

Orange LEP 2011 Amendment 13 Clergate Hills

Proposal Title : **Orange LEP 2011 Amendment 13 Clergate Hills**

Proposal Summary : **Rezoning of 290 ha of rural land at Clergate, North Orange for large lot residential purposes (proposed 450 lots at minimum lot size 4000m²; small area of steep terrain at 8000m²).**

Please refer to Orange LEP 2011 LZN_006 and LZN_007C for context.

The site is zoned a combination of RU1 Primary Production (256ha) and IN1 General Industrial (34ha). The Main Western Railway line bounds the site to the west and is zoned SP2 Infrastructure (Rail Infrastructure Facility).

The site is situated approximately 5km north of Orange CBD; and is bounded by the Cabonne-Orange LGA boundary (Pearce Lane) in the north, Clergate Road to the west and the northern end of the arterial distributor road Leeds Parade in the south east. Charles Sturt University is to the east of the site and zoned SP2. The CSU site is largely 'greenfield' with teaching and accommodation infrastructure off the Leeds Parade entrance. The majority of the CSU site is also a long term residential strategic option as identified in the Blayney Cabonne Orange Rural and Industrial Lands Strategy (BCO).

The former Orange Abattoirs is located within the site off Clergate Road on the south western boundary, zoned IN1. A disused wool scour facility is adjacent to the site (west) but not part of the rezoning. However, the evaporation ponds and effluent disposal area of the wool scour plant are on the subject land. Both abattoirs and wool scour plants are now defined as 'livestock processing industries'. R1-zoned land and residential development is approximately 1km to the south. There is (light) industrial development located on IN1 zoned land to the west of the Main Western Railway line and further south along Clergate Road.

The strategic area known as 'SAB' has been identified since 2008 for future industrial purposes by the BCO. This area straddles the railway line and Clergate Road and is a logical extension of the existing IN1 zone to the south. Clergate Road has ready access to Leeds Parade and the Northern Distributor Road, and other industrial areas such as 'Narrambla'. There has been a recent increase in development in this locality.

The general locality supports a combination of small lot agricultural holdings and lifestyle development on RU1 zoned land. There is a history of intensive horticulture in the form of orchards and livestock grazing enterprises, although some is also used for rural lifestyle purposes.

The planning proposal has the following supporting documents:

- The Planning Proposal including mapping
- Masterplanning documents and maps
- Local Environmental Study
- A 'Land Analysis' being a strategic review of the Blayney Cabonne Orange Rural and Industrial Lands Strategy (BCO Strategy) and other strategic growth documents concerning Orange. Demand and supply analysis for rural residential and 'employment' land.
- Bushfire Assessment
- Traffic impact assessment
- Preliminary Servicing Strategy
- 'Stage 1 Preliminary Site Investigation' for land contamination
- Preliminary Biodiversity Assessment
- Archaeological Assessment
- Advice from real estate agents

PP Number : **PP_2016_ORANG_002_00**

Dop File No :

16/05771-1

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Proposal Details

Date Planning Proposal Received :	18-Apr-2016	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 :	Clergate Road		
Suburb :	Orange	City :	Orange
Land Parcel :			Postcode : 2800
Street :	Clergate Road		
Suburb :		City :	Postcode :
Land Parcel :	Lot 3 DP255985 North of Abattoirs, zoned RU1 contains vegetation		
Street :	Clergate Road		
Suburb :		City :	Postcode :
Land Parcel :	Lot 2 DP255983 zoned RU1 adjoins Cabonne LGA boundary and Pearce Road		
Street :	Clergate Road		
Suburb :		City :	Postcode :
Land Parcel :	Lot 14 and 25 DP6694 zoned RU1 adjoins Cabonne LGA Boundary and Pearce Road		
Street :	Clergate Road		
Suburb :		City :	Postcode :
Land Parcel :	Lots 15 DP6694 Former Abattoir site, zoned IN1		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	290.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	450
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? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :
 Lot 15 DP6694 Former Abattoir site, zoned IN1
 Lot 3 DP255985 North of Abattoirs, zoned RU1 contains vegetation
 Lot 2 DP255983 zoned RU1 adjoins Cabonne LGA boundary and Pearce Road
 Lots 14 and 25 DP6694 zoned RU1 adjoins Cabonne LGA Boundary and Pearce Road

Lot 15 was used for abattoirs (livestock processing industry), which have not been used for over 10 years. The buildings and infrastructure remain onsite, including evaporation and settling ponds. The adjoining wool scour plant were used in conjunction with the abattoirs and there are evaporation ponds on the subject site that may have been used by the wool scours as well. Soil and water contamination is a potential issue that will need to be comprehensively addressed.

