a LEP. Whilst there are environmentally sensitive areas (ESA's) identified along some of the watercourses and within the Flood Planning Area, the introduction of a Flood Planning Map will not reduce the environmental protection requirements, unless covered by flood mitigation works. Consistent or Not Applicable.</p> <p>2.3 Heritage Conservation</p> <p>The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Much like environmental protection areas above, this Proposal will not reduce the existing heritage protections in BLEP2012. Consistent or Not Applicable.</p>
<p>3. Housing, Infrastructure and Urban Development</p> <p>3.1 Residential Zones</p> <p>The objective is to encouraging housing variety, efficiently use existing infrastructure for new housing, and to minimise the impact of residential development on the environment and resource lands. The direction applies when a draft LEP affects an existing or proposed residential zone or other zone in which significant residential development is permitted.</p> <p>The Proposal does overlap residential zones in the Town of Blayney and may have the potential to affect the location, density and building types permissible on that land subject to flood assessment. We suggest that this Proposal may be inconsistent with this direction as it is justified by the Flood Study (2015) and FRMS&P (2016) that recognise the important of residential land but appropriately places a higher priority on minimising or mitigating flood impacts on those land uses/people through improved flood mapping. Alternatively, flooding is an <u>existing</u> affectation and the updated map merely reflects that hazard – so in reality it does not change the appropriate development outcomes for any lots affected. Consistent or Inconsistency Justified.</p> <p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>The objective is to encourage opportunities for caravan parks and manufactured home estates. However, it applies when identifying suitable zones and locations for caravan parks/MHEs. This Proposal merely provides updated flood hazard risk that would inform where it is appropriate to have this type of development. Consistent or Not Applicable.</p>
<p>4. Hazard & Risk</p> <p>4.3 Flood Prone Land</p> <p>The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. In such cases, the Direction requires draft LEPs to ensure the following:</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ol style="list-style-type: none"> permit development in floodway areas, permit development that will result in significant flood impacts to other properties, permit a significant increase in the development of that land,

d. are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or

e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

This Planning Proposal seeks to update a Flood Planning Map in accordance with an adopted Flood Study (2015) and FRMS&P (2016) prepared in accordance with the Floodplain Development Manual and NSW Flood Policy & Guidelines. **Complies.**

3.3.3 Section C – Environmental, Social and Economic Impact

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

This Proposal seeks to introduce an updated Flood Planning Map for the Town of Blayney and surrounds that recognises existing flood risk – so the map and associated flood related development controls do not themselves increase the risk of flood related impacts or increase the requirement for flood mitigation works. The aim is to minimise the impact of flooding on future development (and vice-versa) through improved knowledge of flood risks and levels. Another benefit is that flooding is not exacerbated and potentially flood impacts on sensitive environmental areas is not increased or reduced.

If flood mitigation works are recommended by the FRMS&P then these works will need to address the relevant development and environmental impact criteria.

As defined by the *Blayney Local Environmental Plan 2012* there are pockets of sensitive biodiversity along and adjacent to the Belubula River and within the study area. However, as this proposal is seeking to reduce the impact of development on flood liable land there will be no change to critical habitat or threatened species, populations, or ecological communities or their habitats as a result of this amendment.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As stated above this Proposal seeks to introduce an updated Flood Planning Map for the Town of Blayney and surrounds that recognises existing flood risk – so the map and associated flood related development controls do not themselves increase the risk of flooding or other environmental effects.

The aim is to minimise the impact of flooding on future development (and vice-versa) through improved knowledge of flood risks and levels. If flood mitigation works are recommended by the FRMS&P then these works will need to address the relevant development and environmental impact criteria. Balancing of natural hazard risks and environmental outcomes is a necessary part of development assessment.

9. Has the planning proposal adequately addressed any social and economic effects?

Flooding (and flood related development control) has the potential for significant social and economic impact. This Proposal seeks to introduce an updated Flood Planning Map for the Town of Blayney and

surrounds that recognises existing flood risk – so the map and associated flood related development controls do not themselves increase the risk of flooding or its associated social and economic impacts.

However, it is recognised that any amendment to flood related development controls does have the potential to affect a number of related social and economic areas including, but not limited to: perceived property values, insurances (particularly for newly mapped/affected properties), development potential and/or development application requirements for flood-affected areas, and potentially also voluntary house purchase or voluntary house raising in higher flood risk areas etc. Flood risk must be highlighted on Section 149 Certificates for properties.

In accordance with NSW Government Flood Policy, Council's must implement updated flood mapping to reduce potential social and economic losses from flooding and it is perceived that this outweighs any social and economic impact from the implementation of flood related development control.

To mitigate these impacts, Council is endeavouring to consult with the community and explain why the flood controls need to be updated as well as preparing a supporting Development Control Plan ('DCP') that provides more detail about what and how development can occur within Flood Planning Areas, with flexibility based on specific site and flood risk circumstances.

3.3.4 Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not require the use of current or future infrastructure at this point in time. The amendment primarily focuses on the Blayney LEP 2012 Flood Map and associated flood related development controls to guide future development decisions.

However, the outcomes of the FRMS&P may make recommendations and have implications for upgrades and new stormwater and flood-related infrastructure through the Town of Blayney and surrounds to reduce flood risk and overland flows and better manage stormwater outcomes. This Proposal and the associated updated Flood Planning Map can be used to guide some decisions on future required infrastructure.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

The Flood Study & FRMS&P was prepared with detailed involvement and input of representatives of Office of Environment & Heritage ('OEH') (Mr Kris Grbevski) who partly funded the studies and they are best placed to provide guidance on meeting the requirements of the NSW Flood Policy and Flood Manual. OEH sits under the auspices of the Department of Planning & Environment ('DPE') and it is likely the Dubbo Office were aware of this work and had opportunities for comment.

There are no other major state or commonwealth public authorities with responsibilities relating to flood related development control. We note however that 'flood mitigation works' (in accordance with the FRMS&P) may have some implications for biodiversity and fisheries but that is not the primary role of this Proposal and the BLEP2012 amendment.

The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in **Part 5: Community Consultation** below).

3.4 Part 4: Mapping

The proposed amendments are reflected on the mapping attached to this Planning Proposal that is taken from **Figure 5-5 in the FRMS&P** (see Figure.1). The map in *Blayney Local Environmental Plan 2012* that will require modification is Flood Planning Map Sheet FLD_004B that applies to the Town of Blayney and surrounds.

The FRMS&P map will need to be modified into the standard format for Local Environmental Plans in NSW. Figure 5-5 has separated overlays for Mainstream Flood Planning Areas and Overland Flood Planning Areas. However, these are easily combined to form the Flood Planning Area for the purposes of BLEP2012. The FRMS&P map is fairly legible and easy to understand (when read alongside this Planning Proposal and the FRMS&P).

Therefore, we suggest the FRMS&P map is sufficient for the purposes of the public exhibition and the updated BLEP2012 Flood Planning Map can be prepared after the public exhibition of the Planning Proposal, unless the Gateway Determination conditions require otherwise.

3.5 Part 5: Community Consultation

The planning proposal community consultation is to be undertaken in accordance with the requirements set out in 'A guide to preparing planning proposals' (2016) and any requirements set out in the Gateway Determination.

