

Amendment 4 - South Orange "Shiralee" Urban Release Area Master Plan

Proposal Title : **Amendment 4 - South Orange "Shiralee" Urban Release Area Master Plan**

Proposal Summary : **The Planning proposal involves:**

- the rezoning of proposed public open space from zone R2 Low Density Residential to zone RE1 Public Recreation
- the rezoning of a proposed village centre and community facility from zone R2 Low Density Residential to B1 Neighbourhood Centre
- the rezoning some zone R2 Low Density Residential land to zone R1 General Residential to reflect the intended densities
- changes to the Minimum Lot Size Map to reflect the intended densities
- a change to the Land Reservation Acquisition Map to ensure that the proposed community centre site can be secured
- an amendment to Clause 4.1B to exclude the subject land from the provisions of that clause.

PP Number : **PP_2014_ORANG_002_00**

Dop File No : **14/15326**

Proposal Details

Date Planning
Proposal Received : **25-Sep-2014**

LGA covered : **Orange**

Region : **Western**

RPA : **Orange City Council**

State Electorate : **ORANGE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **South Orange, "Shiralee"**

Street :

Suburb :

City :

Postcode :

Land Parcel : **The subject land is bounded by the railway line to the north, Pinnacle Road to the west, Hawke Lane to the south and the Department of Primary Industries site and rifle range to the east**

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	300.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	1,765
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The planning proposal is a result of the Orange LEP (OLEP) Amendment 1 process that took place in 2013. Amendment 1 rezoned the subject land from zone RU1 Primary Production to zone R2 Low Density Residential and placed the land on the Urban Release Area Map pending the preparation of a Master Plan DCP for the site.**

The Master Plan has been prepared, exhibited and was adopted by Council on 2 September 2014.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of Objectives sets out:**

To ensure the LEP provides a consistent planning framework for the South Orange Shiralee Urban Release Area. The Release area has been 'master planned' as part of the Orange Development Control Plan process, in order to satisfy the requirements of Part 6 of the Orange Local Environmental Plan 2011.

To amend the Minimum Lot Size map to reflect the range of lot sizes identified in the South Orange Shiralee Structure Plan.

To amend the Land Zoning map to reflect the range of land use zones identified in the South Orange Shiralee Structure Plan.

To amend the Land Reservation Acquisition map to ensure land identified for public purposes in the South Orange Shiralee Structure Plan are reflected in the Orange Local Environmental Plan 2011.

To amend clause 4.1B Minimum lot sizes to omit dual occupancy, multi dwelling housing and residential flat buildings, for the South Orange "Shiralee" Urban Release Area.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Amendment of the OLEP 2011 Lot Size Map in accordance with the proposed Minimum Lot Size Map.**

Amendment of the OLEP 2011 Land Use Zone Map in accordance with the proposed Land Use Zone Map.

Amendment of the OLEP 2011 Land Reservation Acquisition Map in accordance with the proposed Land Reservation Acquisition Map.

**Amendment of Clause 4.1B by inserting the following subclause in the appropriate order:
"(3) This clause does not apply to land in the Shiralee Urban Release Area."**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate mapping is provided and will need to comply with technical guidelines for mapping at section 59 stage.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Community consultation is to be undertaken in accordance with the requirements of the gateway determination. The community consultation period of 28 days is required.

The community consultation as proposed by Council is acceptable.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2012**

Comments in relation to Principal LEP : The Orange Standard Instrument Local Environmental Plan 2011 was notified on 24 February 2012.

Assessment Criteria

Need for planning proposal : Subsequent to OLEP 2011 Amendment 1, Council has undertaken a master planning exercise for the South Orange Urban Release Area. As part of this exercise a Local Environmental Study has been undertaken to confirm the land capability and constraints.

The planning proposal is the best means of achieving the intended outcomes of rezoning the site to reflect the agreed Master Plan for the site.

The result of the planning proposal will provide greater flexibility and variety in housing options catering to a range of lifestyle preferences.