The Department has concerns over the inconsistency of the planning proposal with the BCO Strategy and the implications of reverting potential industrial land to residential uses. These concerns need to be resolved and contingencies put in place to manage any unforeseen issues that may arise as a result of the the proposal proceeding to a Gateway determination.

A review of the proposal and amendment to either nominate a smaller area (eg only the SA2 residential designation) or wait until the review of the BCO is satisfactorily completed are options. Land contamination and the existence of an Endangered Ecological Community near the abattoirs on the SAB strategic area may help weight the argument away from it's rezoning in the interim.

The preferred option to progress this matter is to seek an amended proposal by omitting the industrial land component.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : The objective of the proposal is stated as to 'enable the rezoning of the subject site from RU1 - Primary Production and IN1 - General Industrial to R5 - Large Lot Residential and E4- Environmental Living to enable the further subdivision of the site.

In the project overview, it is mentioned that 'the planning proposal seeks to rezone the eastern and central western portion of the site as E4 - Environmental Living, sections along the creek lines as RE1 Public Recreation, with the remainder to be zoned R5 - Large Lot Residential'.

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

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

Comment : The explanation indicates that the Map sheets LZN_006 and LZN_007C will be amended to rezone the RU1 and IN1 land to zones R5, E4 and RE1.

The LEP map sheets LSZ_006 and LSZ_007C will need to be amended to reduce the 100ha MLS to 4000m2 and 8000m2. The 8000m2 lots are located over a steep section of land with a southerly aspect.

The LEP amendment relies upon the objectives of the R5 and E4 zones land use tables. These are as follows:

The E4 zone:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for housing and complementary uses in an area with a predominantly natural setting.

The R5 residential zone has the following objectives:

- 'To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for student housing in close proximity to the Charles Sturt University.
- To ensure development is ordered in such a way as to maximise public transport patronage, and encourage walking and cycling, in close proximity to settlement.
- To ensure development along the Southern Link Road has an alternative access'.

Comment: it will be difficult to differentiate between the two zones where the lot layout provided by the consultant shows a 'standard' subdivision pattern across the entire site (450 x 4000m2 lots), with the exception of slightly larger lots on a steeper land. The consultants have not developed the concept of the E4 zone in the proposed layout or in the amendment of the zoning maps. This is to be addressed prior to community consultation.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

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

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

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

SEPP No 44 - Koala Habitat Protection

The SEPP applies to the LGA of Orange, however the Council and consultant advises that the ecological assessment of the site did not identify any trees that are known koala food sources or habitat.

SEPP No 55 - Remediation of Land

The Environmental Assessment provided includes a contamination report that identifies a history of various uses including fuel storage, evaporation ponds, irrigation of effluent and farming including intensive agriculture, septic tank use, asbestos etc.

The contamination report provided concludes that there are two sites of particular interest: the former wool scour plant settlement ponds and a flammable goods shed used as part of the disused abattoirs on the subject site. The flammable goods shed is located on the land zoned IN1 and the effluent irrigation area is on land zoned RU1 to the north west of the former abattoirs. There are other sites and groundwater bores that show contaminants at unsatisfactory levels. Restricting access to groundwater is an issue that will need to be addressed by the Office of Environment and Heritage and DPI - Water.

The consultant's report suggests that further assessment is not required as SEPP 55 carries the general provision for all development proposals which require development consent, at which point assessment and/or remediation of specified items (septic tanks, chemical stores, effluent irrigation, asbestos building materials, groundwater impacts from zinc and nitrates, stormwater flow from other sites). The consultant's report also suggests that 'developments permitted under the rural residential zoning without development consent do not include uses considered likely to increase the risk of harm to health or the environment from contamination'.

While contamination is an issue Council have agreed that adequate information has been provided to allow the proposal to proceed to Gateway determination at this time. Further detailed investigations and remediation can be considered at the development application stage.