As this is an amendment potentially affecting a large number of landholders throughout the Town of Blayney and surrounds it is not feasible to directly notify every land owner, resident or affected person in that area. Instead, Council will make every reasonable attempt to spread notification through local media.

The planning proposal would be notified for a period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the Blayney Chronicle and possibly also on Council's Facebook site.

The notification would provide:

- a description of the objectives or intended outcomes of the planning proposal;
- the land affected by the planning proposal;
- advise when and where the planning proposal can be inspected;
- give the name and address of the Council for the receipt of submissions; and
- indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Blayney:

- the planning proposal, in the form approved for community consultation by the Director General of Planning;
- the gateway determination;
- the Flood Study & FRMS&P; and
- any reports relied upon by the planning proposal (such as the Report to Council).

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification including, but not limited to:

- a) Department of Planning & Environment ('DPE') & Office of Environment & Heritage (who were actively involved with the preparation of the Flood Study/FRMS&P);
- b) DPI Water (water management);
- c) Roads & Maritime Services ('RMS') (as the Mid-Western Highway and other Regional Roads are affected);
- d) State Emergency Services ('SES') and other relevant emergency response agencies (particularly local commands who would need to deal with flood emergencies);
- e) Central Tablelands Water ('CTW') (who may have infrastructure in the flood area).

Planning Proposal – Updated Flood Planning Map BLEP2012, Blayney Shire NSW

As this amendment is relatively procedural we do not suggest that there are any other key agencies that need specific consultation through it may be worth notifying Central Tablelands Local Land Service ('LLS') and DPI Agriculture (as they have Natural resource management responsibilities) for completeness.

3.6 Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 12 months:

Table 1 - Project Timeline Task	Anticipated timeframe
<i>Planning Proposal to Council for approval to send to DPE</i> <i>Forward Proposal to DPE</i>	<i>April 2017</i>
Commencement date (Gateway determination)	May-June 2017
Timeframe for the completion of required technical information	(none expected)
Government agency consultation (pre and post exhibition as required by Gateway determination)	June-July 2017 (noting key agencies already consulted)
Commencement and completion for public exhibition period	Commence: June-July 2017 Completed: July-August 2017
Dates for public hearing (if required)	August 2017 (if required)
Consideration of submissions	August-September 2017
Consideration of a proposal post exhibition	September 2017 (if required)
Date of submission to the Department to finalise LEP	September 2017
Anticipated date RPA will make the plan (if delegated)	October – November 2017
Anticipated date RPA will forward to the Department for notification	November 2017
Potential for amendments to commence	Late 2017 – Early 2018 (i.e. within 12 months of Gateway Determination)



PLANNING PROPOSAL

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

Prepared for
Glenn and Lynne Mortimer
December 2016

Ref: PP PJB16046

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1.0 INTRODUCTION

1.1 OVERVIEW

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

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

1.2 BASIS FOR THE PLANNING PROPOSAL

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

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

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

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

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

*Peter Basba
Planning & Development*

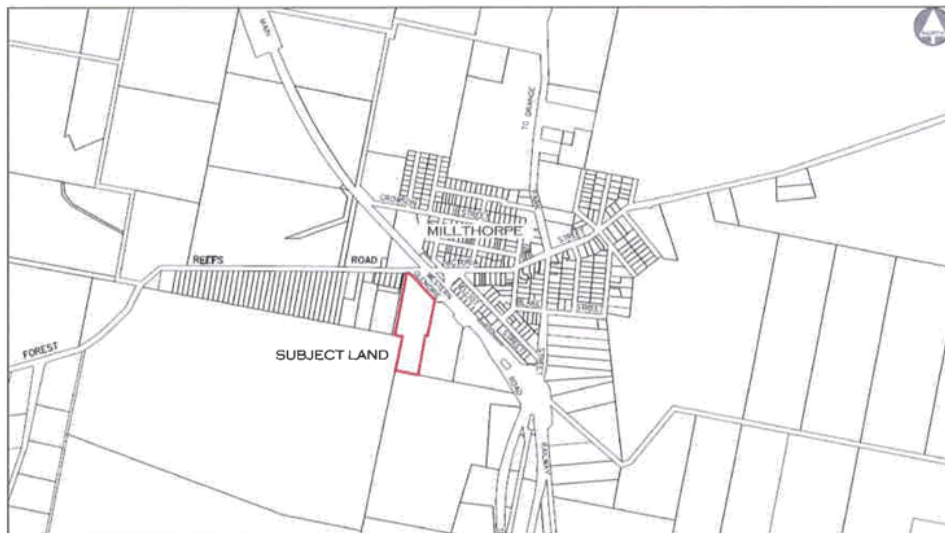
This Planning Proposal will demonstrate consistency or satisfactory performance in terms of the above matters. In particular:

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

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

1.3 LOCATION OF SUBJECT LAND

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

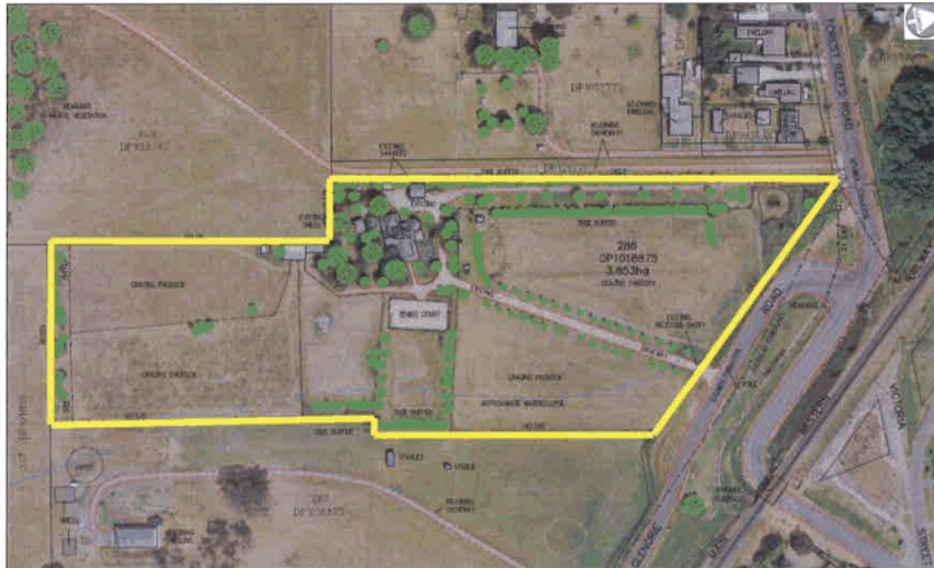


The Real Property description of the subject land is Lot 286 DP 1018875, Town of Millthorpe, Parish of Graham and County of Bathurst.

