

PLANNING PROPOSAL
AMENDMENT TO ORANGE LOCAL
ENVIRONMENTAL PLAN 2011

PROPOSAL TO REZONE LAND AT LEEDS PARADE

PREPARED FOR:
ROSEDALE GARDENS ESTATE PTY LTD

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POSTAL ADDRESS PO Box 1963
LOCATION 154 PEISLEY STREET
TELEPHONE 02 6393 5000
EMAIL ORANGE@GEOLYSE.COM

ORANGE NSW 2800
ORANGE NSW 2800
FACSIMILE 02 6393 5050
WEB SITE WWW.GEOLYSE.COM

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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	I
ABBREVIATIONS.....	IV
INTRODUCTION.....	1
1.1 OVERVIEW.....	1
1.2 SUBJECT SITE.....	2
1.3 VISION.....	4
1.4 CONCEPT DEVELOPMENT.....	4
OBJECTIVES AND INTENDED OUTCOMES.....	6
2.1 OBJECTIVE.....	6
2.2 EXPLANATION OF PROVISIONS.....	6
JUSTIFICATION.....	7
3.1 NEED FOR THE PLANNING PROPOSAL.....	7
3.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?.....	7
3.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?.....	7
3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	8
3.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?.....	8
3.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?.....	8
3.2.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING.....	8
3.2.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.177 DIRECTIONS)?.....	8
3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS.....	8
3.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WOULD BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?.....	8
3.4 STATE AND COMMONWEALTH INTERESTS.....	12
3.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?.....	12
3.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?.....	13
MAPPING.....	14
4.1 GENERAL.....	14
COMMUNITY CONSULTATION.....	21
5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED.....	21
REFERENCES.....	22

FIGURES

Figure 1:	The subject site (Source: Six Maps).....	3
Figure 2:	Existing Land Use Zoning.....	15
Figure 3:	Proposed Land Use Zoning.....	16
Figure 4:	Existing Minimum Lot Size.....	17
Figure 5:	Proposed Minimum Lot Size.....	18
Figure 6:	Existing urban release area mapping.....	19
Figure 7:	Proposed urban release area mapping.....	20

TABLES

Table 3.1 – Net Community Benefit Test	9
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DRAWINGS

Drawing TP00	Title sheet
Drawing TP01	Constraints
Drawing TP02	Opportunities
Drawing TP03	Masterplan in context
Drawing TP04	Master plan
Drawing TP05	Estate entry marker
Drawing TP06	Concept image 1
Drawing TP07	Concept image 2
Drawing TP08	Estate entry road cross section
Drawing TP09	Estate main road section
Drawing TP10	Section through valley

PLATES

Plate 1:	Panoramic view of the site from the elevated north-west corner.....	1
Plate 2:	Existing abattoir buildings.....	2
Plate 3:	EEC in south-western corner with grazed paddocks in the foreground	2
Plate 4:	Representative image of the level of clearing across the site	3
Plate 5:	The north-western corner of the site, mapped as bush fire prone but now cleared.....	3

ATTACHMENTS

ATTACHMENT A

Local Environmental Study

ATTACHMENT B

Altered Gateway Approval

Executive Summary

Geolyse has been commissioned by Rosedale Gardens Estate Pty Ltd to prepare a planning proposal to amend the *Orange Local Environmental Plan 2011* to rezone land from IN1 – General Industrial and RU1 – Primary Production to a mixture of R5 – Large Lot Residential and E4 – Environmental Living and amend the minimum lot size to enable the future subdivision of the land.

The subject site is described as:

- Lot 15 DP6694, 390 Clergate Road, Orange
- Lot 3 DP255983, 440 Clergate Road, Orange
- Lot 2 DP255983, 440 Clergate Road, Orange
- Lot 14 DP6694, 440 Clergate Road, Orange
- Lot 25 DP6694, 440 Clergate Road, Orange

The site has a total area of approximately 290 hectares and features generally undulating, cleared terrain with a large number of farm dams, a number of mapped and ephemeral watercourses and several stands of established native vegetation. While the north-western extent of the site is noted to be mapped as bush fire prone, ground truthing reveals that the landscape is largely cleared. The applicant advises that this was historically radiata pine which have been removed in recent years due to their proximity and bush fire threat to an unrelated adjacent property on the southern side of Pearce Lane.

A study has been prepared to consider the impacts associated with the planning proposal.

The north eastern extent of the site is generally quite steep with a maximum height of 939 metres AHD. The remainder of the site is in the range of 870m AHD to 900m AHD.

The southern portion of the site (Lot 15) houses the former Orange abattoir buildings, which have been vacant and unused since around 2005. Attempts over an 18 month period to locate a clean industry that could occupy the former abattoir buildings site without giving rise to unreasonable impacts to future rural residential use on the residual have been unsuccessful.

The site is approximately 5 kilometres from the Orange central business district and 3.5 kilometres from the North Orange Shopping Centre.

Access to the site is currently primarily via Leeds Parade, which ends within the southern extent of the site, as well as via an inactive (not signalised) rail crossing over the Main Western Railway line in the west and a single lane bridge over the railway line. The site has frontages to Pearce Lane in the north and there is an opportunity in the future (subject to land acquisition) to provide a secondary linkage to Ophir Road in the east.

An assessment of the site has been undertaken in accordance with the relevant parameters of the planning proposal process. As a result of this assessment, a master plan has been prepared detailing the conceptual development, although noting that changes to this plan would invariably occur as the project moves into the development application phase.

As an element of the assessment, various specialist reports including an ecological assessment, bush fire assessment, Aboriginal heritage assessment, phase 1 contamination assessment (including site walkover and sampling), traffic study, servicing strategy and stormwater analysis have been completed and are appended to this proposal.

Harvesting of stormwater for re-direction to the Orange City Council stormwater harvesting scheme is being investigated as a likely outcome of the project. Based on initial analysis it is expected that the development has the potential to be neutral from a water security perspective, on the basis that harvesting of additional off site flows from impervious surfaces would be approximately equivalent to the

water demand for the proposed 450 lots. This would be the first development in Orange to attain this status.

Due to the presence of Aboriginal artefacts on site a site wide Aboriginal Heritage Impact Permit will be required. Notwithstanding, it is noted that this is not a barrier to the proposal proceeding.

An ecological assessment has identified two endangered ecological communities within the site; the master plan has been carefully designed to ensure their protection.

Consideration of supply/demand of rural residential housing blocks in both the Blayney, Cabonne, Orange sub-region and Orange itself, shows that the supply of suitable blocks is likely to run out within the life of the existing subregional strategy. Significantly, it is also noted that there has historically been a lack of smaller, serviced 'lifestyle' blocks in close proximity to Orange. This planning proposal therefore responds to these drivers.