SEPP (Rural Lands) 2008 (SEPP RL) - The BCO strategically identified the subject land as suitable for both future industrial and residential uses. The proposed development as proposed in the subdivision layout will constrain the range and extent of primary production possible adjoining the site. It is recommended that a reduction in the number of lots on the SA2 land takes place to allow for the incorporation of buffers. The Council agreed with the consultant's report that suggests the proposal is consistent with the SEPP RL on the basis that '62% of the site is identified through the BCO as strategically suitable for rural residential land use and "therefore the loss of primary production land is considered generally acceptable".

The consultant also points out the the land is not identified as including 'strategic agricultural land' and is "mapped Class 4". The consultant states that the BCO future residential designation "is a reflection of the changing nature of agriculture and development trends and requirements in the area". This view needs to be tested during public and agency consultation, particularly for those who have invested in intensive agricultural operations nearby (horticulture/orchards).

The BCO identifies the Strategy Area 'SA2' as a long term residential option and 'SAB' for industry. The Council agrees that the consultant has demonstrated that a large part of the site is broadly capable of supporting development. However, it may not be conclusive that it is appropriate to convert all or some of the land to residential uses at this stage. Issues to consider are land suitability and capability (contamination and biodiversity values), demand and supply, strategic industrial land requirements and also, management of the rural-urban edge.

Potential conflict with surrounding development is an issue that will require management as part of the planning process. Buffers would logically need to be incorporated inside the site boundary and further details provided prior to community consultation.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

The main strategic inconsistencies concern the fact that part of the site (76.3ha) is identified in the Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008 (BCO) as future Industrial in North Orange (SAB). A large part of the site (186ha) is identified as future residential. The conversion of 76ha of well located, serviced and accessible land in an existing industrial area to residential uses is regarded as a major departure from the agreed strategic framework that requires further consideration.

NOTE: The Department has requested that Orange City Council prepare an amendment to the BCO Strategy regarding the mooted transfer of land at 'Clergate Hills' to the Orange Airport (PP_2015_ORANG_001) after consultation with and agreement of, Blayney Shire and Cabonne Councils.

Section 117 Directions

Direction 1.1 Business and Industrial Zones:

This Direction is applicable, and the proposal is inconsistent as it seeks to remove an industrial zone, which is wholly inconsistent with the objectives of the Direction and the BCO. The Council and consultant argues that the site is 'poorly suited for provision of employment uses and is better suited for rural residential living'. The Council and consultant maintains that 'partial inconsistency with the Direction is considered acceptable' due to the study prepared in support of the planning proposal.

It is also suggested that 'despite aggressive marketing, a suitable use for the site that is commensurate with the location and proximity to the University and general residential land to the south-west, there are no suitable options produced'. These include rural processing industries such as dairy, oil seeds, biofuels, animal processing, storage and warehousing, brewing and distillery, transport logistics etc

However, these uses are all considered to be viable options, particularly as the central west region transitions to an agricultural processing economy moving forward as predicted. It can be anticipated that the site is well suited to provide for a large stand-alone industry close to Orange with rail and road transport connections.

There needs to be caution applied through a timely and comprehensive review of industrial land requirements across the BCO councils. The subject land may be critical to future employment land needs. The inconsistency with this Direction has not been justified and further work is required.

Directions 1.2 Rural Lands and 1.5 Rural Zones:

The PP rezones land from RU1 zone to residential and environmental living zones.

Council suggests that inconsistency is justified by the recommendations of the review of the BCO. As with Direction 1.1, the Council and consultant maintains that the study prepared in support of the proposal is adequate justification for inconsistency. The Acting Executive Director, Regions can be satisfied that the proposal is consistent with the BCO SA2 area for residential development but inconsistent with the BCO for the existing industrial land and 'SAB' area for industrial development.

Direction 1.3 - Mining, Petroleum and Extractive Industries:

The Acting Executive Director, Regions can be satisfied that the proposal is consistent with this Direction as there is no known resources.

Direction 2.3 Heritage Conservation:

The consultant's report notes that there are no items of heritage significance on the site as there are no listings in the Orange LEP 2011 or State Heritage Register. It is noted however that items of aboriginal heritage significance were found on site, and 'further investigations would be required to ensure that the artifacts and sites known to exist can either be avoided (preferred) or impacted (subject to gaining an Aboriginal Heritage Impact Permit). Consultation with the Office of Environment and Heritage will be reflected in the Gateway conditions. The Acting Executive Director, Regions can be satisfied that the proposal does not change any heritage provisions and such heritage matters identified can be addressed through consultation and at the detailed development application stage.