Peter Baska
Planning & Development

1.4 SITE DESCRIPTION**a) Configuration**

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



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

b) Topography

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

c) Vegetation

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

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

Peter Baska
Planning & Development

d) Surface Water and Drainage

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

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

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

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

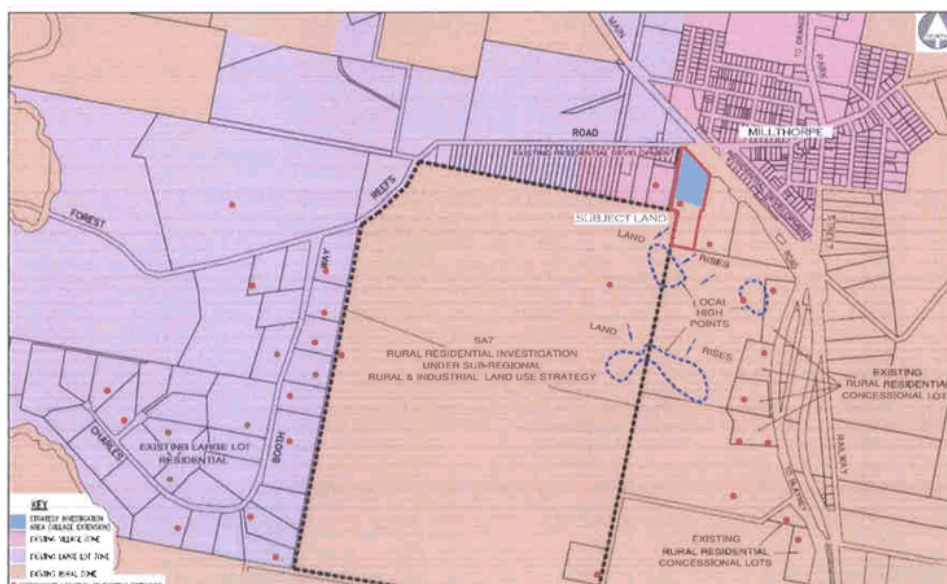
e) Land Use

Subject Land

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

Surrounding Land

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



*Peter Basha
 Planning & Development*

Development in the vicinity of the subject land includes:

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

f) Roads and Access

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

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

g) Services

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

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

1.5 DEVELOPMENT CONCEPT

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

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

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

The concept has been influenced by the following matters:

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

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

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

Peter Borda
Planning & Development

3.0 EXPLANATION OF PROVISIONS

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

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

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

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

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

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

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

c) Is there a net community benefit?

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

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

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

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

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

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

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

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

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

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

Peter Borda
Planning & Development

Strategy Matter 4.2 Regional Location – Proximity to Major Centres

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

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

Strategy Matter 4.2 Regional Location – Proximity to Major Centres

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

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

Strategy Matter 4.3 Existing Zoning – Land Use Zoning Areas

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

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

Strategy Matter 4.4 Settlement History – Aboriginal Significance

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

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

Strategy Matter 4.5 Settlement Pattern – Subdivision Pattern

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

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

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

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

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

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

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

Strategy Matter 4.9 Demographics

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

The Planning Proposal responds to these matters as follows:

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

Strategy Matter 4.9 Demographics

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

The Planning Proposal responds to these matters as outlined below:

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

Strategy Matter 4.9 Demographics

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

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

Strategy Matter 4.9 Demographics

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

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

Strategy Matter 4.9 Demographics

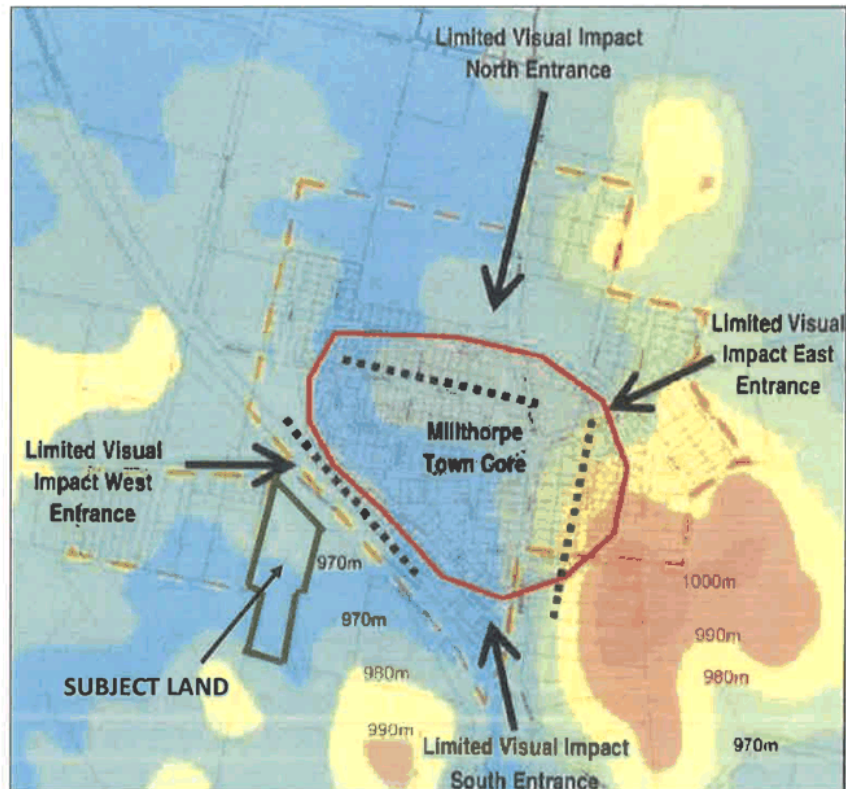
Dwelling Ownership – The higher levels of housing ownership/purchase in Millthorpe compared to the Australian average and lower rental levels may show a stronger economic commitment to Millthorpe but it may also need to be reviewed to ensure there is sufficient rental accommodation to cater for less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

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

Strategy Matter 4.10 Natural Environment – Topography and Views

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

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



*Peer Basha
 Planning & Development*

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

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

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

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

The Planning Proposal responds to these matters as follows:

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

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

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

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

The Planning Proposal responds to these matters as follows:

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

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

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

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

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

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

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

Strategy Matter 4.11 Access, Transport and Parking – Road Hierarchy

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

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

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Potable Water Supply

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

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Stormwater and Drainage

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

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Sewerage

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

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Electricity

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

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Telecommunications

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Gas

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

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

Strategy Matter 4.12 Utilities and Infrastructure – Waste Management

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Peter Basia
Planning & Development

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

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

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

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

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

The potential impacts of the Planning Proposal are considered below.

(i) Traffic Impacts

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

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

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

(ii) Noise Impact

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

(iii) Soil Stability

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

(iv) Water Quality

Potential impacts on water quality relate to the following:

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

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

Soil Erosion

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

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

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

Stormwater Management

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

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

(v) Flooding

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

(vi) Bushfire hazard

The subject land is not identified as bushfire prone land.