The proposal is:

- total proposed Master Plan area is 300ha
- public recreation, town centre and infrastructure anticipated to consume 30% of total area
- projected developable area of 210ha
- made up of a combination of large lots to terrace sized lots
- anticipated dwelling yield of 1,765
- average lot size of 1,190sqm
- a ratio of 8.4 dwellings per hectare on average
- an average of 2.5 people per household
- an average of 21 people per hectare
- an estimated population of 6,300 people
- however lot sizes vary between 200sqm and 4,000sqm. This could result in as many as 50

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Consistency with strategic planning framework :	dwelling per hectare or as few as 2.5 - schools, local shops and transport are located within 5km from the southern boundary which is the area of the Master Plan projected to be the most densely populated - Orange CBD is 7km away from the southern boundary The planning proposal is consistent with the objectives and actions contained within the Orange Sustainable Settlement Strategy. The strategy details the need to provide for an appropriate level of future residential development and staging. The planning proposal is consistent with the Orange Community Strategic Plan which was adopted by Council on 19 April 2012 and contains a series of Delivery and Operational Plans. Each of the Delivery and Operational plans are divided into four categories, being 'city', 'community', 'economy' and 'environment'. The environment sections are the most directly relevant to the planning proposal.
Environmental social economic impacts :	The information and assessment by Council found that there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. However, it should be noted that the land is currently used for a combination of intensive plant agriculture (former viticulture and orchards) and large lot residential and was rezoned from zone RU1 Primary Production to zone R2 - Low density residential under Orange LEP 2012 - Amendment 1. The issue of potential contamination was considered at that stage however detailed investigations are required with the Development Application for the development of the land. The area is rapidly gentrifying to a desirable large lot residential precinct due to its amenity and relative proximity to Orange. The planning proposal seeks to improve the range of diversity of housing opportunities available within the LGA. This is intended to improve both local social and local economic outcomes for the community.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Minister
Public Authority Consultation - 56(2) (d) :	Department of Education and Communities Office of Environment and Heritage Transport for NSW - Roads and Maritime Services		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The subject area is currently identified as an Urban Release Area.
The master planning for the site has identified existing and required infrastructure that can be provided within the normal means of section 64 and section 94 developer contribution plans.**

Documents

Document File Name	DocumentType Name	Is Public
Letter received from council dated 3 Sept 2014.pdf	Proposal Covering Letter	No
Planning Proposal.pdf	Proposal	No
6150_COM_LRA_008B_010_20140428.pdf	Map	No
6150_COM_LSZ_008A_010_20140827.pdf	Map	No
6150_COM_LSZ_008B_010_20140827.pdf	Map	No
6150_COM_LZN_008A_010_20140826.pdf	Map	No
6150_COM_LZN_008B_010_20140825.pdf	Map	No
Master Plan DCP.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection**

Additional Information : **The Planning Proposal should proceed with the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:
 - a) The planning proposal is not classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) and must be made publicly available for a minimum of 28 days;
 - b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
2. Consultation with NSW Education & Communities is required in respect to the proposed school site.
3. Agency consultation is required with Roads and Maritime Service and Office of Environment and Heritage.
4. Prior to exhibition, Council is to revise the minimum lot sizes along the southern boundary (Hawke Lane) to ensure compatibility and graduation with adjoining rural minimum lot sizes and land uses. Further consultation with the Department of Planning and Environment's Western Region office is required in regard to this matter.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Prior to submission of the planning proposal under section 59 of the EP&A Act the LEP Maps are to be compliant with the Department's standard technical requirements for maps;

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Supporting Reasons :

Proposed school site

The Draft Shiralee DCP does not elaborate on the potential school site that is identified on page 7 within the document. However, the post exhibition report prepared by Council does address concerns regarding the proposed school site which were raised during the exhibition period on page 107.

In the post exhibition report Council states that the decision, and the size, scale and location of a school site rests with NSW Education & Communities and the operators of non-government schools and that the nomination of a school site in the DCP is purely intended to show an appropriate location where such development could occur.