It is acknowledged that the planning proposal would result in the loss of existing and future employment lands. However, taking a logical view of the land use pattern in the locality of the subject site, it is considered that the existing industrial zoning of the abattoir site, and the proposal to zone the land to the north as industrial, represents an illogical arrangement of land uses. The abattoir has been in this location since the early 1900's. The site was understood to be selected due to its close proximity to the rail line and, equally, its separation from the residential areas of town. The site, once isolated and well positioned for the nature of the use, is now poorly placed for take up for industrial purposes. This is reflected in the experience of the applicant who has actively marketed the site for a two year period to find a logical industrial use that can operate without impact to the nearby residential and university land uses. An analysis of the siting and marketability of the site is provided and confirms that the use of the site for lifestyle blocks represents the highest and best use of the site. It is also noted that the subdivision of the site would generate local employment in its own right

Overall the study has determined that the site is suitable for the proposed purpose.

The proposed planning proposal was endorsed by Orange City Council at their meeting of 3 March 2016 and forwarded to the Department of Planning & Environment for consideration at the Gateway. Gateway approval was issued by DP&E on 10 March 2016 subject to a condition (condition 1) requiring Lots 15, 2 and 3 be deleted from the planning proposal pending a future review and update of the *Blayney Cabonne Orange Sub-Regional Industrial and Rural Residential Land Use Strategy 2008 (BOC)*.

The applicant requested a review of condition 1 of the DP&E Gateway approval and the matter was the subject of internal review by the Southern Region Office of DP&E. The Southern Region DP&E office were satisfied the review should proceed to consideration by the Western Joint Regional Planning Panel. The WJRPP considered the matter at a meeting at Orange City Council offices on the 3 November 2016. The recommendation of the panel to DP&E was for condition 1 of the Gateway approval to be deleted.

DP&E considered this advice and subsequently issued an altered Gateway approval dated 6 February 2017. This altered Gateway approval deletes condition 1 of the original Gateway approval and replaces it with the following condition 1:

1. An addendum to the Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008 is to be prepared to recognise the removal of the Clergate Hills land from the strategy and outcomes on projected industrial land supply and demand.

Blayney and Cabonne Shire Council are to be provided with a copy of the draft addendum and Planning Proposal, and given at least 21 days to comment on these matters.

Council is to provide the Department a copy of the draft addendum for approval to progress to community consultation.

Conditions 4 and 8 of the original Gateway approval were deleted and replaced and a new condition 9 was added. The altered Gateway approval is provided at **Attachment B** to this planning proposal for the purposes of the public consultation process.

Orange City Council has prepared an addendum to the BOC that satisfies the requirements of condition 1 of the altered Gateway approval and this is provided with this updated planning proposal, initially for consideration by Blayney and Cabonne Shire Councils and latterly for the purposes of the public consultation period.

ABBREVIATIONS

Abbreviation	Full Name
ACHA	Aboriginal Cultural Heritage Assessment
AHD	Australian Height Datum
AHIP	Aboriginal Heritage Impact Permit
APZ	Asset Protection Zone
BOC	Blayney Cabonne Orange Sub Regional and Industrial Land Use Strategy
BLEP	Blayney Local Environmental Plan 2012
CBD	Central Business District
CCA	Controlled Activity Approval
D&PE	NSW Department of Planning & Environment
CLEP	Cabonne Local Environmental Plan 2012
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
LES	Local Environmental Study
LGA	Local Government Authority
PBFP	Planning for Bush Fire Protection 2006
OLEP	Orange Local Environmental Plan 2011
PCT	Plant Community Type
RMS	Roads and Maritime Services
SA2	BOC Lifestyle Allotment Strategic Area 2 (University)
SAB	BOC Industrial Strategic Area B (North Clergate)
SEPP	State Environmental Planning Policy
SSS	Sustainable Settlement Strategy
TSC Act	Threatened Species Conservation Act 1995

Introduction

1.1 OVERVIEW

Rosedale Gardens Estate Pty Ltd owns land located at Leeds Parade Orange and seeks to subdivide for the purposes of large lot residential land use.

The site is currently zoned a mixture of IN1 – General Industrial and RU1 – Primary Production and the vast majority is currently occupied by the applicant for grazing purposes only. The southern portion of the site is occupied by the former Orange abattoir buildings which have been unused since approximately 2002. This portion of the site is currently unused.

The remainder of the site has historically been used for the irrigation of waste water, initially in relation to the Wooltop wool scouring facility located on an adjacent lot to the south-east and latterly for irrigation of waste water from the abattoir following its refurbishment in around 2000. As a result of this historical use, changes to the landscape were undertaken to manage water including contour banks, installation and modification of dams and waterways and the installation of irrigation pipework. A range of changes are therefore proposed to the site to attempt to reverse these historical changes and return the land as far as possible to its original unaltered state.

Permissible land uses on the RU1 portion of the site include extensive and intensive agriculture together with a range of other uses consistent with primary production. The southern portion zoned IN1 enables a range of industrial land uses subject to Council consent. Subdivision of the site is permissible subject to Council consent. The RU1 is currently limited by an applicable minimum lot size of 100 hectares. There is no applicable minimum lot size within the IN1 zone.

The intent of the project is to enable the subdivision of the land into lots of approximately 4,000 square metres, acknowledging the need for larger lots in areas of steep topography and in the areas of waterways. To achieve this intent the rezoning of the entire site to a mix of R5 – Large Lot Residential and E4 – Environmental Living is proposed. The amendment would also amend the minimum lot size applying to the site.

As an element of a future development application, it is intended that the former abattoir buildings would be demolished.

The *Blayney Cabonne Orange Sub Regional and Industrial Land Use Strategy* (2008) (hereafter referred to as the BOC) was prepared to provide a strategic framework for future development within the three Council areas for the next 30 years. Chapter 6 of the BOC identified a number of areas across the three Council areas that were considered suitable for more intensive rural residential development and for industrial/employment generating land uses.

Given its industrial zoning, Lot 15 is not affected by a specific strategy area, however the north-western extent of the site is located within BOC Strategy Area SA B and the eastern extent of the site is located within BOC Strategy Area DA 2 – refer **Figure 2**.

The BOC was updated by Orange City Council in 2012 via the release of the Rural Residential Update. This update identified a shortfall in the provision of rural residential lots across the three Council areas within the sub-region of approximately 119 lots over the 20 year forecast period. It also considered the suitability of the subject site for use for rural residential purposes and estimated the site could accommodate 424 x 4,000 square metre lots. The strategic position with respect to the land can therefore be said to have changed since the BOC was finalised in 2008.