Direction 3.1 - Residential Zones:

As required, the planning proposal contains a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to Council). The land is already provided with services and the entirety of the site can be serviced with water and sewer. The Acting Executive Director, Regions can be satisfied that the proposal is consistent with this Direction in respect to the BCO SA2 area.

Direction 3.4 Integrating Land Use and Transport applies to the planning proposal. The Acting Executive Director, Regions can be satisfied that the planning proposal is consistent with this Direction due to the ability to readily service and access the site.

Direction 4.4 - Planning for Bushfire Protection:

The Council and consultant's report states that part of the site is bushfire prone. Mapping indicates that a small portion of the site on Pearce Lane is bushfire prone - predominantly on the land identified in 'SAB' for industrial uses. This is considered to be manageable through urban design and consultation with the NSW RFS prior to community consultation. Should the industrial area SAB be removed the proposal is consistent with this Direction.

Direction 6.1 Approval and Referral Requirements:

The planning proposal does not create any referral, concurrence or consultation requirements and has not nominated any new forms of designated development, therefore the Acting Executive Director, Regions can be satisfied that the proposal is consistent with this Direction and no further work is required.

Note on Strategic Framework:

Council prepared an Addendum to the Blayney Cabonne Orange Sub-Regional Rural and Industrial Lands Strategy (BCO). This is provided with the planning proposal by the proponent and was also provided in support of the 'Airport' planning proposal currently post-Gateway (PP_2015_ORANG_001). It is noted that this addendum is the subject of current discussions and has not yet been resolved.

Following a Gateway Determination PP_2015_ORANG_001 dated 18/12/15 Orange City Council is now in the process of preparing a comprehensive review of the BCO to justify the rezoning of rural land near the Orange Airport for business and industrial uses. This review will require the incorporation and agreement of the views of Blayney Shire and

Cabonne Councils. Part of this proposal is based on the 'transfer' of industrial land from 'Clergate Hills' to the Airport, leaving the way clear to rezone strategic industrial land to other uses, such as large lot residential as proposed.

It will be suggested to Council that a holistic review of the BCO is prepared to incorporate both planning proposals (Clergate Hills and the Airport) and the positions of the three Councils. This approach allows for amendment of the planning proposal before finalisation if it is found after consultation with agencies and Blayney Shire and Cabonne Councils that the amount of land is excessive or inappropriate in the circumstances.

It is argued by Council and the consultant that the land in 'Clergate Hills' is potentially better suited to a residential zoning and the remaining industrial land in the vicinity is close to being committed or remains in a holding that requires substantial investment to prepare for industrial development (the former abattoir site).

The 'Land Analysis' provided with the proposal assesses the supply and demand of rural residential land within the Blayney, Orange and Cabonne sub-region and the impact of development on the subject land. The other consideration is the implications of the loss of the current and future employment land.

In relation to Demand and Supply, the consultant has demonstrated a potential shortfall of 119 'large lot' residential lots in Orange. This is notwithstanding recent releases in South Orange and continued development of full residential development in North Orange.

It is noted by the proponent that the 'industrial zoning of the former abattoir site reflects in use for this purpose since the early 1900's. The site has remained relatively isolated from other industrial land by virtue of the Main Western Railway to the west and the university land to the south. Industrial land to the south (adjacent to the Northern Distributor) has been recently approved for a large format hardware and building supplies store; a land use permissible in the industrial zone...'

However, there has been some light industrial development activity in the locality in recent years, capitalising on proximity to the Northern Distributor Road.

SA2 (Strategic Area 2) is identified in the BCO as a future residential precinct that is made up of land owned predominantly by Charles Sturt University (CSU). The SA2 is north of Leeds Parade and adjoins 'Clifton Grove' residential estate. It is noted in the BCO that the entire extent of the SA2 is "not necessarily suitable for future lifestyle development". The eastern part of SA2 along Ophir Road would be appropriate for consideration for future lifestyle development, and would not impact on long term university operations. Advantages of SA2 are its proximity to the Orange CBD (5km). The land is also relatively free of constraints and is not within the Orange drinking water catchment. As noted, a strategic review in the context of the BCO should undertaken.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **See comments below**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Mapping is regarded as adequate at this stage; however the proposed land use zoning map shows approximately half the subject site as 'E4 Environmental Living' and Zone RE1 Public Recreation.**

The draft Lot Size Map shows the majority of the site as 4000m2 with a small portion to

the north east (approx 20ha) at 8000m2, due to the steep terrain.

