

D13/3165
133/552/255/6/2



12 February 2013

Mr Ashley Albury
Department of Planning and Infrastructure (Western Region)
Area 1 Level 1
188 Macquarie Street
PO Box 58
DUBBO NSW 2830

Dear Mr Albury

Re: Draft Orange Local Environmental Plan 2011 – Amendment 1

I write to advise that Council, at its Sustainable Development Committee Meeting of 20 November 2012, resolved to proceed with Amendment 1 to Orange Local Environmental Plan 2011. Documentation relating to the Amendment has previously been supplied to your office.

In summary Amendment 1 involves the following:

Amendment 1 – an Administrative Amendment

This amendment comprises a range of issues that arose partly from deferral of some matters when the main LEP was being prepared and other matters which have arisen subsequently. These include:

- amendments to the Land Zone Map, Minimum Lot Size Map and Urban Release Area Map in relation to 5 sites (described below) for a mixture of residential and rural residential purposes;
- Additions to Schedule 5 in accordance with Council's adopted Community Heritage Study;
- Adoption of clauses to restore flexibility in rural subdivisions where related to intensive plant agriculture;
- Adoption of a model clause to ensure provision of essential services to development;
- Amendments to the Minimum Lot Size Map to correct a minor anomaly in relation to a site known as the Ploughmans Valley Wetland and some adjoining lands;
- Amendment to the Land Zone Map to correct a minor anomaly in relation to part of Lot 300 DP 883628, being a council owned parcel to the west of Leeds Parade north of properties fronting Dalton Street. This lot was previously split zoned under OLEP 2000 being primarily open space with a small boomerang shaped industrial area to the southwest of the site. OLEP 2011 erroneously removed the split zoning making the entire site RE1. Council has been in negotiations over the sale of the industrial portion for some time and it is therefore proposed to restore the industrial zoning;

- Rezoning and amendments to the Minimum Lot Size Map intended to facilitate the orderly expansion and future development of Orange Airport; and
- Rectification of the table to clause 4.1B to set the minimum area for a dual occupancy in the R2 zone to 1200m² rather than 1250m² in areas with a minimum lot size on the Lot Size Map. This more closely reflects the former regime of OLEP2000

Area 1 (Phillip Street): A roughly triangular area bounded by the Northern Distributor Road, Ophir Road and Phillip Street. The intention is to enable some further subdivision for 2,000m² and 4,000m² allotments. While the entire triangle was examined the western-most section has been found to be constrained in terms of flooding and being within the noise exclusion area of Council's quarry to the northwest. Naturally occurring asbestos is also found in the area. Accordingly the affected section of the site is intended to remain at 2ha.

Lot Yield for Area 1:

- 16 existing lots (~2ha average)
- 70 small lifestyle lots (~2,000m²)
- 19 lifestyle lots (~4,000m² along the NDR frontage)

Area 2 (Daydawn Place): is located to the south of Area 1 and principally involves 10 x 2ha blocks in Daydawn Place and Ophir Road. The area was examined and found to be readily serviceable. However, the proposed lot size is 1ha in recognition of the site being on the fringe of the urban area leading into the water catchment to the east.

Lot Yield for Area 2:

- 10 existing lots (~2ha)
- 20 lifestyle lots (~1ha)

Area 3 (Waratahs): Comprises a small spot rezoning of a privately owned football field. Currently zoned RE2 Private Recreation and intended to become R2 Low Density Residential. The site is readily serviceable and surplus to the sports facilities needs. The Waratahs site is the primary recreation resource for the growth area of North Orange. It is understood that rationalisation of the Waratahs holdings will enable more effort to be expended on enhancing the remainder of the Waratahs site.

Lot Yield for Area 3

- Part of 1 existing lot
- 15 urban lots (~800m²)

Area 4 (Burrendong Way): Comprises a property on the north western corner of the NDR – Burrendong Way intersection. This property adjoins land to the west that has already been rezoned for 1,000m² blocks. It is considered that providing similar development potential on this lot will enable the development of both sites to be better coordinated and remove the need for multiple access points onto the NDR.

Lot Yield for Area 4:

- 1 existing lot
- 134 urban lots (~1,000m²)

Area 5 (Southern Release Area): Originally conceived as the area bounded by the railway line to the north, Pinnacle Road to the west, Park Road (future southern link road) to the south and the rifle range / James Sheahan School to the east.

Lot Yield for the original extent of area 5:

- 40 existing lots (various sizes predominantly 2ha)
- 647 urban lots (~800m²)
- 23 lifestyle lots (~4,000m² along the edge of the southern link road)

Council resolved to extend this area southwards, such that the site is now bounded by the railway to the north, Pinnacle Road to the west, Hawke Lane to the south and the DPI site / Rifle Range and James Sheahan School to the east. The extended portion of the site adjoins the DPI site to the east. Accordingly, it may be appropriate to seek the views of the DPI in relation to the intended timing and servicing of that site and how the required infrastructure could be shared across both sites.

The expansion of Area 5 means the total anticipated lot yield is:

- 94 existing lots (various sizes)
- 2159 urban lots (~800m²)
- 46 lifestyle lots (~400m² along either side of the southern link road)

It is intended that all 5 of the above areas are included in the Urban Release Area Map to allow preparation of suitable DCP provisions and infrastructure servicing needs to be appropriately scheduled. This would also have the advantage of enabling a staged release over time.

Total lot yields of the above are therefore:

2463 Estimated gross yield - 122 Existing Lots = 2341 estimated net yield.

This is approximately 10.6 years additional supply (assuming the long term average uptake rate of 220 lots p.a. continues). It should be noted that the principal LEP process which was largely intended as a conversion exercise, rather than a land release program, began in 2007.

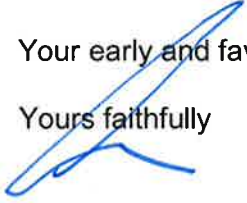
It has therefore been a considerable period of time since any substantial land release has occurred Orange, the last being Amendment 6 of OLEP 2000 (Leeds Parade) which equates to less than one year's supply. Furthermore the DPI site, whose future remains uncertain, has a concept approval for 550 lots. If the DPI site cannot be relied upon this effectively removes 2 years' worth of supply.

Accordingly, Amendment 1 is considered to restore Orange to a reasonable, but not extravagant, level of supply.

Due to the largely administrative nature of the Amendment, and its broad consistency with adopted strategies, Council requests the Department provide full delegations to determine the Amendment, in the interest of providing a timely and efficient resolution.

Your early and favourable response is appreciated.

Yours faithfully



David Waddell
Director Development Services
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