This change in strategic direction is also reflected via section 2.2 of the Orange Sustainable Settlement Strategy Update (2010) which identifies Council consideration of the sub regional strategy at its meeting of 3 November 2008, where it resolved, among other things:

that SA B (North Clergate) be excluded from consideration as an industrial area and retain its current rural planning provisions.

The strategic context of the site was therefore not considered an impediment to the project in initial discussions with Orange City Council's planning and engineering departments. Those discussions did however identify a number of matters that require critical analysis via this planning proposal. These critical areas are considered to be:

- Supply and demand for residential land
- Impact of the loss of employment land
- Staging and the impact on a servicing strategy
- Concept numbers for traffic in Leeds Parade, being the preferred means of access.

It is proposed to amend the zoning of the subject site from IN1 – General Industrial and RU1 – Primary Production to a mixture of R5 – Large Lot Residential and E4 – Environmental Living. This will reflect the applicant's desire to provide a high quality subdivision development which ensures the ongoing protection of the natural environment – refer **Section 1.3**.

It is intended that the future subdivision of the land would be completed via a community title arrangement, to enable community ownership of the communal areas (parks, creeks, reserves etc) and thereby ensure engagement of all occupants.

It is further proposed to amend the minimum lot size map to impose a minimum lot size of 4,000 square metres over the majority of the site. It is proposed that the steeper areas of the site, or those affected by mapped waterways, would feature larger minimum lot sizes to ensure that future development did not lead to unintended or unacceptable impacts to the landscape.

The anticipated lot yield based on the concept master plan is approximately 450 lots.

Specific road and boundary locations and lot sizes would be confirmed at development application stage following amendment of the LEP but would not be expected to be radically different from the concept master plan provided – refer **Drawing TP04**.

Indicative zoning and minimum lot size maps are provided as **Figure 2 - Figure 5**.

1.2 SUBJECT SITE

The subject site is formed of:

- Lot 15 DP6694, 390 Clergate Road, Orange
- Lot 3 DP255983, 440 Clergate Road, Orange
- Lot 2 DP255983, 440 Clergate Road, Orange
- Lot 14 DP6694, 440 Clergate Road, Orange
- Lot 25 DP6694, 440 Clergate Road, Orange

The site is located approximately 5 kilometres north of Orange central business district (CBD) and 1.8 kilometres (3.5 kilometres by road) from the North Orange shopping centre – refer **Figure 1**.

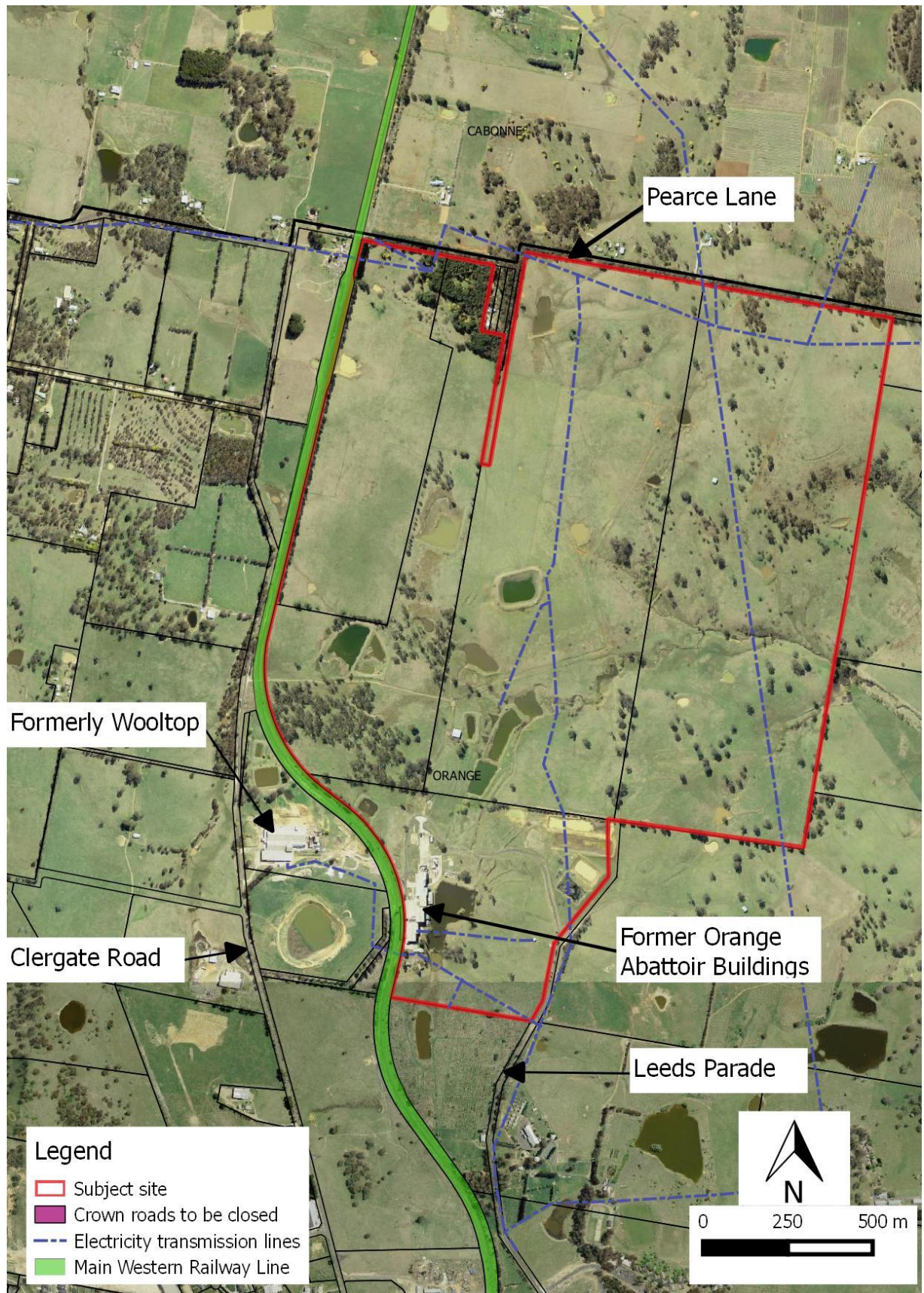


Figure 1: The subject site (Source: Six Maps)

1.3 VISION

The vision for the development is for the provision of rural residential lots of approximately 4,000 square metres in size with access to town services.