SEPP (infrastructure) identifies that that educational establishments are permissible in Zone R1 General Residential.

Council is to further consult with NSW Education and Communities to identify the best location for educational facilities.

Development potential

The proposed densities to the south of the proposed 'town centre' seem excessive and out of sequence, particularly given that Council did not support the adoption of candidate site 9 (which makes up the balance of the subject land south of the future southern link road) in Amendment 1 in 2012.

There is no further urban land release proposed or strategically endorsed south of candidate Area 9.

The proposed density south of the 'town centre' may be supported if use/s that would capitalise on a concentrated development pattern to encourage pedestrian accessibility were designated in the Master Plan, such as a school or other public amenity.

Further consultation with and justification from Council in relation to lot size mapping adjoining the southern boundary of the area is required where rural land is located

Amending clause 4.1B

Council is seeking to amend clause 4.1B to dual occupancies, multi dwelling housing and residential flat buildings to prevent it being used in the proposed Master Plan area. Council advise that multi dwelling housing and in particular dual occupancy development has been contentious in greenfield areas of Orange and Council endeavours to limit this occurring in this area as there is ample land available elsewhere in Orange.

Clause 4.1B is still seen to be appropriate in other areas of Orange where such master planning has not been undertaken. In those locations Council wishes to uphold the general principle of supporting housing diversity, however in the 'Shiralee' area Council has made considered effort how best to achieve a diverse mix of housing options while also giving residents a reasonable degree of certainty.

The Department recommends that Clause 4.1B be retained in general but supports Council in excluding the 'Shiralee' area in this case.

Buffer zones

Through out the Master Plan area there are appropriate buffers that bring cohesion and graduation to the site, except for the southern edge where zone R1 General Residential

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has minimum lot sizes of 200sqm, 400sqm and 700sqm adjoining zone RU1 Primary Production land with a minimum lot size of 100ha.

The Master Plan should have regard for buffering across the entire site, and in particular areas that abutt wetland areas and zone RU1 Primary Production land outside of the Master Plan area.

The Department recommends that the minimum lot sizes on the southern edge of the Master Plan area accommodate neighbouring natural resources and land uses, by gradually increasing densities from the edge of the Master Plan area, rather than 200sqm interfacing a 100ha Minimum lot size. Further consultation with Council is required in this regard.

Section 117 Directions

Direction 3.1 - Residential zones - This planning proposal is consistent with this Direction as it achieves diversity in housing choice and densities through a diverse mix of lot sizes, utilisation of the existing road network and identification of lands for open space and drainage purposes.

Direction 4.3 - Flood Prone Land - This planning proposal is consistent with this Direction as drainage corridors and detention basin locations that will be required to both manage stormwater runoff and avoid the risk of flooding has been identified. Such land is proposed to be zoned for open space purposes to reduce the risk of flooding.

Direction 4.4- Planning for Bushfire Protection- This planning proposal is consistent with this Direction as the area is located clear of bush fire prone lands. Land to the east of the site is identified as a hazard and this has been addressed in the design where the Master Plan provides for road reserves as a buffer with multiple egress points.

Direction 6.2 - Reserving land for public purposes - Council is proposing to create a zone RE1 - Public recreation for recreation and stormwater management with Council as the beneficiary. There is no objection to this and the Secretary (or delegate) can approve this with no further work required in relation to this matter.

SEPP 55 Remediation of Land

The Gateway Determination for Amendment 1 required that Council must ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 – Remediation of Land. Amendment 1 has been finalised and the subject land is now zone R2 - Low density residential.

Council's preliminary investigation of the area indicates that some past uses, notably orchards and vineyards in and around the site, may have involved the use of chemical spraying. Accordingly, prior to any subsequent development of these lands Council must require detailed site investigation for potential contamination. This can be further considered in detail at the development application stage.

Signature:



Printed Name:

Rebecca Kell

Date:

15.10.14

Endorsed

W Gansley

TL WR

15/10/14