

2. Carried

**ITEM - 21 REPORT ON SEALING ACCESS ROADS FOR RECREATION
GROUNDS**

Proceedings in Brief

The Director of Engineering & Technical Services advised that different recommendations were intended to those written. He added that there are other higher priority works and recommended those listed should be referred to next budget process.

RECOMMENDATION (Gosper/Culverson)

THAT the bitumen seals works at the recreational grounds be referred to the 2015/16 budget process.

3. Carried

It was noted the time being 2:27pm Council was addressed by K Berthelson as an objector to the planning proposal in the following item.

It was noted the time being 2:34pm Council was addressed by D Fenton as the developer in relation to the following item until 2:41pm.

**ITEM - 23 PLANNING PROPOSAL - 381 LOWER LEWIS PONDS ROAD,
CLIFTON GROVE**

RECOMMENDATION (Gosper/Davison)

THAT pursuant to section 59 of the Environmental Planning & Assessment Act 1979, Council forward the Planning Proposal to the Department of Planning and Infrastructure for the Minister to make a Local Environmental Plan to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential.

4. 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 Cllrs Durkin, Smith and Treavors – apology, Walker temporarily absent) as follows:

For: Cllrs Hayes, Dean, Nash, MacSmith, Gosper, Wilcox, Davison and Culverson.

Against: Nil.

**~~ITEM - 24 MODIFICATION OF DEVELOPMENT APPLICATION 2014/123 -
RETAIL PREMISES (MARKET) - 63 KIEWA STREET, MANILDRA~~**

ITEM 23 - PLANNING PROPOSAL - 381 LOWER LEWIS PONDS ROAD, CLIFTON GROVE**REPORT IN BRIEF**

Reason For Report	To obtain council approval to proceed with the process of amending Cabonne LEP 2012
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.1.1.a. Prepare comprehensive Development Control Plan (DCP)
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\LAND USE AND PLANNING\\ZONING\\REZONING APPLICATIONS - 598126

RECOMMENDATION

THAT pursuant to section 59 of the Environmental Planning & Assessment Act 1979, council forward the Planning Proposal to the Department of Planning and Infrastructure for the Minister to make a Local Environmental Plan to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council at its meeting of 19 August 2014 resolved to submit to the Department of Planning a Planning Proposal for rezoning of Lot 10 DP 243046 being 381 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential.

The proposal was forwarded to the department on 28 August 2014. A Gateway Determination was issued by the department on 16 September 2014.

In accordance with the Gateway Determination the Planning Proposal was placed upon public exhibition for a period of 28 days. During the exhibition period the Planning Proposal and all relevant documents were publically available at the council's Molong and Cudal offices, the Orange City Council library and through council's web site. Notification was made through public advertisement placed in the Central Western Daily newspaper. Written notification was provided to adjacent and nearby landowners.

The Gateway Determination required consultation with Rural Fire Service and Office of Water. Each authority has reviewed the Planning Proposal and have no objection to the rezoning proceeding.

By the close of the exhibition period two (2) submissions had been received. A third submission was received by council on 11 November 2014 after the final date for submissions had passed.

The submission issues are summarised as follows:

Submission	Comment
Submission 1 – concerned about safety of proposed driveways onto Lower Lewis Ponds Road, safety of children and possible distance to the nearest bus stop, area shown for on-site waste disposal may not be adequate.	Rezoning alters the LEP land use plan zone. Rezoning does not constitute subdivision or development consent. A detailed subdivision / development application would be submitted prior to consideration of any development of the land either within the current zone or the proposed zone. Site assessment informing the Sub Regional Strategy 2008, and the current Planning Proposal indicate that the subject land may be capable of accommodating additional development for the purpose of lifestyle allotments.
Submission 2 – opposed to variation of the shire wide RU5 zone min lot size of 2ha to 1ha, suggests every land landowner of RU5 land within Cabonne should have been notified of the proposal given the enormity of the ramifications, a public hearing is warranted, real estate advice in Orange is that RU5 land is not clearing – why do we need more, Lower Lewis Ponds Road is not suitable to accommodate additional vehicular driveways and the road is already a hazard, concerned that nutrients from imported topsoil and manure will enter the waterways and pollute Summer Hill Creek.	The rezoning applies to one allotment of land only. It does not apply across the council area. The proposal is to rezone an allotment from RU1 Primary Production to R5 Large Lot Residential. The RU5 zone is a village zone and does not apply to the proposal. Neighbourhood notification was correct. Public notification was also carried out. A Public Hearing is not required by the Department of Planning or via the planning legislation. The R5 min lot size maps for the Cabonne area incorporates a range of lot sizes for different areas within the shire reflecting land use history and topography. The minimum lots size provisions across the R5 area vary from 4,000m² through 1ha, to 2 ha, 5 ha and 10 ha standards. The proposal seeks to introduce an averaging standard – resulting in the SA3 subject precinct satisfying a 2ha lot size average – some lots will be greater than 2ha with others less than 2ha but not less than 1ha. This approach addresses land capability / topography. The proposal in is accordance with the endorsed sub regional strategy. The adjacent Weemilah Estate allotments have reached 100% occupancy and no allotments are

	vacant. Detailed assessment of any subdivision proposal subsequent to land rezoning would require assessment. Indications are that the site is capable of accommodating growth and that design and engineering solutions can be applied to provide safe vehicular access and road use. Cabonne council policy requires notification of all subdivision applications. Should the rezoning proceed and the land be later subject to a development proposal, adjacent neighbours will have further opportunity for input into the planning process. Assessment of on-site waste disposal, soil erosion, stormwater run off, building set backs etc would be key considerations.
Submission 3 – rezoning would be detrimental to land values especially if 1ha lots are permitted. Subdivision will adversely impact upon privacy of existing land owners. Precedent of the rezoning will result in others seeking rezoning in the area and changing the demographics of the area. Development will not compliment the existing development character of the area. Road is not suitable to accommodate additional traffic.	Rezoning is unlikely to affect land value of adjacent land. Rezoning does not confer subdivision approval. Merit based assessment of subdivision and development applications would assess visual impacts. The proposal is in accordance with the sub regional strategy. The strategy identifies and prioritises release areas. Should the rezoning be supported and a subsequent subdivision or development application submitted, detailed assessment of traffic and access requirements will be carried out. Initial information suggests adequate engineering and design solutions are available to achieve a level of development that complies with road and access requirements.

The three submissions generally relate to development issues that would be the subject to detailed assessment at subdivision stage and not exclusive to the rezoning phase ie traffic and access issues. Council's Development Engineer has reviewed the Planning Proposal and the concept plan, and has indicated that engineering and design solutions could adequately address the development considerations to ensure road and pedestrian safety.

The rezoning of the subject land is in accordance with the strategic planning reflected in the 2008 Sub Regional Rural and Industrial Strategy and the background material informing the Cabonne LEP 2012. It is suggested that council proceed with the rezoning proposal.