



D16/13609

4 April 2016

Mr Ashley Albury
Western Region
Department of Planning and Environment
PO Box 58
DUBBO NSW 2830

Dear Mr Albury

**DRAFT AMENDMENT 13 TO ORANGE LOCAL ENVIRONMENTAL PLAN 2011
"CLERGATE HILLS"**

Council writes to request a Gateway Determination for the enclosed Planning Proposal. The proposal is intended to become Amendment 13 to Orange Local Environmental Plan 2011. As seen on the attached documentation, the subject land comprises approximately 291.1 hectares and is bounded to the north by Pearce Lane (which is also the Orange Local Government Area boundary), to the west by the railway line, to the east by land fronting Ophir Road, and to the south by Charles Sturt University and the northern end of Leeds Parade.

The Planning Proposal arises as a consequence of the Blayney Cabonne Orange Rural and Industrial Lands Sub-Regional Strategy and the current owner's unsuccessful attempts to find a suitable industrial anchor over the past few years. The strategy identified the land for a combination of industrial and rural residential development, potentially creating a considerable zone interface conflict.

In view of the above, the proponent is seeking to have the entire site zoned for lifestyle blocks, predominantly 1 acre in size with some larger lots on the steeper terrain. It has been argued that any industrial development of the current IN1 lands would effectively sterilise the remaining land identified in the strategy as suited to residential development.

Portions of the IN1 lands harbor endangered ecological communities that would limit the industrial potential of the site and may be better protected under the planning proposal. The anticipated yield is 450 residential lots.

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Council considered the planning proposal at its meeting of 1 March 2016 and resolved:

That Council note the planning proposal and:

- 1 Submit the planning proposal to the Department of Planning and Environment seeking a Gateway Determination to proceed and requesting delegation to make the plan at the end of the process.*
- 2 Require minor changes to the concept layout as may be required by a Gateway Determination and any requirement of Transgrid.*
- 3 Require redesign of the south east corner of the proposal to remove house lots from the identified drainage paths and ensure that lots affected by identified Endangered Ecological Community (EEC) lands are sized and positioned to allow building envelopes clear of the EEC constraints.*
- 4 Undertake any additional works or studies as may be required by a Gateway Determination, at the proponents cost.*
- 5 Place the draft Planning Proposal, incorporating the above requirements, on public exhibition for 28 days.*

With regard to items 2 and 3, I confirm that the conceptual layout has been updated to Council's satisfaction with the single exception of one indicative lot on the following extract that will be removed prior to exhibition due to a conflict with an overland flowpath.



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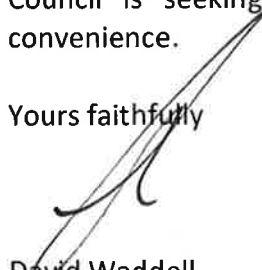
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In summary the enclosed Planning Proposal involves:

- Rezoning of Lots 14, 15 and 25 DP 6694 as well as Lots 2 and 3 DP 255983 from IN1 General Industrial and RU1 Primary Production to a mix of R5 Large Lot Residential, E4 Environmental Living and RE1 Public Recreation.
- Changes to the Minimum Lot Size Map to reflect the intended subdivision pattern, being predominantly 4,000m² lots with a small proportion of 8,000m² lots on the steeper terrain.

Council is seeking delegation to make the plan and awaits the Gateway's earliest convenience.

Yours faithfully



David Waddell

DIRECTOR DEVELOPMENT SERVICES

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