

ITEM 26 - PLANNING PROPOSAL TO AMEND CABONNE LOCAL ENVIRONMENTAL PLAN 2012 - PROPOSED REZONING OF LAND AT SUMMER HILL ESTATE, 1099 OPHIR ROAD, SUMMER HILL CREEK BEING LOT 2 DP 794456

REPORT IN BRIEF

Reason For Report	To inform council of the planning proposal
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a. Assess and determine development applications, construction certificate applications and Onsite Sewerage Management Systems (OSMS) to meet agreed service levels
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\PLANNING\AMENDMENT 4 TO LEP 2012 - LOT 2 DP794456 NO 1099 OPHIR RD SUMMER HILL CREEK - 696013

RECOMMENDATION

THAT:

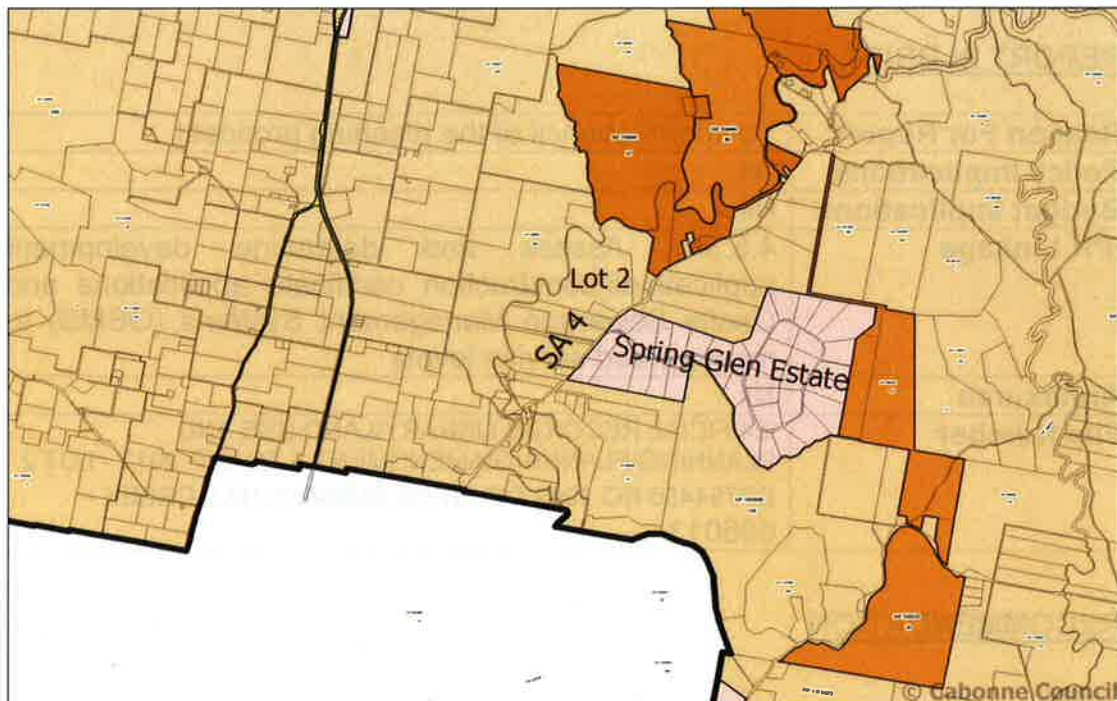
1. Receive and note the Planning Proposal for the rezoning of land identified as Lot 2 DP 794456 and located within the Strategy Area 4 (SA4 – Spring Glen) as described in the Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy July 2008.
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. A further report be presented to council following the public exhibition period to provide details of any submissions received during the exhibition process.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council has received a Planning Proposal from Geolyse, Orange on behalf of Mrs Gwenda Sandrin to amend Cabonne Local Environmental Plan 2012. The Planning Proposal relates to land located approximately 11km north of the city of Orange and described as Lot 2 DP 794456 being 1099 Ophir Road, Summer Hill Creek. A copy of the Planning Proposal will be provided to all councillors under separate cover.

The subject land is identified by the Blayney, Cabonne and Orange Council's Sub Regional Rural and Industrial Land Use Strategy as part of a future release area proposed for life style development. The area, identified in the sub regional strategy as Strategy Area 4 (SA4), is located to the immediate west of the existing Spring Glen large lot residential estate and south of the Mullion Range State Conservation Area. The land is bounded to the west by Summer Hill Creek and by Ophir Road to the east. The land subject to the proposed rezoning is the northern most allotment within the SA4 area. The

Planning Proposal, while focusing on the subject allotment, has developed a concept plan for the future development of the entire SA4 area to guide development and integrate individual land releases.



Location and existing zoning



Aerial view of SA4 subject area



SA4 area

The SA4 area consists of twelve (12) separate properties, being:

- Lot 2 DP 794456, having an area of 95.9ha, containing a dwelling, (being the subject land for the rezoning application),
- Lot 1 DP 794456, having an area of 5.6 ha, containing a dwelling,
- Lot 1 DP 83638, having an area of 10 ha, containing a dwelling
- Lot 21 DP 543429, having an area of 21.3ha and containing a dwelling, also Lot 25 DP 750372 having an area of 17.9ha, and Lot 21 DP 543420 having an area of 21.3ha,
- Lot 31 DP 546664, having an area of 27.5ha and containing a dwelling,
- Lot 32 DP 546664, having an area of 11ha and containing a dwelling,
- Lot 11 DP 1115673, having an area of 2.7ha and containing a dwelling,
- Lot 1 DP 703631, having an area of 8,000m² and containing a dwelling,
- Lot 12 DP 1115673, having an area of 13.2ha and containing a dwelling,
- Lot 66 DP 750372, having an area of 8.4ha containing a dwelling,
- Lot 69 DP 750372, having an area of 13.9ha containing a dwelling, and also Lot 97 DP 750372 of 5.3ha and Lot 1 DP 723794 of 3,515m²
- Lots 64, 82 and 89 in DP 750372 having areas of 8094m², 8094m² and 3.7ha. A dwelling located upon crown road reserve appears to also belong to this holding,