(vii) Land/Site Contamination

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

(viii) Resource Lands

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

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

(ix) Heritage

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

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

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

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

(x) Archaeology

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

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

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

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

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

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

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

4.4 STATE AND COMMONWEALTH INTERESTS

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

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

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

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

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

5.0 COMMUNITY CONSULTATION

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

Community consultation would involve:

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

Peter Basia
Planning & Development

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

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

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

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

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

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

Yours faithfully

Peter Basha Planning & Development

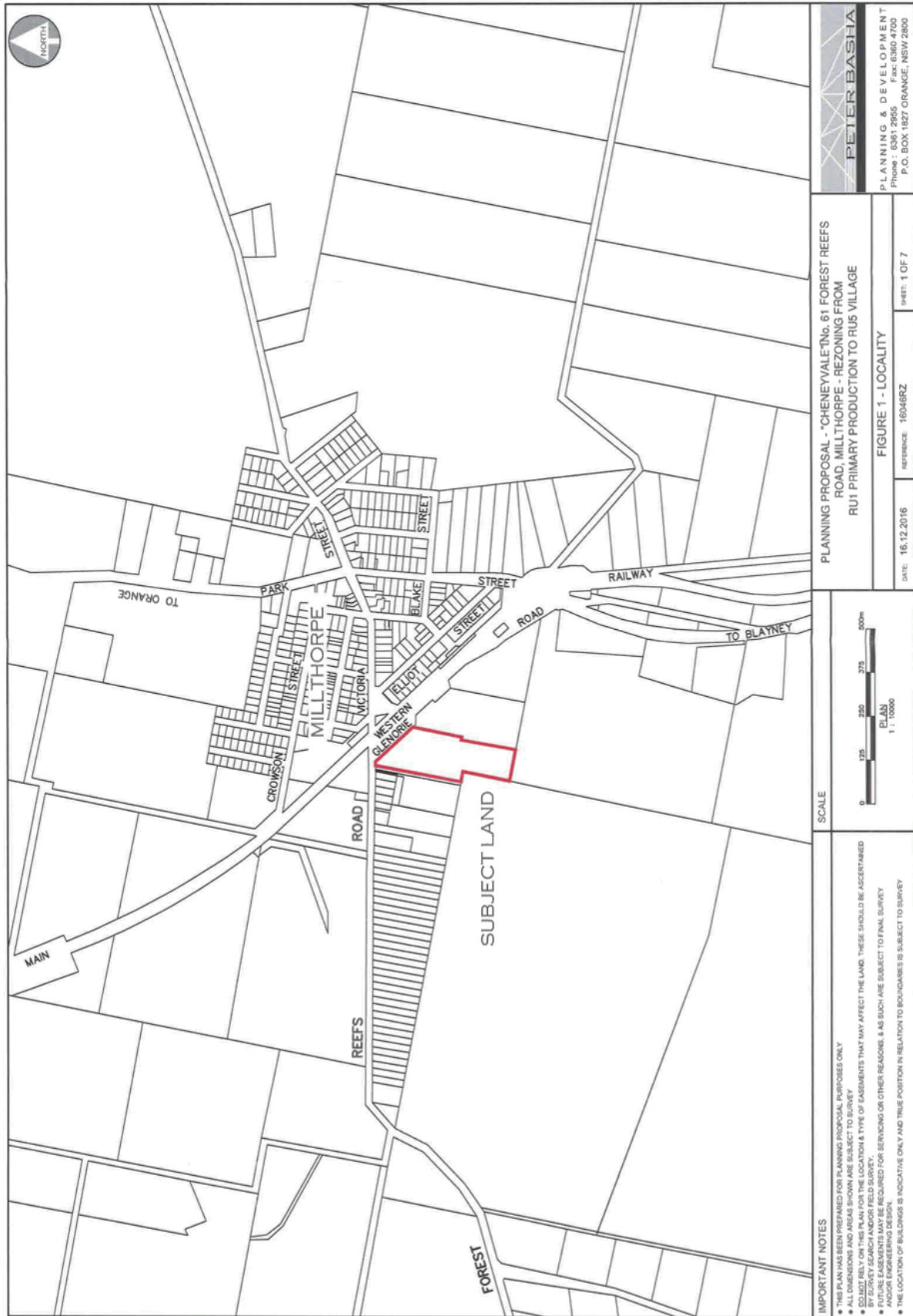


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PETER BASHA

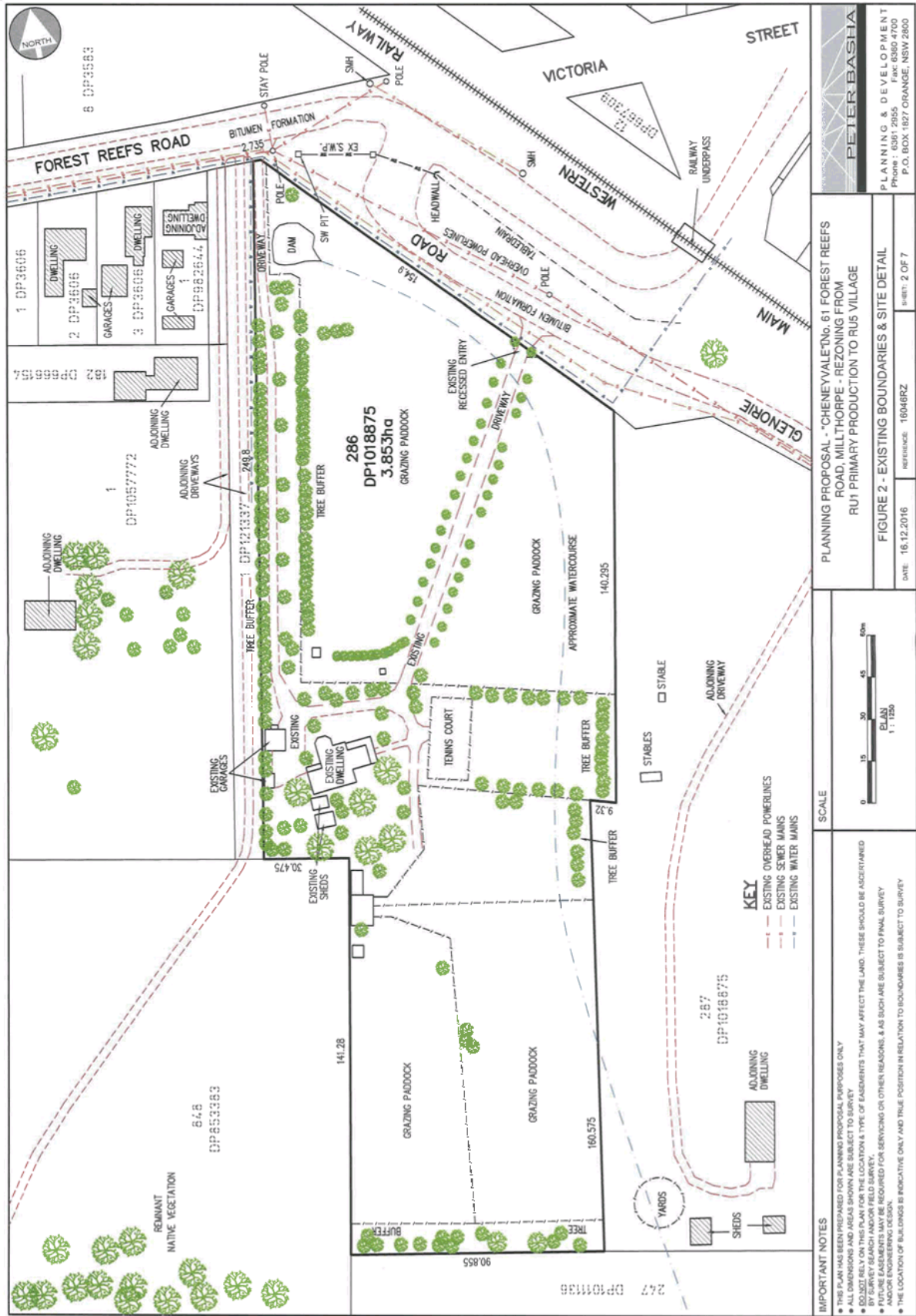