The client's vision for the site is best described in his own words:

The beauty of this proposed subdivision is the central watershed and the rolling topography that allows us to create something very unique when in years to come a drive through will present a new experience around every curve in the road, be it a view, water features, green lush roadside verges on the lower sides planted out nature areas; a very pleasing and invigorating semi-rural place in which people can raise their families or retire in pleasant and comfortable surrounds and yet live so close to the Orange urban area and a supermarket just five minutes away.

We require this subdivision to have enhanced environmental attributes where all proposed house sites can have northern glass exposure allowing the design of low energy home designs along with extensive water features where possible.

We propose the layout plans will incorporate roads crossing over dam and water feature banks and those roads built up following along the edges of low lying water shed areas as much as practical, this is not only being a more economical use for lower grounds but a very pleasing and enhanced visual advantage as mentioned earlier to have green nature corridors occasionally mixed in between the housing allotments

As developers we have an obligation to create the best possible outcomes and to leave behind things that are very unique that enhance the very best lifestyle and opportunities for people to come and enjoy. It is always the casegreat outcomes need not cost the earthrather it is in the planning and execution; just as a good low energy designed home should not be less affordable or cost more to build

As well as the higher quality visual subdivision attributes, the enhanced environmental attributes for creating the opportunities for low energy efficient homes needs to be a real and marketable feature of this project.

It is envisaged a very extensive tree planting programme will be carried out along road verges with deciduous trees e.g. Plane trees and the like with extensive plantings in the lower wet areas and contribution nature areas

1.4 CONCEPT DEVELOPMENT

The proposed rural residential subdivision would consist of the following:

- Approximately 450 lots (predominantly community title) with lot size of approximately 4,000 square metres with some larger lots in the constrained areas;
- The less constrained areas zoned for R5 – Large Lot Residential;
- The more constrained areas zoned for E4 – Environmental Living;
- Orientation of lots to maximise the capacity for dwellings to achieve solar passive design;
- Extensive street plantings of deciduous (plane trees) to fit the Orange rural aesthetic;
- Extensive plantings of endemic species in the riparian zones to support and enhance the existing native vegetation
- Provision for the development of a network of cycle and pedestrian paths with capacity to connect to existing surrounding infrastructure (such as the Leeds Parade shared path);
- A hierarchy of roads to provide connectivity within and between lots;
- Areas with a dual purpose of providing stormwater management and open space opportunities;

- Water features (dams and lakes) to benefit all land holders in the development, and that would form the community property within a community title subdivision;
- Recessed access driveways would be provided from the proposed access roads to each proposed lot in accordance with the Austroads standards;
- Those lots that are constrained by environmental features (such as proximity to biodiversity or waterways) or to infrastructure (such as the railway line) would feature building envelopes;
- All lots would be fully serviced with reticulated potable water, reticulated sewer, telecommunications, electrical services and gas services
- In areas potentially affected by bush fire, provision of asset protection zones around building envelopes and access driveways/roads in accordance with the provisions of the Rural Fire Service *Planning for Bush Fire Protection* (2006)
- It is proposed that stormwater could be captured on site and a proportion of this harvested for addition to the Orange City Council stormwater harvesting scheme. Analysis of the catchment area and the increase in site runoff volumes suggests that it is feasible to harvest sufficient stormwater from the development to demonstrate it will have a neutral impact on water security in Orange
- Provision of suitable buffers to ensure the 'right to farm' of adjacent primary production land is not compromised (noting that the primary production land to the east is identified via the BOC as being strategically suitable for re-zoning for rural residential purposes). This is reflected in more detail in the Land Use Conflict Risk Assessment provided as an attachment to the Local Environmental Study at **Attachment 1**.

The development would be staged to respond to market demand with lots closest to Leeds Parade to be released initially. Discussions with local real estate agents suggests that lots of this size and in this location are likely to be highly sought after. It is expected that the availability of lots would allow a release of land over a 15-20 year timeframe, although the market will dictate the release schedule. Larger releases of lots may occur less frequently to ensure the costs associated with development are appropriately balanced with demand.

The following plans support this planning proposal:

Drawing TP00	Title sheet
Drawing TP01	Constraints
Drawing TP02	Opportunities
Drawing TP03	Masterplan in context
Drawing TP04	Master plan
Drawing TP05	Estate entry marker
Drawing TP06	Concept image 1
Drawing TP07	Concept image 2
Drawing TP08	Estate entry road cross section
Drawing TP09	Estate main road section
Drawing TP10	Section through valley

Objectives and intended outcomes

2.1 OBJECTIVE

The objective of the planning proposal is 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. This would also require the implementation appropriate minimum lot sizes to reflect the design intent of the project.

2.2 EXPLANATION OF PROVISIONS

This is a planning proposal to amend the *Orange Local Environmental Plan 2011* (LEP) in respect of:

- Lot 15 DP6694, 390 Clergate Road, Orange
- Lot 3 DP255983, 440 Clergate Road, Orange
- Lot 2 DP255983, 440 Clergate Road, Orange
- Lot 14 DP6694, 440 Clergate Road, Orange
- Lot 25 DP6694, 440 Clergate Road, Orange

A future development application would be required to subdivide the land as proposed.

The planning proposal proposes:

- The amendment of LEP Map Sheet LZN_006 and LZN_007C to amend the site zoning from RU1 – Primary Production and IN1 – General Industrial to R5 – Large Lot Residential and E4 – Environmental Living (refer to **Figure 2** and **Figure 3**; and
- The amendment of LEP Map Sheet LSZ_006 and LSZ_007C to amend the minimum lot size of the site from 100 hectares to 4,000 square metres (RU1) and impose a minimum lot size of 4,000 and 8,000 square metres (refer to **Figure 4** and **Figure 5**).

There would be no change to the text of the LEP on the basis that the objectives of the zone and the land uses permitted with, without consent and prohibited, by virtue that the land use table in relation to the R5 and E4 zones, would remain unchanged.

Justification

3.1 NEED FOR THE PLANNING PROPOSAL

3.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

This planning proposal is developed by reference to the attached study (**Attachment A**) which provides analysis of the suitability of the site for the proposed purposes. A range of specialist studies have been commissioned to support the preparation of the study to ensure that the impacts associated with its development would not be significant. These studies are appended to the study and their findings summarised throughout the study report.