The E4 Environmental Living zone permits fewer land uses than the R5 zone, but is very similar in intent. Both zones permit Dwelling houses, Bed and breakfast accommodation, Animal boarding and training establishments, Environmental facilities, Home businesses, Home industries, Information and education facilities, Recreation areas, Recreation facilities (outdoor), Roads, Veterinary hospitals and Water supply systems.

The R5 zone permits in addition to the landuses in the E4 zone: Boarding houses, Building identification signs, Business identification signs, Child care centres, Crematoria, Exhibition homes, Kiosks, Neighbourhood shops, Places of public worship, Recreation facilities (indoor) and Respite day care centres.

The E4 zone permits Sewerage systems and Electricity generating works, which are not permissible in the R5 zone.

Land use zone allocation is not yet resolved and further justification is required.

Council anticipates an exhibition period of 28 days. Council's proposed community consultation is adequate.

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 : The proposal is adequate, however, as outlined throughout, there is more work to justify a change from Industrial to Residential strategic land use designation.

The proposal is adequate to proceed to Gateway determination.

Proposal Assessment

Principal LEP:

Due Date : **February 2012**

Comments in relation to Principal LEP : **Orange LEP 2011 was notified on 24 February 2012.**
Principal LEP has had approximately 12 amendments to date, three pending notification.

There was an amendment to the LEP concerning the Orange Airport in 2014 (Amendment 1), which resulted in an increase in the SP2 zone around the Airport to allow for the planned extension to the runway (now partly completed).

The Airport proposal was granted a conditional Gateway determination on 18/12/15 requiring investigation into the rezoning of rural land at the airport for industrial and business uses. This proposal is still in process, with requirements for Orange City Council to liaise with Blayney Shire and Cabonne Councils to gain agreement on amending the BCO to reshape the industrial land designations across the Sub-Region.

Assessment Criteria

Need for planning proposal : **A planning proposal is required to facilitate the requested amendments to the LEP.**

Council is proposing to rezone rural land for large lot residential uses near the former abattoirs that is not entirely as agreed in the endorsed BCO Strategy. 36.5ha is zoned IN1 General Industrial under the Orange LEP 2011. 186ha of the subject site is zoned RU1 and

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identified as future residential in the BCO as 'SA2' (residential Strategic Area No 2); Strategic Area B (SAB) or comprises 76.3ha of the site and is identified as future Industrial or employment land.

However, a large proportion of the land the subject of the proposal is zoned RU1 in a future residential strategic area as a result of the BCO.

Consistency with strategic planning framework :

The proposal is partially inconsistent with the endorsed BCO strategic planning framework, in that land identified for existing and future industrial development is being proposed for large lot residential uses. This land is located in an industrial precinct containing the former Orange Abattoirs and next to the Main Western Railway line. The future of this land is potentially critical to Orange's economy, with ready access to rail and separation from full residential uses.

Further, there is productive agricultural development on adjoining land, as historically the locality has been used for pome and stone fruit orchards. The potential impacts on this development needs to be considered in terms of including buffers.

There needs to be a holistic review of the industrial and residential lifestyle land requirements of the Blayney, Cabonne and Orange sub-region as previously discussed. It is prudent to incorporate this proposal in any review of strategic documents.

Environmental social economic impacts :

The benefits of the proposal is the availability of serviced lifestyle development close to Orange that is consistent with the BCO. The potential disadvantage is the loss of potentially valuable industrial land capacity in Orange, that is well located near a functional railway line. Future requirements need to be considered comprehensively.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	Nil
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Public Authority Consultation - 56(2)(d) :	Essential Energy NSW Aboriginal Land Council Central West Catchment Management Authority Charles Sturt University Essential Energy Department of Education and Communities Office of Environment and Heritage NSW Department of Primary Industries - Agriculture Transport for NSW Fire and Rescue NSW NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Transgrid Adjoining LGAs
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :	Consultation with Rail authority critical at this stage. Future of the rail network in terms of potential residential and industrial development needs to be assessed.
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Resubmission - s56(2)(b) : No

If Yes, reasons :	It is appropriate that Council proceed with the proposal at this time only in respect to the SA2 area.
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Identify any additional studies, if required. :

Flora

Heritage

Economic

Social

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? **Yes**

If Yes, reasons :

While the proposed 450 lots and amended to 186ha/280 lots is below the 1500 lot guide this land does form part of the broader north Orange land release area and should be considered in that context. Urban Release Area mapping will be required. It is stated that the site is already serviced with water and sewer - provided as part of the Orange Abattoirs that were on the site.