Peter Basha
Planning & Development

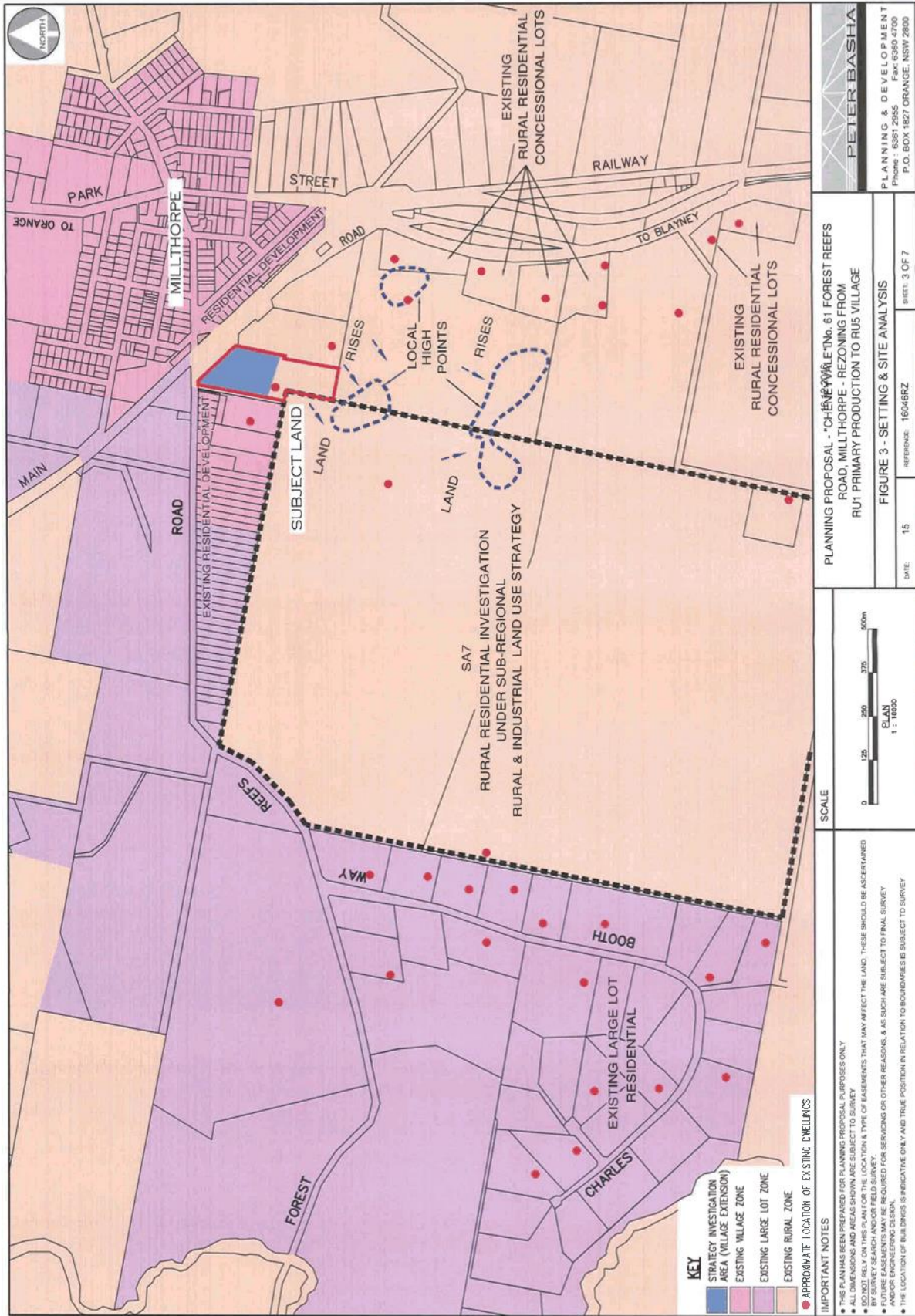
Annexure A
Plan Set

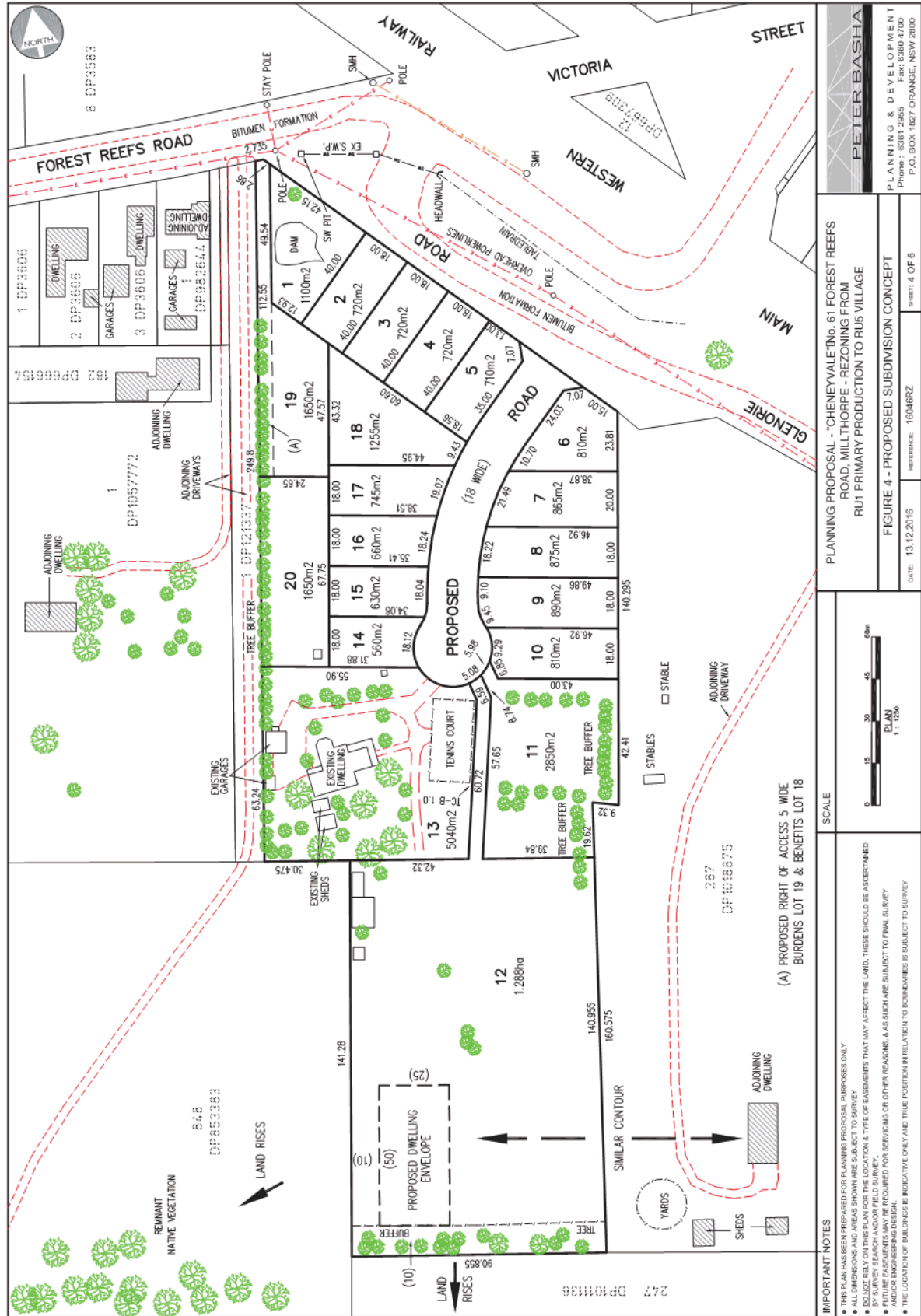




<p>PETER BASHA PLANNING & DEVELOPMENT P/L P.O. BOX 1827 ORANGE, NSW 2800</p>	
<p>PLANNING PROPOSAL - CHENEYVALE No. 61 FOREST REEFS ROAD, MILLTHORPE - REZONING FROM RU1 PRIMARY PRODUCTION TO RU5 VILLAGE</p>	
<p>FIGURE 1 - LOCALITY</p>	
<p>DATE: 16.12.2016</p>	<p>REFERENCE: 16046RZ</p>
<p>SHEET: 1 OF 7</p>	
<p>SCALE</p> <p>0 125 250 375 500m SCALE 1:10000</p>	
<p>IMPORTANT NOTES</p> <ul style="list-style-type: none"> THIS PLAN HAS BEEN PREPARED FOR PLANNING PROPOSAL PURPOSES ONLY ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF FASUREMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY FUTURE FASUREMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY 	







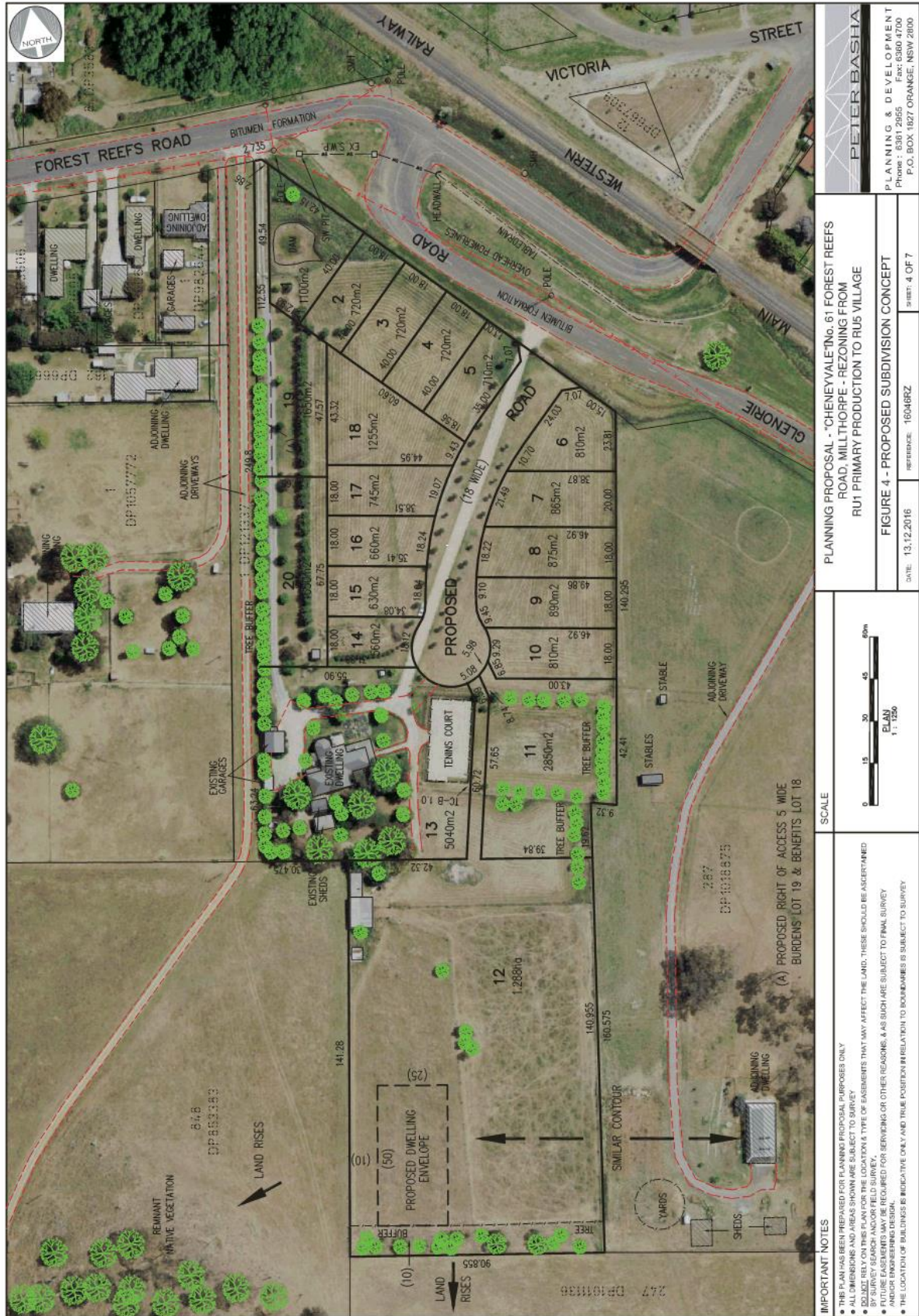
PETER BASHA
 PLANNING & DEVELOPMENT
 Phone: 5381 2955 Fax: 5360 4700
 P.O. BOX 1627 ORANGE, NSW 2800