The conclusion of the study is summarised as follows:

- For the purposes of this assessment it has been deemed reasonable to adopt the medium and high growth population growth rates of 0.8% and 1.1% as per the BOC;
- Demand for dwelling lots throughout Orange has been shown to be relatively consistent at 220 blocks/annum;
- The proportion of these blocks considered to be accommodated by rural residential blocks is anticipated to be approximately 28 per year in Orange and another 28 within commuter distance of Orange;
- Higher population growth than projected would increase the demand for rural residential lots;
- Population growth for Orange City is reasonably predicted to continue to be improving for the city and immediate surrounds;
- Demand for larger rural residential blocks is declining with the market focus on serviced blocks with sizes in the vicinity of 4,000 square metres that are proximal to Orange
- The abattoir site is poorly located to enable its redevelopment for an industrial purpose;
- The redevelopment of the abattoir as an abattoir would sterilise the remainder of the site;
- The provision of rural residential land adjacent to current or future industrial land reduces the desirability of the land and therefore it is considered reasonable to minimise such instances.
- The loss of current and future employment (industrial) land is partly offset by the local employment opportunities associated with the construction of the subdivision. This opportunities would benefit local firms rather than out of town investors (who would likely develop a significant portion of any industrial land) therefore keeping the money in the local economy.

It is concluded as a result of the study that the development is generally acceptable.

3.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Given the current RU1 and IN1 zoning of the land, the proposed outcome of providing additional large lot residential lots within close proximity to Orange is not able to be achieved without first rezoning the land.

The proposed approach is considered the best means of achieving the desired outcome.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

There is no regional strategy applying to the subject site. As outlined above, the planning proposal is consistent with overarching intent of the BOC, being to ensure that primary production land is not fragmented and to minimise urban sprawl. By utilising land identified within the BOC as being suitable for development, this intent is satisfied.

The planning proposal is inconsistent with the BOC to the extent that it involves the removal of employment land (representing approximately 38% of the site) and instead utilising this for rural residential purposes. It is consistent insofar as it proposes development of land that has been strategically identified for development, rather than proposing the development of new land.

An analysis of the impact of the loss of current and future employment land is provided in **Attachment A**.

3.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?

The Orange Community Strategic Plan 2015-2025 is the relevant Community Strategic Plan (CSP) applying to the Orange LGA. Objective 5.5 of the CSP states:

Provide a broad range of equitable and affordable opportunities for the community to enjoy a healthy and active lifestyle

This planning proposal sits comfortably with this strategic aim in that it provides for additional opportunities for rural residential development within the LGA.

3.2.2.1 Is the planning proposal consistent with applicable state environmental planning policies?

Relevant SEPPs are considered in detail of Section 2.1 of the accompanying LES.

The proposal is considered to be acceptable in the context of the relevant SEPPs.

3.2.2.2 Is the planning proposal consistent with applicable ministerial directions (S.177 directions)?

Relevant directions are considered in detail of Section 2.2 of the accompanying LES.

The proposal is considered to be acceptable in the context of the relevant directions.

3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?

An ecological assessment of the site has been completed and these matters addressed in detail in Section 3.8 of the attached study (**Attachment A**).

Subject to the implementation of appropriate management measures, the development of the site is not likely to lead to any adverse effects to critical habitat or threatened species, populations or ecological communities, or their habitats.

3.3.1.1 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Impacts associated with the proposal are considered in detail in Section 4 of the attached study (**Attachment A**). This analysis finds that the development is unlikely to lead to any unintended or inappropriate environmental impacts. Relevant management measures are provided throughout.

3.3.1.2 Has the planning proposal adequately addressed any social and economic effects?

Social and economic effects associated with the planning proposal are considered to be generally positive. The *Draft Centres Policy 2009* (Policy) provides a number of questions that should be considered in determining whether to proceed with a rezoning; referred to as the Net Community Benefit Test. These questions together with a response are provided in **Table 3.1** and are discussed in more detail in Appendix G of **Attachment A** (Geolyse land use analysis).

The Policy identifies that if it is judged that the rezoning would produce a net community benefit, the proposal should proceed through the rezoning process. If no benefit is identified, the proposed rezoning should not proceed.

The outcome of the discussion provided in **Table 3.1** confirms that the rezoning would have a net community benefit and accordingly it is considered that the rezoning should proceed.

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors)?	There are no State or regional strategic plans or directions that address.	The LEP seeks to rezone the subject land from RU1 – Primary Production and IN1 – Industrial to R5 – Large Lot Residential and E4 – Environmental Living	The qualitative benefits of the proposal are: <ul style="list-style-type: none"> The creation of additional rural residential lots ensures adequate supply of lots to meet demand; The supply of additional lots satisfies the needs of the region 	No external cost to the community as all services would be provided by the developer.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The area is not a regional hub and is not identified in any Regional study. The development is broadly consistent with the adopted BOC and the inconsistencies are addressed throughout this report and via Attachment A	The proposed LEP applies to a 290 hectare portion of land that has been predominantly identified as being a logical and suitable expansion of rural residential land. The land is physically bounded by the Main Western Railway Line, Pearce Lane and the University land to the south-east	It would be difficult to establish a precedent from support for the LEP based on the characteristics of the proposal and the subject land.	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	An analysis of demand and supply provided in Appendix G to Attachment A demonstrates that the cumulative impact of spot rezoning's has been considered and the resulting supply is within the demand range for the period considered	The proposed LEP has been prepared on behalf of the land owner to facilitate further subdivision of the land.	No external cost to the community	No external cost to the community
Would the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No employment lands created and some is lost. The analysis at Appendix G to Attachment A demonstrates that the use of 38% of the site for industrial land uses is ill conceived; the highest and best use is for rural residential housing.	No employment lands created and existing and future lands lost	The loss of employment lands is partly offset by the employments gains in the development of the subdivision. The site is poorly suited to industrial land uses and its highest and best use is for rural residential use.	Neutral impact as some employment lands lost but local contractors will benefit via the subdivision construction rather than external investors developing industrial land.
Would the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The planning proposal would result in the provision of approximately 450 rural residential lots over a period of 20-40 years. The BOC Update (2012) identified a shortfall in rural residential land in the remaining 20 year timeframe of the BOC. This planning proposal responds to that shortfall.	The planning proposal provides for approximately 450 additional dwelling opportunities.	No external cost to the community	No external cost to the community
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	All services are available to the site.	Existing services would be extended to service the site as per the servicing strategy	No external cost to the community	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The land is well placed to provide access to the industrial and business areas of North Orange and the Gateway development. The site is well placed to connect into the core urban areas through Leeds Parade and via the NDR	An increase in rural residential land would not affect customers, employees or suppliers.	No external cost to the community	No external cost to the community
Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so, what is the expected impact?	The proposal would not affect any significant Government investments in infrastructure or services	Changes to traffic generation are predicted but this is within the capacity of the road network	No external cost to the community beyond ongoing maintenance to roads. All other infrastructure managed through the community title scheme	Minimal external cost to the community
Would the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The small amount of EEC is set aside or protected via an E4 zone to ensure biophysical values are maintained. The land is not otherwise constrained.	The various specialist studies conclude that the land is suitable for the proposed use.	No external cost to the community	No external cost to the community
Would the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Would the public domain improve?	The land is on the urban fringe and identified for future development for rural residential and employment purposes. As shown elsewhere, the employment uses are not considered appropriate in the location and the site is better suited for rural residential purposes.	The planning proposal would provide a high quality rural residential estate with substantial improvements to the public domain through provision of community managed spaces and communal spaces	No external cost to the community as it is managed through a community title subdivision rather than being dedicated to Council	No external cost to the community
Would the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No current commercial or retail land use.	The LEP would not increase retail or commercial function.	No external cost to the community	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this planning proposal.			No external cost to the community
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Provision of additional rural residential lots would ensure demand for these lot types is satisfied.	Further subdivision and dwelling development would be permitted via this LEP.	Public Interest is best served by increasing supply of rural residential land within the locality before demand becomes problematic.	Potential external cost to community if LEP does not proceed due to identified shortfall of rural residential land.
Net Community Benefit =			Positive	Positive

