

Cabonne LEP 2012 – Rezoning of 381 Lower Lewis Ponds Road Clifton Grove, Orange from RU1 to R5

Proposal Title :	Cabonne LEP 2012 – Rezoning of 381 Lower Lewis Ponds Road Clifton Grove, Orange from RU1 to R5		
Proposal Summary :	To amend the Cabonne Local Environmental Plan 2012 to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large lot Residential.		
PP Number :	PP_2014_CABON_002_00	Dop File No :	14/15196-1

Proposal Details

Date Planning Proposal Received :	03-Sep-2014	LGA covered :	Cabonne
Region :	Western	RPA :	Cabonne Shire Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Lower Lewis Ponds Road		
Suburb :	Clifton Grove	City :	Orange
Land Parcel :	Lot 10 DP 243046	Postcode :	2800

DoP Planning Officer Contact Details

Contact Name :	Jenna McNabb
Contact Number :	0268412180
Contact Email :	jenna.mcnabb@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Heather Nicholls
Contact Number :	0263923247
Contact Email :	heather.nicholls@cabonne.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Land Release Data

Growth Centre :	Other	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes

Cabonne LEP 2012 – Rezoning of 381 Lower Lewis Ponds Road Clifton Grove, Orange from RU1 to R5

MDP Number :		Date of Release :	
Area of Release (Ha) :	24.45	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	11
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Planning Proposal seeks to amend the Cabonne Local Environmental Plan 2012 to rezone Lot 10 DP 243046, Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large lot Residential.

The intent of the Planning Proposal is to rezone the subject site to enable a large lot residential subdivision which corresponds with the zoning of adjoining lands as zone R5 – Large Lot Residential.

The current property has a total area of approximately 24.45 hectares. A Crown Road Reserve 20.115m in width dissects the site. An existing dwelling is situated in the northern end of the site as well as a small set of stock yards are located adjacent to Lower Lewis Ponds Road. A farm shed is situated near the existing homestead, whilst the remaining area has been use for grazing. The land has been mostly cleared due to previous agricultural practices with small stands of native timber and regrowth occurring along the higher areas. There is no reticulated water, sewer or formal drainage system available to the site. Power and telephone services are available in the locality and the further extension of these services will be to the requirement of the relevant supply authority.

The proposal requires the rezoning of Lot 10 DP 243046 from zone RU1 Primary Production to zone R5 Large Lot Residential in the Cabonne Local Environment Plan 2012, the amendment of zoning map LZN_004 to reflect zone R5 Large Lot Residential, and also the Lot Size Map LSZ_004 to amend the minimum lot size to 1.0 hectare.

The request is the result of the “Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008”. One objective of the Strategy was to provide a range of residential opportunities within the Sub-Regional which are compatible with the natural environment, settlement patterns, community aspirations, and economics pursuits of people living and working in the Sub -Region. A number of new ‘lifestyle areas’ were identified within the Sub-Region. The subject land was identified as Strategy Area 3 (SA3) – Weemilah. The Planning Proposal is consistent with the “Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008” as a result can be determined under delegation by the General Manager, Western Region.

Council has requested delegations to complete the Planning Proposal, this is considered appropriate.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The intent of the Planning Proposal is to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large Lot Residential to enable a large lot residential subdivision. The Planning Proposal also seeks to provide a Minimum Lot Size (mls) for the subject land of 1.0 hectare. The approved land use strategy suggested a mls of 2.0 hectares. In this case a mls of 1.0 hectare has been justified by the proponent and accepted by Council to provide a variety of living opportunities based on site constraints. Based on the information provided the mls of 1.0 hectare is supported.**

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

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

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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 (Rural Lands) 2008

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

1.2 Rural Zones – The Planning Proposal is inconsistent with this direction as the proposal rezones land from a rural zone to a residential zone. The inconsistency is justified by a strategy (Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008) which has been approved by the Department on 30 June 2011.

1.5 Rural Lands – The Planning Proposal affects land within an existing rural zone as well as changes the existing minimum lot size on land within a rural zone. The inconsistency is justified by a strategy, Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008 which has been approved by the Department on 30 June 2011.

3.1 Residential Zones – The Planning Proposal proposes a new residential zone to provide a variety of residential opportunities. This is consistent with the Blayney, Cabonne and Orange Sub-regional Rural and Industrial Land Use Strategy July 2008 which has been approved by the Department on 30 June 2011.