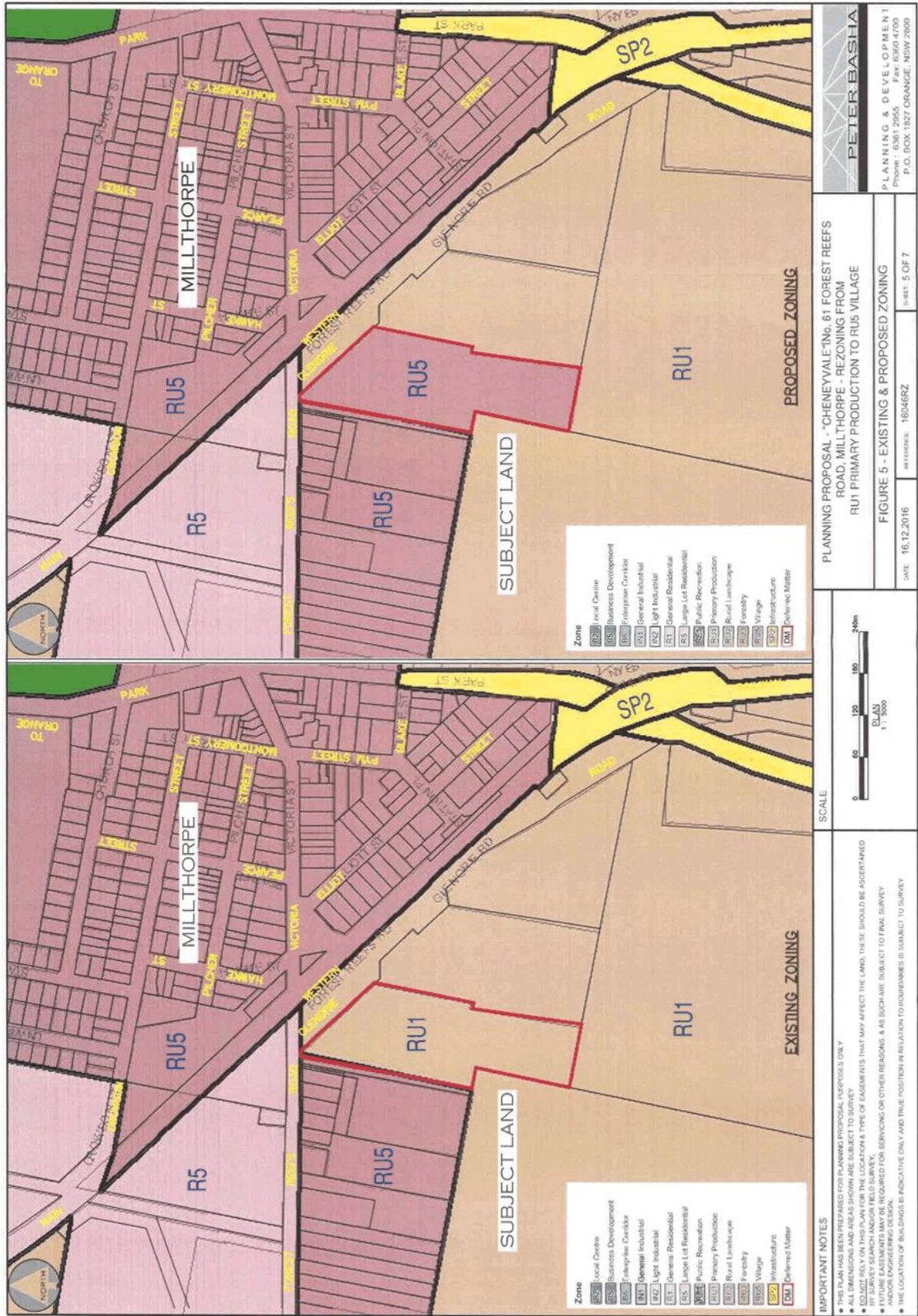
PLANNING PROPOSAL - "CHENEVALE" (No. 61 FOREST REEFS ROAD, MILL THORPE - REZONING FROM RU1 PRIMARY PRODUCTION TO RU5 VILLAGE)
 DATE: 13.12.2016 REFERENCE: 1604BRZ SHEET: 4 OF 6