The outcome of the above analysis confirms that the planning proposal would have a net community benefit to the local area.

The social effect of the planning proposal would be best gauged during the period of Community Consultation (refer **Section 5**).

3.4 STATE AND COMMONWEALTH INTERESTS

3.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The planning proposal applies to land that is close to the urban fringe of the city of Orange and which sits within an area historically identified for future growth.

A servicing strategy for the development has been prepared (**Attachment A**) which demonstrates that site servicing can be provided and that such servicing is within the capacity of the existing network.

Specifically, it is noted that the increase in impervious area on site would generate increased off site flows of stormwater, which are to be captured and harvested for contribution to the Orange stormwater harvesting scheme. Water could be captured and pumped to the treatment ponds located south of the site via a pump station and pipeline down Leeds Parade.

Electricity, gas and telecommunications services are available in the locality and would be extended as required to service the proposed development. More detailed assessment would be completed at subdivision stage, and once staging/release is confirmed, to determine upgrade requirements of these services. Broadly speaking, there is sufficient electrical connections into the site and these would typically be put under ground within the proposed road reserves (excepting the 132kV ETL that traverses this site, which would be protected by a proposed 30.48 metre easement).

3.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The views of state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

Mapping

4.1 GENERAL

There are three necessary mapping changes resulting from the planning proposal.

- The amendment of LEP Map Sheet LZN_006 and LZN_007C to amend the site zoning from RU1 – Primary Production to R5 – Large Lot Residential and E4 – Environmental Living. Existing and proposed zoning is demonstrated on **Figure 2** and **Figure 3**;
- The amendment of LEP Map Sheet LSZ_006 and LSZ_007C to amend the minimum lot size from 100 hectares to 4,000 square metres. Existing and proposed minimum lot size is demonstrated on **Figure 4** and **Figure 5**.
- By virtue of the altered Gateway decision condition 2, the inclusion of a new LEP map URA_006 and the amendment of existing LEP map URA_007C to provide an urban release area over the entirety of the subject site. Existing and proposed URA arrangements demonstrated in **Figure 6** and **Figure 7**.