3.4 Integrating Land Use and Transport is relevant - the proposal is inconsistent with the objectives of the direction. The existing and planned road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal. School bus routes operate in the vicinity of the subject land however there are no current passenger services. The distance of the site from the CBD does not warrant the provision of pedestrian and cycling pathways.

Cabonne LEP 2012 – Rezoning of 381 Lower Lewis Ponds Road Clifton Grove, Orange from RU1 to R5

4.4 Planning for Bushfire Protection is relevant – part of the northern portion of the subject of land is impacted by mapped bushfire prone areas and associated 100m buffer areas. A full assessment would be undertaken at the DA stage where consultation with RFS will be required. Consultation with NSW RFS is to be undertaken with this planning proposal.

State Environmental Planning Policy (Rural Lands) 2008 – The loss of agricultural land is justified by the approved Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008. All other relevant SEPP's will be further examined during the DA stage and will not prevent rezoning of the subject land.

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 : **Locality mapping is adequate for exhibition purposes. Mapping will need to comply with the Departments 'Standard Technical Requirements for LEP Maps November 2012 version 2.0' with Council's section 59 submission.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **As part of the preparation of the "Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008" an extensive consultation process was undertaken.**

**The Planning Proposal will be subject to public exhibition for 28 days and agency consultation as part of the Gateway process.
The proposed community consultation 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 : **January 2013**

Comments in relation to Principal LEP : **Cabonne Local Environment Plan 2012 was notified 18/01/2013**

Assessment Criteria

Need for planning proposal : **To enable the land to be developed for large lot residential a Planning Proposal is required to amend the zoning of the land. The proposal is consistent with the zoning of adjoining lands as zone R5 – Large Lot Residential and consistent with "Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008".**

Cabonne LEP 2012 – Rezoning of 381 Lower Lewis Ponds Road Clifton Grove, Orange from RU1 to R5

Consistency with strategic planning framework :

The rezoning request is the result of the “Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008” endorsed 30 June 2011. One objective of the Strategy was to provide a range of residential opportunities within the Sub-Regional which are compatible with the natural environment, settlement patterns, community aspirations, and economics pursuits of people living and working in the sub region. A number of new ‘lifestyle areas’ were identified within the Sub-Region. The subject land was identified as Strategy Area 3 (SA3) – Weemilah.

Environmental social economic impacts :

A preliminary flora and fauna assessment has been undertaken. The assessment concluded that ‘no impact from the proposal rezoning is expected on threatened flora and fauna which may occur in the locality’. Environmental impacts will be further considered in detail at DA stage.

The social and economic benefits of the Planning Proposal are considered to be positive.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Essential Energy Office of Environment and Heritage**

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 :

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 :

Documents

Document File Name	DocumentType Name	Is Public
PROJECT TIMELINE Veenstra SA3 PP.docx	Proposal	No
Planning Proposal_Mr P Veenstra Final.pdf	Proposal	No
Cabonne Shire Council - Request for Gateway Determination and Attachment 4.pdf	Proposal	No
Cabonne Shire Council - Ordinary Meeting Report and Minutes - 19 August 2014.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.4 Planning for Bushfire Protection

Additional Information : **That Gateway determines and supports the Planning Proposal, subject to the following conditions:**

- 1. Proceed and finalise the Planning Proposal within 12 months of the Gateway Determination date.**
- 2. Community and agency consultation to occur for a minimum of 28 days.**
- 3. Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:**
 - Land Zoning Map (LZN_004); and**
 - Lot Size Map (LSZ_004)**
- 4. Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.**
- 5. Consult with NSW Department of Planning and Environment - Office of Environment and Heritage, Essential Energy and NSW Rural Fire Service.**
- 6. Authorise Cabonne Shire Council to utilise delegations to finalise the Planning Proposal.**

Supporting Reasons : **The rezoning request is consistent with the approved "Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008". A number of new 'lifestyle areas' were identified within the Sub-Region. The subject land was identified as Strategy Area 3 (SA3) – Weemilah. The proposed rezoning of the subject site will correspond with the zoning of adjoining lands as R5 – Large Lot Residential .The rezoning is supported on this basis.**

The General Manager of the Western Region can use the Ministers delegation in this case as the proposal is consistent with the endorsed Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy July 2008.

Signature:



Printed Name:

Jenna McNabb

Date:

16/9/14

Endorsed
W Gamsen 16/9/14
ATL