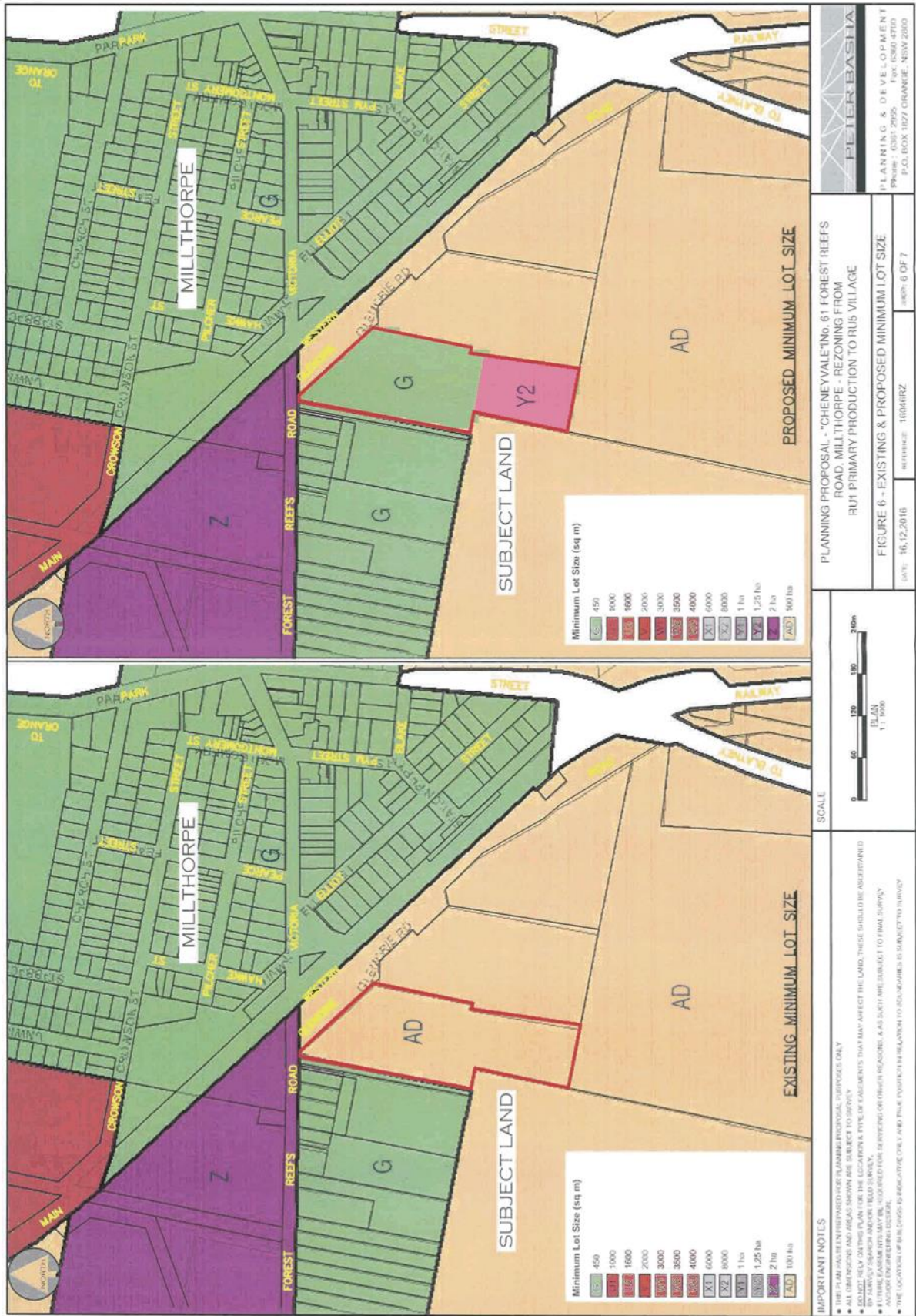
FIGURE 4 - PROPOSED SUBDIVISION CONCEPT

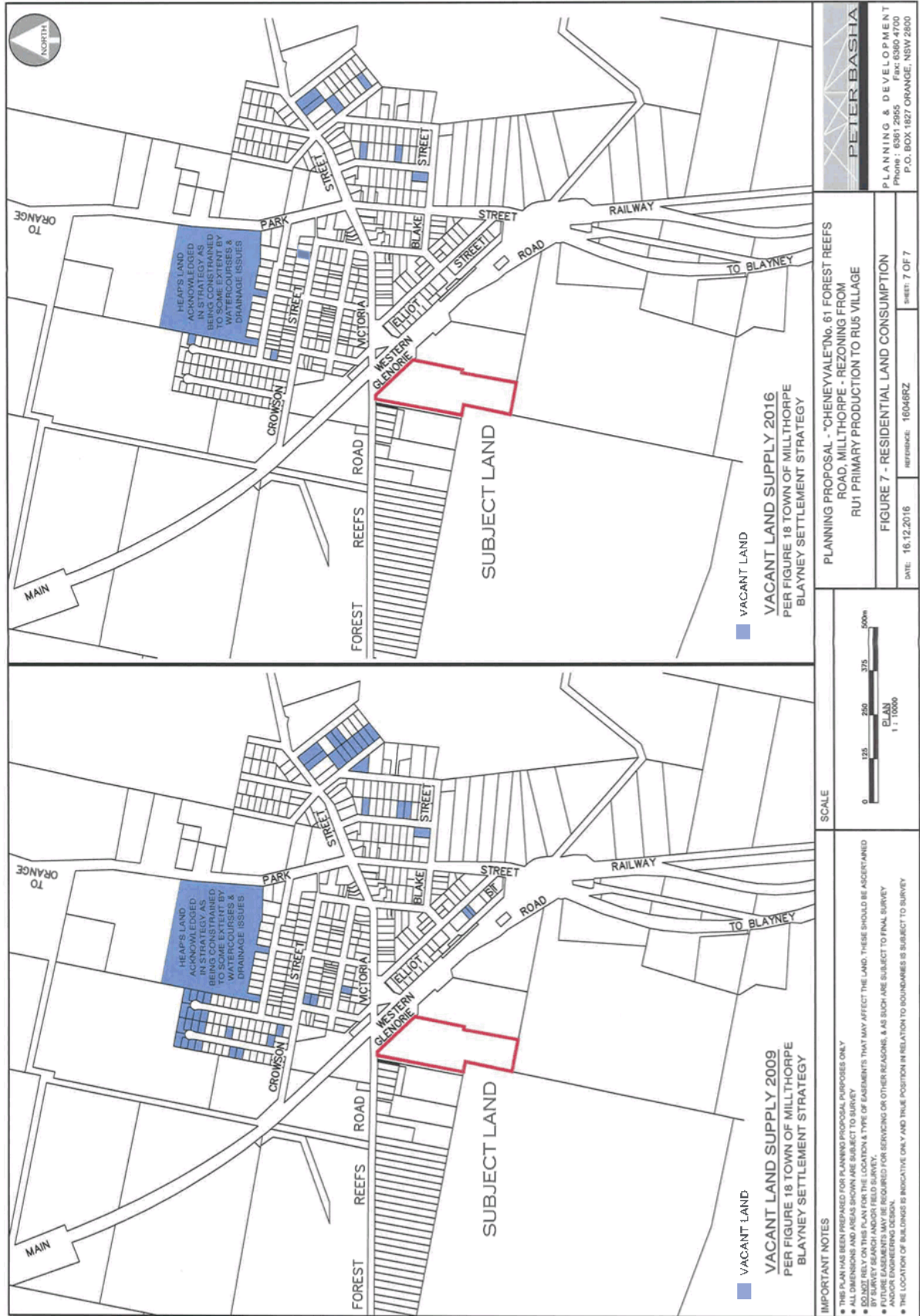
IMPORTANT NOTES

- THE PLAN HAS BEEN PREPARED FOR PLANNING PROPOSAL PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
- DO NOT RELY ON THIS PLAN FOR THE LOCATION A TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY
- THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY









Annexure B

State Environmental Planning Policies Schedule of Consideration

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

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

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

Annexure C

Section 117 Directions Statement of Consistency

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

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

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

1.2 Rural Zones

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

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

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

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

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

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

1.3 Mining, Petroleum and Extractive Industries

The planning proposal is not affected by this Direction.

1.4 Oyster Aquaculture

The planning proposal is not affected by this Direction.

1.5 Rural Lands

This Direction is applicable to the Planning Proposal.

The objectives of this Direction are:

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

According to this Direction a planning proposal must

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

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

2. ENVIRONMENT AND HERITAGE

2.1 Environment Protection Zones

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

2.2 Coastal Protection

The Planning Proposal is not affected by this Direction.

2.3 Heritage Conservation

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

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

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

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

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

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

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

2.4 Recreation Vehicle Areas

The Planning Proposal is not affected by this Direction.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

3.1 Residential Zones

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

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

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

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

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

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

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

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

3.2 Caravan Parks and Manufactured Home Estates

The Planning Proposal is not affected by this Direction.

3.3 Home Occupations

The Planning Proposal is not affected by this Direction.

3.4 Integrating Land Use and Transport

This Direction applies to the Planning Proposal.

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

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

3.5 Development near Licensed Aerodromes

The Planning Proposal is not affected by this Direction.

■

3.6 Shooting Ranges

The Planning Proposal is not affected by this Direction.

4. HAZARD AND RISK

4.1 Acid Sulphate Soils

The Planning Proposal is not affected by this Direction.

4.2 Mine Subsidence and Unstable Land

The Planning Proposal is not affected by this Direction.

4.3 Flood Prone Land

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

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

4.4 Planning for Bushfire Protection

The Planning Proposal is not affected by this Direction.

5. REGIONAL PLANNING

5.1 Implementation of Regional Strategies

The Planning Proposal is not affected by this Direction.

5.2 Sydney Drinking Water Catchments

The Planning Proposal is not affected by this Direction.

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

The Planning Proposal is not affected by this Direction.

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

The Planning Proposal is not affected by this Direction.

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

Revoked

5.6 Sydney to Canberra Corridor

Revoked

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

Revoked

5.8 Second Sydney Airport: Badgery's Creek

The Planning Proposal is not affected by this Direction.

6. LOCAL PLAN MAKING

6.1 Approval and Referral Requirements

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

6.2 Reserving Land for Public Purposes

The Planning Proposal is not affected by this Direction.

6.3 Site Specific Provisions

The Planning Proposal is not affected by this Direction.

7. METROPOLITAN PLANNING

7.1 Implementation of the Metropolitan Strategy

The planning proposal is not affected by this Direction.



4. Town of Millthorpe

Blayney Settlement Strategy (Final)



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

4.21.6. Future Growth Directions

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

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



Figure 22: Future growth directions for Millthorpe.

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

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





4. Town of Millthorpe

Blayney Settlement Strategy (Final)



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

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

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

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

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

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