The proposal seeks to rezone a 95.9ha rural holding currently zoned RU1 Primary Production to RU5 Large Lot Residential (amending LEP map sheet LZN_004 and LZN_004D), and to amend the Cabonne LEP 2012 Lot Size Map (Sheet LSZ-004 and LSZ-004D) to permit a minimum lot size of 5ha.

It is proposed to create 14 large lot residential allotments ranging in area from 5ha to 10ha. The variation of allotment sizes reflects the constraints and opportunities of the site i.e. slope and vegetation cover. A centrally located access road off Ophir Road would be constructed to service the proposed subdivision. Building envelopes will be nominated for each lot to minimise

removal of vegetation, optimise on-site waste water disposal options and ensure adequate bushfire protection is provided. Water supply for residential purposes would be from rain water tanks supplemented by on-site farm storages and provision of several bores. Electricity and telephone connections are to be provided to the site by extension of existing infrastructure.

It is proposed to release the area in stages based upon demand. A conceptual development plan has been prepared as part of the Planning Proposal. Final lot layout may vary based upon final assessment and design criteria.

Preliminary investigation has been undertaken as part of the Planning Proposal to assess environmental impacts including water quality, flora and fauna assessment, groundwater, on-site effluent disposal, soil erosion, stormwater management, flooding and bushfire hazard, traffic and access, site contamination and heritage assessment including Aboriginal heritage. The support documentation indicates the land is capable of accommodating the proposed development. The SA4 area concept plan provides adequate interpretation of the development capacity of the entire precinct.

It is noted that the Spring Glen Estate (40 lots) have been fully developed since that area was subdivided over 15 years ago. The proposed rezoning will release an additional 13 development lots in the area (noting the existing dwelling located upon the property will be contained within a subdivided allotment).

The Planning Proposal to rezone land from RU1 Primary Production to RU5 Large Lot Residential is supported. It is considered that the relevant requirements under section 55 of the Environmental Planning and Assessment Act 1979 and the matters identified in the Department of Planning's 'A guide to preparing Planning Proposals' have been adequately addressed in the Planning Proposal.

It is recommended that council support the Planning Proposal and the matter by submission of the proposal to Gateway Determination.

ITEM - 24 CANOWINDRA PRESCHOOL CARPARK

MOTION (Durkin/Walker)

That Council:

1. Remove the existing layback and re-establish kerb and gutter to the northern side of the Canowindra Preschool Kindergarten carpark.
2. Construct a new layback on the southern side of the existing Canowindra Preschool Kindergarten Carpark.
3. Council provide a 50/50 funding assistance up to a maximum of \$5,000 and that the source of funding be obtained from Council Reserves.

15/10/23 Carried

ITEM - 25 KERB AND GUTTERING AT THE MANILDRA CATHOLIC SCHOOL

MOTION (Wilcox/Nash)

THAT Council allocate \$31,375 from capital reserves to upgrade the bus stop at St Joseph's School, Loftus Street, Manildra.

15/10/24 Carried

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MOTION (Culverson/MacSmith)

THAT:

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2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. A further report be presented to council following the public exhibition period to provide details of any submissions received during the exhibition process.

15/10/25 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion as follows:

For: Clrs Hayes, Dean, Nash, MacSmith, Gosper, Wilcox, Treavors, Walker, Culverson, Durkin and Davison.

Against: Nil

Clr MacSmith declared a perceived conflict of interest as a significant non-pecuniary interest in item 27 due to being related to Manildra Milling Directors and left the chambers at 6.26pm

**ITEM - 27 DA 2014/0092/2 MODIFICATION APPLICATION FOR
INDUSTRY (ANCILLARY DEVELOPMENT - BOILER - COAL OR
BIOMASS) FOR ADDITIONAL FUEL SOURCE ON LOT 1 DP
1085601, DEDERANG STREET & LOT 270 DP 821835 DEROWIE
STREET, MANILDRA**

MOTION (Hayes/Dean)

THAT Modification to Development Application 2014/0092/2 for Industry (Ancillary Development – Boiler – Coal or Biomass) on land described as Lot 1 DP 1085601, Dederang street & Lot 270 DP 821835 Derowie Street, Manildra, be granted consent subject to the conditions attached.

15/10/26 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clr MacSmith – declared interest) as follows:

For: Clrs Hayes, Dean, Nash, Gosper, Wilcox, Treavors, Walker, Culverson, Durkin and Davison.

Against: Nil

It was noted the time being 6.28pm Clr MacSmith returned to the meeting.

**ITEM - 28 DEVELOPMENT APPLICATION 2016/26 DWELLING LOT 200
DP 1147954 NANCARROW LANE, NASHDALE**

MOTION (Walker/Durkin)

THAT Development Application 2016/26 for a dwelling upon lot 200 DP 1147594 Nancarrow Lane, Nashdale, be granted consent subject to the conditions attached.