The proposal even as amended to 186 ha/280 lots represents a major increase in development density.

Documents

Document File Name	DocumentType Name	Is Public
RE Agent advice.pdf	Proposal	No
Clergate Hills Bushfire.pdf	Study	No
Clergate Hills LES.pdf	Study	No
Clergate Hills Servicing.pdf	Study	No
Clergate Hills Traffic.pdf	Study	No
Clergate Hills Land Analysis.pdf	Proposal	No
OCC 040416.pdf	Proposal Covering Letter	No
RE Agent advice 2.pdf	Proposal	No
Clergate Hills Master Plan.pdf	Drawing	No
Orange Abattoir Biodiversity Assessment.pdf	Study	No
Contamination report 1.pdf	Study	No
Contamination Report 2.pdf	Study	No
Clergate Hills Archaeology-1.pdf	Study	No
Clergate Hills Archaeology-2.pdf	Study	No
Initial Request for Gateway - Orange Clergate.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 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**
- 6.1 Approval and Referral Requirements**

Additional Information :

- 1. Prior to community consultation, the planning proposal is to be amended to remove land known as 390 Clergate Road, Lot 15 DP6694 (former Orange Abattoirs, zoned IN1 General Industrial) and 440 Clergate Road, Lots 2 and 3 DP 6694 (zone RU1 Primary Production). This land is to be the subject of a review of the Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008.**

2. The amended planning proposal concerning the remaining land known as Lots 14 and 25 DP6694 is to be submitted to the Department of Planning and Environment for approval prior to the commencement of community consultation. This requires the desired allocation of land use zones including buffer areas over the subject site being proposed zone R5 Large Lot Residential, RE1 Public Recreation and E4 Environmental Living being clearly identified.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act, 1979 as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (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 & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979 and to comply with the requirements of the relevant section 117 Directions:

- NSW Rural Fire Service
- Department of Primary Industries – Water
- Office of Environment and Heritage
- Transport for NSW and Roads and Maritime Services
- NSW Fire and Rescue
- Local Land Services Central West
- Department of Primary Industries – Agriculture
- Essential Energy/ Transgrid
- ARTC – John Holland

Each public authority is to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

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 Environmental Planning & Assessment Act, 1979. 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. Orange City Council is to prepare for Lots 14 and 25 DP6694 suitable for community consultation the following:

- An Urban Release Area Map to ensure that the provisions can be made for designated State public infrastructure when the land is developed.
- Amended lot size map(s) to reflect recommended buffer distances to facilitate separation distances from identified contaminated land and zone RU1 Primary Production land.
- The maps should to be prepared in accordance with the Department's Standard Technical Requirements for Spatial Datasets and Maps and included with the planning proposal along with an explanation for the inclusion for the purposes of community consultation.

7. Prior to submission of the planning proposal under section 59 of the Environmental Planning & Assessment Act, 1979, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps'.

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

9. Council is not be authorised to exercise plan making delegations on this occasion.

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- Supporting Reasons :
1. The proposal is significant and has potential impacts on the local community.
 2. Potential economic and social impacts of the planning proposal and the proposed amendment to the strategic industrial land designations of the BCO are not known at this stage.
 3. Mapping requires review and redesign to meet agreed outcomes for the site.
 4. Consultation with agencies is essential in a proposal of this nature.
 5. Authorisation to exercise delegation is not to be issued in this case as a result of the potential implications of amendment to endorsed sub regional strategic land use recommendations.

It is being recommended that the proposal be supported at this time only in respect of the SA2 land residential component. This will result in 186ha with an estimated lot yield of 280 lots. More work is required to justify any amendment to the BCO in respect to the SAB industrial land component.

