|  |
| --- |
| **SECTION 59 PLANNING REPORT**  |

**Planning proposal details**:

PP\_2013\_ORANG\_002\_00

**Planning proposal summary:**

Planning proposal to rezone land in the Shiralee Urban Release Area to:

* establish a network of open space land as RE1 Public Recreation,
* establish a village centre as B1 Neighbourhood Centre,
* establish a mixture of residential land as R1 General Residential and R2 Low Density Residential to reflect the intended density of development

The planning proposal also seeks to amend the Minimum Lot Size Map to reflect the range of densities envisaged by the Shiralee Master Plan DCP and identify a site for acquisition for a future community centre on the Land Reservation Acquisition Map.

**Date of Gateway determination:**

15 October 2014

**1.0 SUMMARY**

The principle issue associated with the proposal has been to make the Orange LEP 2011 consistent with the adopted DCP master plan for the Shiralee suburb.

Two public submission was received. One concerned the density and layout of lots and the potential loss of views across two farm dams that are intended to be redeveloped into a mixed use retention basin / community sports field. The other concerned the ability to achieve the lot yield anticipated on a particular landowners property.

Responding public authority issues were resolved with the assistance of the regional office.

No amendments were made to the planning proposal.

**2.0 GATEWAY DETERMINATION**

Gateway determination issued 15 October 2014, requiring

* Community consultation for 28 Days. This occurred between 13 December 2014 and 10 February 2015.
* Consultation with NSW Education and Communities, Office of Environment and Heritage, Roads and Maritime Services
* Council to revise the minimum lot sizes along the southern boundary (Hawke Lane). This requirement later waived as per Departments letter dated 5 December 2014
* The Gateway determination did not require a public hearing
* Maps to be compliant with the Department’s standard technical requirements for maps
* Amendment to be completed within 12 months from the week following the date of the Gateway determination.
* All conditions in the Gateway determination have been successfully complied with.
1. **COMMUNITY CONSULTATION**

The amendment was placed on public exhibition between 13 December 2014 and 10 February 2015. Advertisements were placed in the Central Western Daily at the commencement of the exhibition. All directly affected landowners and adjoining landowners were directly notified by post at the commencement of the exhibition period. All materials were available for inspection both on the Councils website and in hard copy at the Council administration building throughout the exhibition period.

Two public submission were received from landowners within the Shiralee area. The first was concerned at the potential loss of amenity and views over two neighbouring farm dams. The dams are to be redeveloped as part of the stormwater detention and management system and will also provide for community recreational needs. The submission also expressed concern at the intensification of lots at the southern end of the Shiralee area. This was contrasted with the original concept layout presented during the Shiralee DCP master plan project. That project was resolved in 2014 to satisfy the urban release area requirements of the standard LEP instrument. Having completed the DCP master planning exercise the current LEP amendment was prepared and exhibited to bring the two plans into alignment with matching lot sizes and layouts.

The second landowner submission asserted difficulty in achieving the lot yield that would be anticipated from a simple division of land area by minimum lot size. The submission was predicated upon an incorrect interpretation of a DCP clause concerning minimum lot width. Examination of the submission revealed that the full yield would be readily achievable when the minimum lot width provision of the DCP was properly interpreted.

There were no amendments to the planning proposal.

The planning proposal was not re-exhibited.

1. **VIEWS OF PUBLIC AUTHORITIES**

As per the Gateway determination the following agencies were consulted:

* + NSW Education and Communities
	+ Office of Environment and Heritage
	+ Roads and Maritime Services

RMS requested additional information which was supplied via the regional office of the Department of Planning and Environment. No other issues or concerns were raised by public authorities.

**5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS**

The plan is consistent with all s.117 Directions.

1. **PARLIAMENTARY COUNSEL OPINION**

Opinion was sought from Parliamentary Counsel on 3 September 2015

1. **OTHER RELEVANT MATTERS**
* No Federal or State members of parliament have expressed any interest in the planning proposal.
* council has not met with the Minister in relation to the planning proposal

**8.0 MAPPING**

Mapping changes relate to a single sheet which has previously been sent to the Department and Parliamentary Counsel. PC advise, provided with the opinion was that the map supplied is satisfactory.

**9.0 RECOMMENDATION**

The plan has been made under delegation and the Department are requested to arrange publication on the legislation website.