Signature:



Printed Name:

Nicola Scott

Date:

18.5.16

Ashley Albury



18.5.16

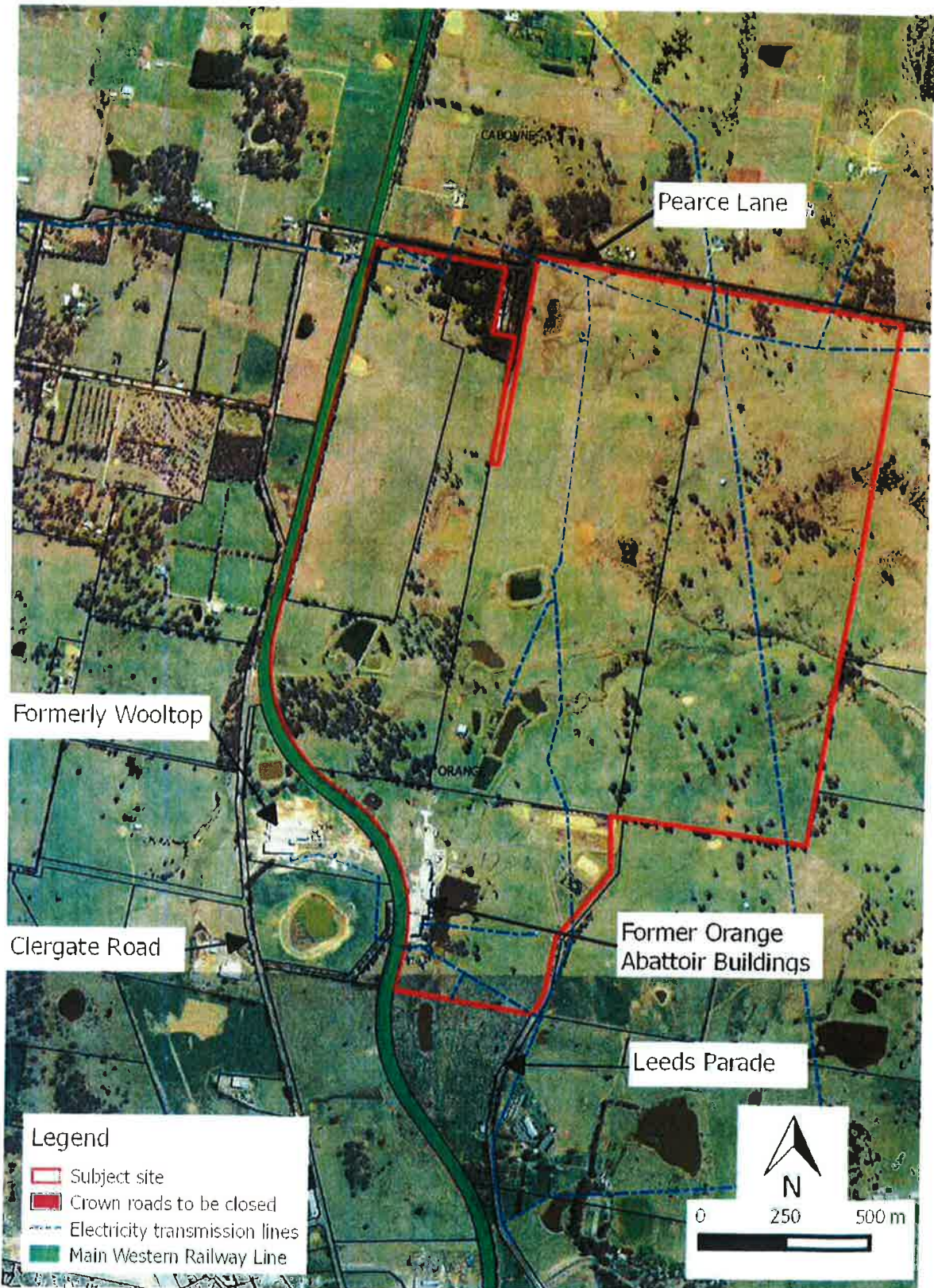
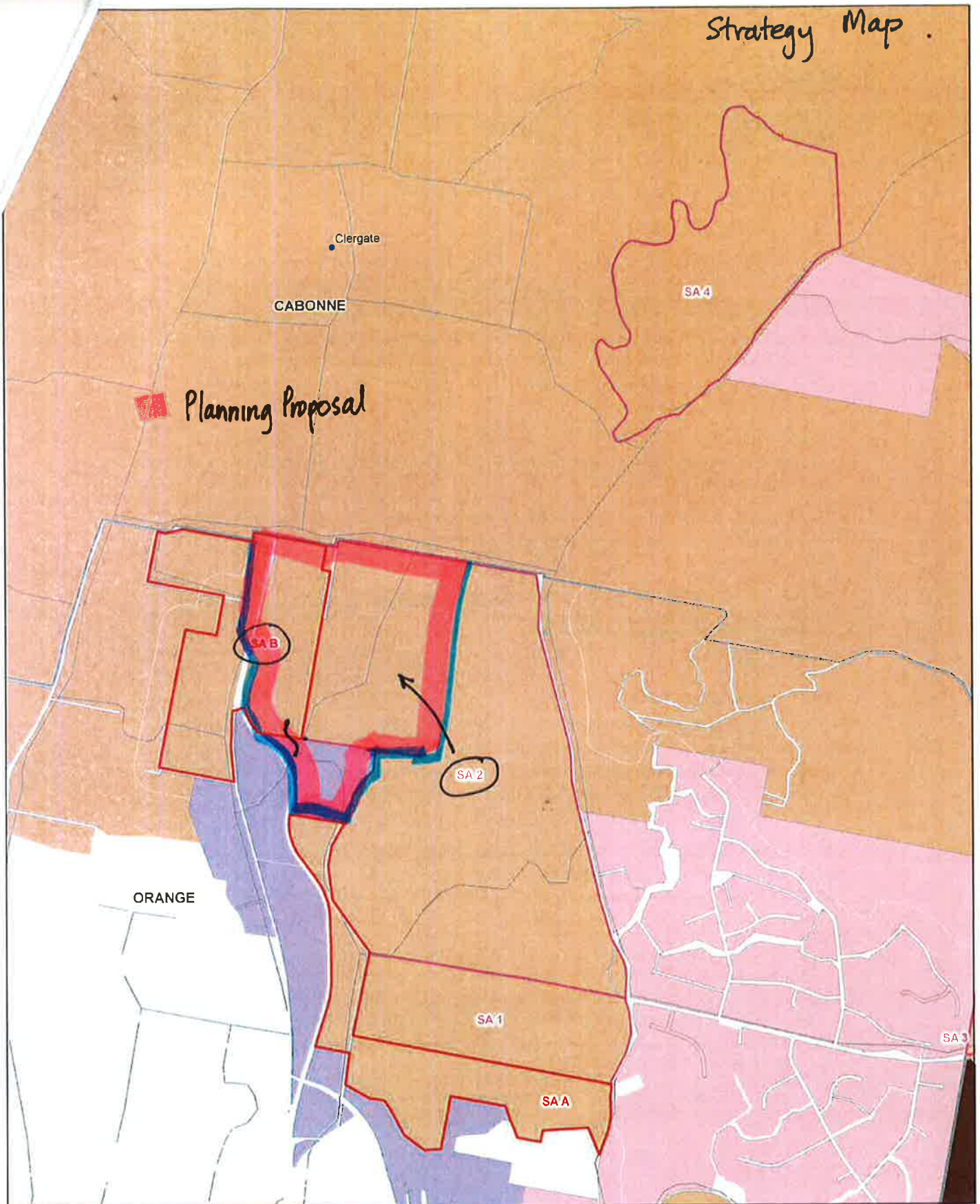


Figure 1: The subject site (Source: Six Maps)

Strategy Map



Legend:

0.125 0.5 0.75 1
Kilometres



Landuse Strategy

-  Lifestyle SAs 1-10
-  Lifestyle SAs 11-12
-  Industrial SAs
-  Sustainable Settlement Strategy Areas

Strategy Map Zones

	Primary Production		Rural Small Holdings		National Parks and Nature Reserves
	Rural Landscape		Large Lot Residential		Environmental Management
	Forestry		General Industrial		Land not subject to Strategy



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VERSION: DRAFT

PROJECT NO: 21-14006

MAP NO: 21-14006-Z016

DIANITA CW	CHECKED PAP	DATE 21/02/2008
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CLIENT: The Councils of Blayney, Cabonne and Orange City

PROJECT:	Sub-Regional Rural and Industrial Land Use Strategy
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Fig 6 11 Strategy Areas A&B

[illegible]

Extract BCO