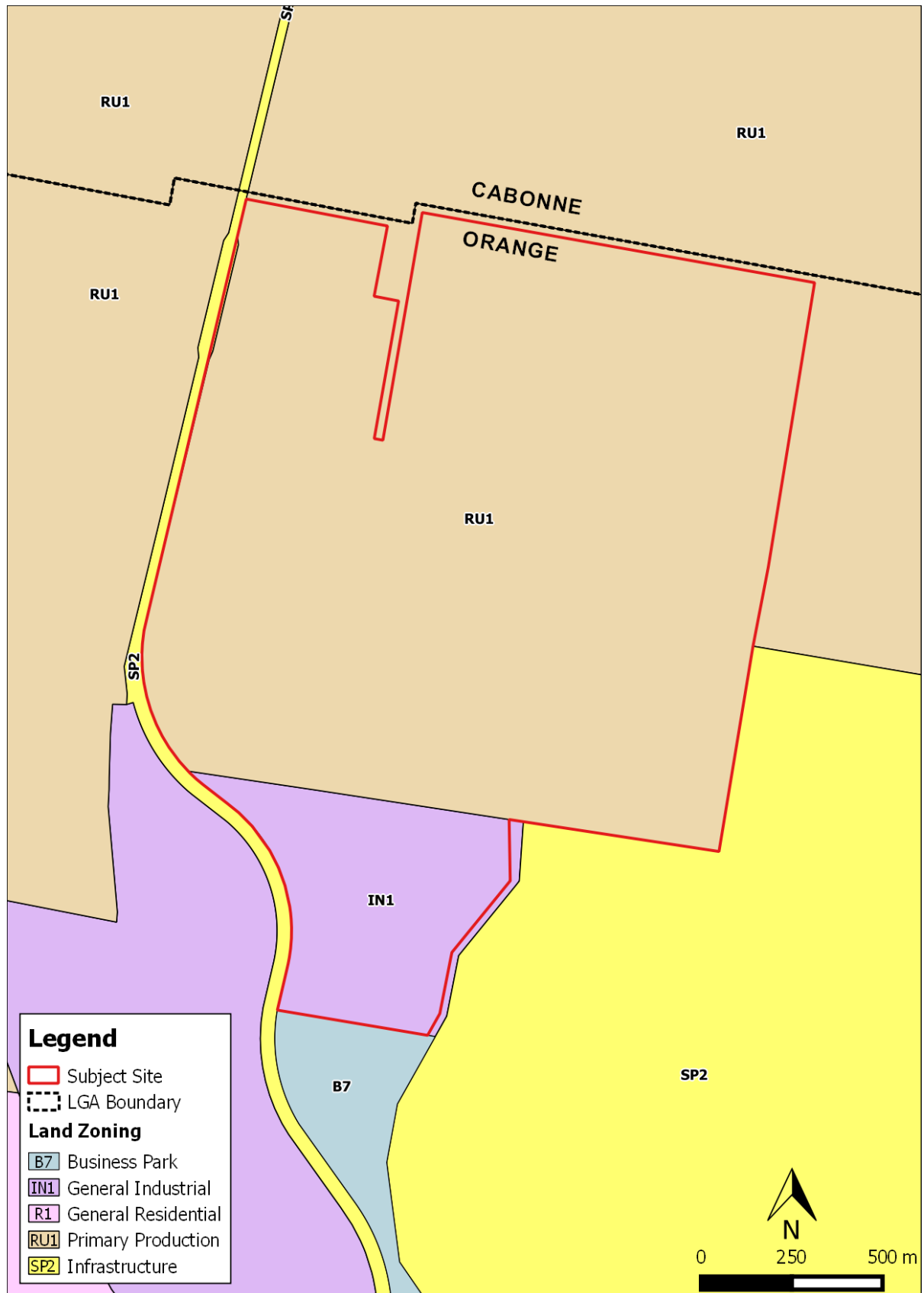


Figure 2: Existing Land Use Zoning

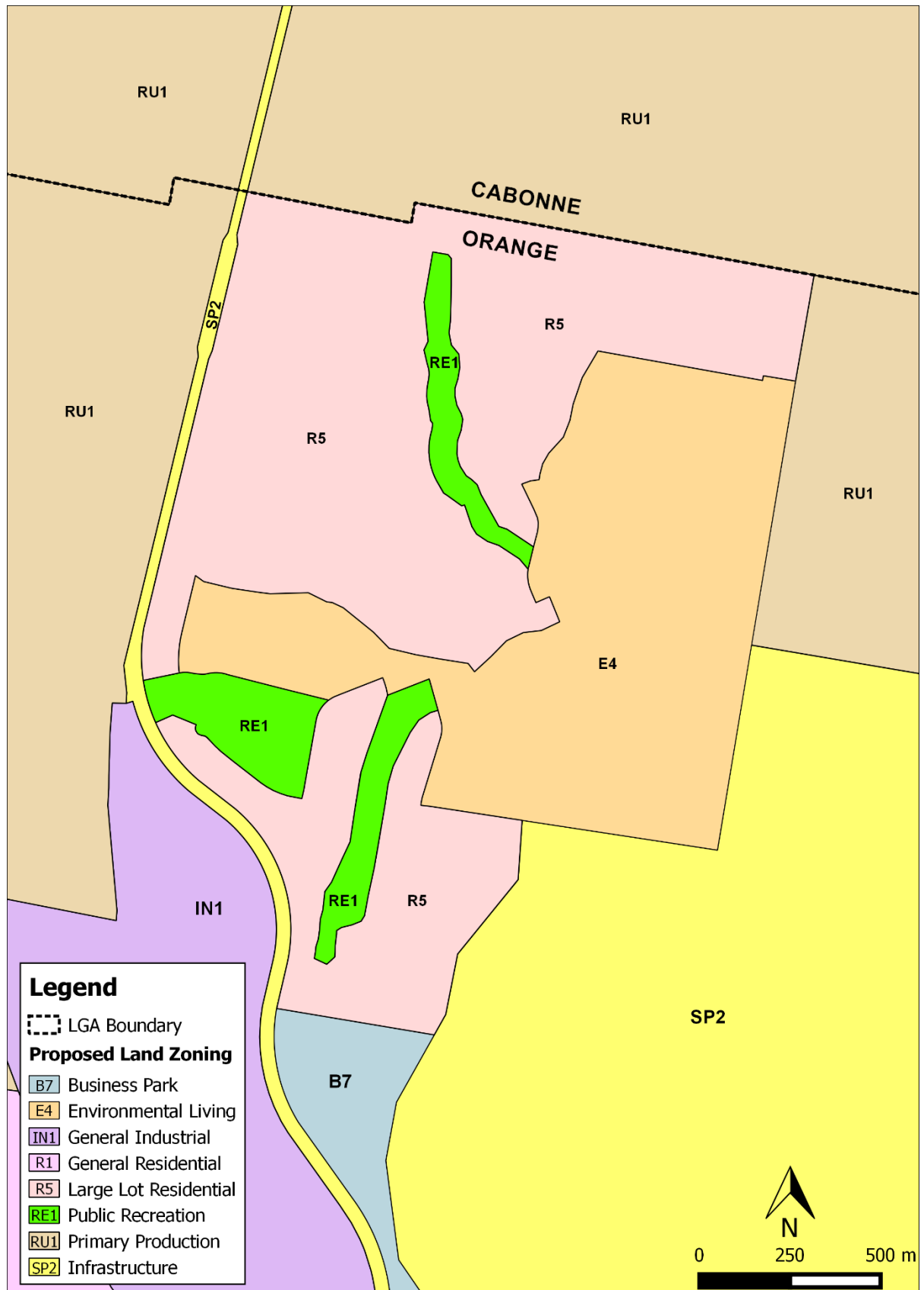


Figure 3: Proposed Land Use Zoning

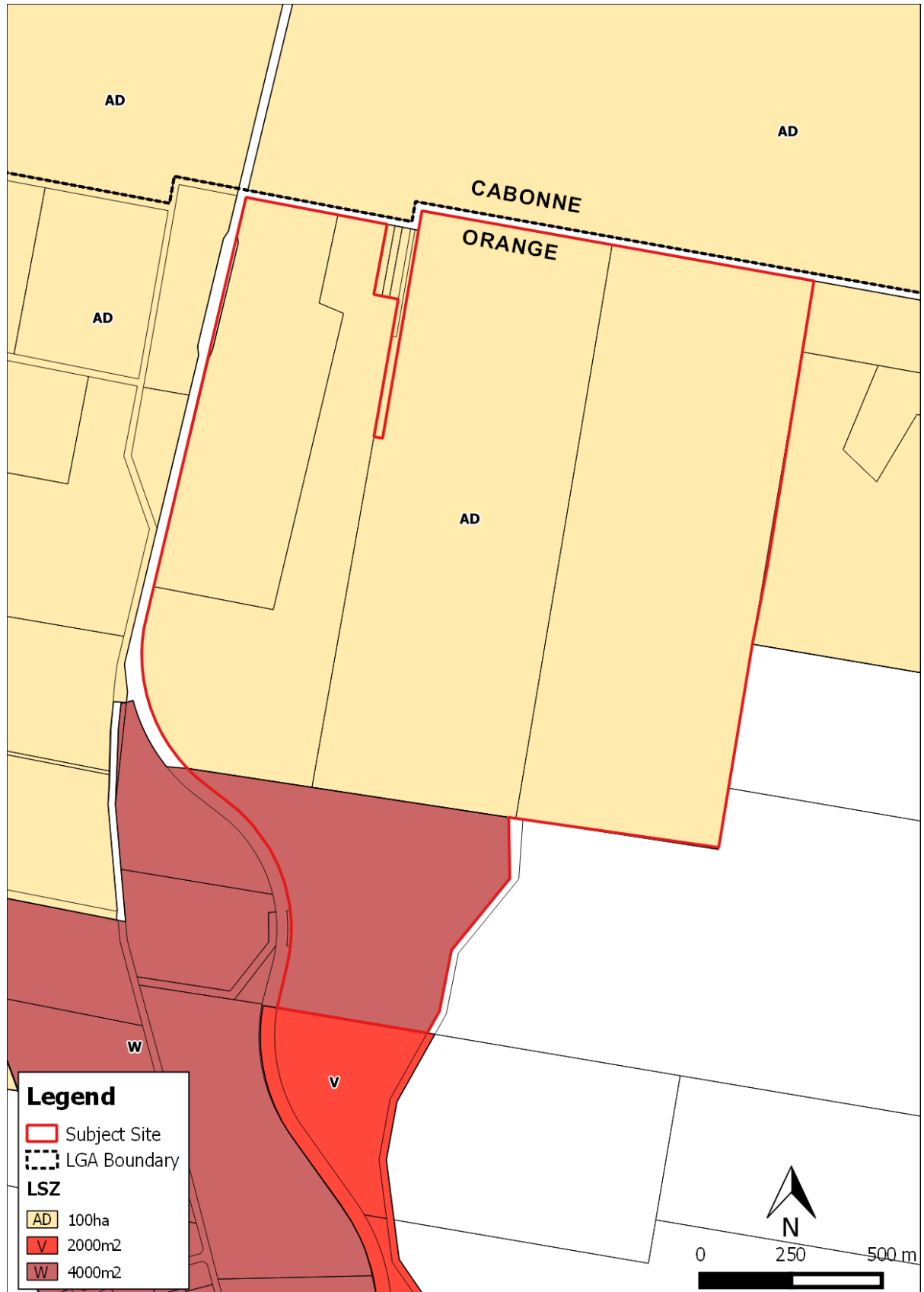
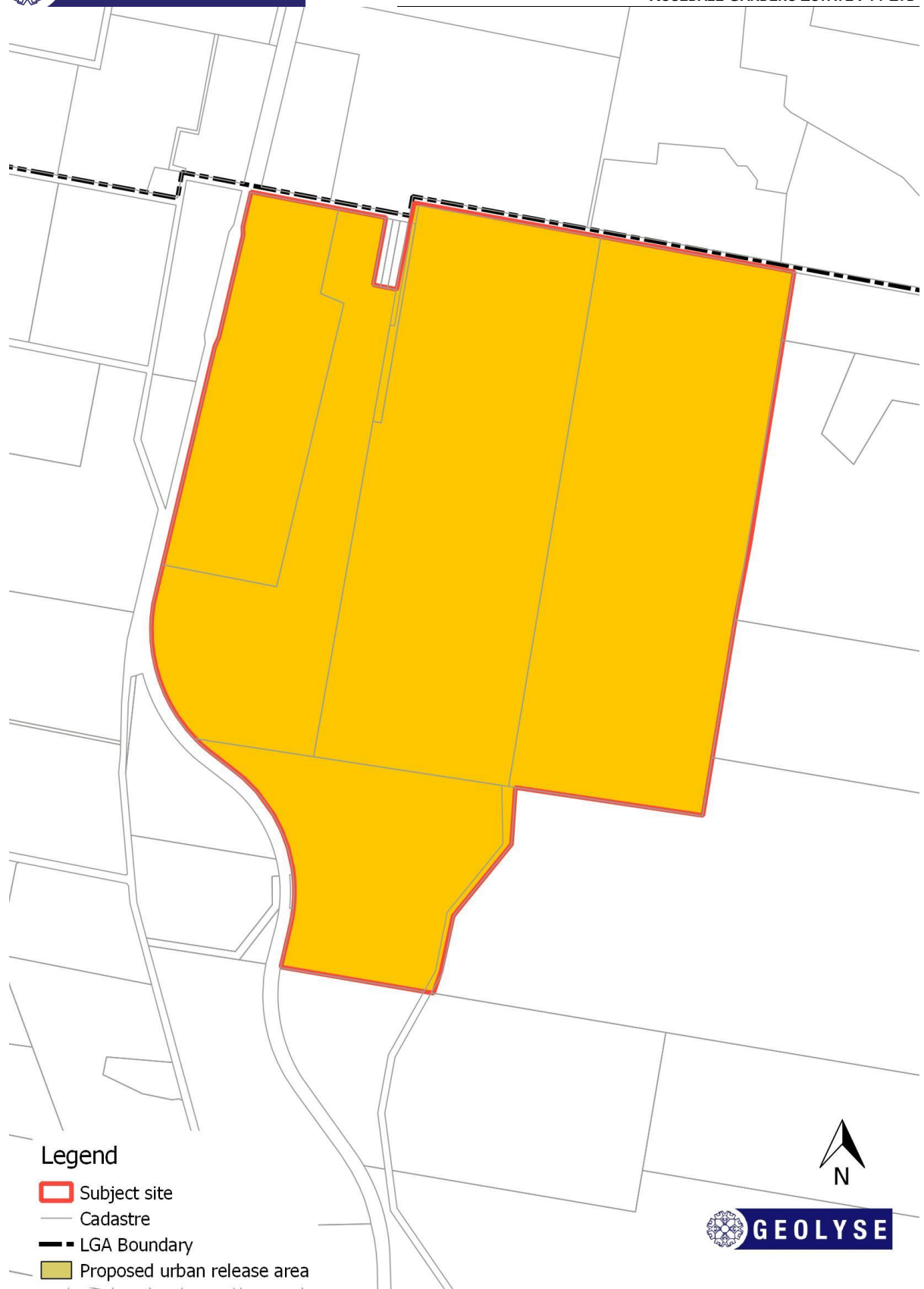


Figure 4: Existing Minimum Lot Size





Figure 6: Existing urban release area mapping



Community Consultation

5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other planning proposal (including any proposal to reclassify land) – 28 days.

The Guide describes low impact proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed rezoning of the parcel of land to R5 – Large Lot Residential and E4 – Environmental Living is generally consistent with the provisions of the BOC but does represent a departure from in respect of the current and future employment land.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

Capacity exists to provide electricity and telecommunications services from existing services in the area. The development would be water neutral from a security perspective and has the capacity to connect to reticulated water and sewer services, in line with the strategic servicing plan for the locality

- *Not a principle LEP; and*

The planning proposal is not for a principle LEP.

- *Does not reclassify public land.*

The planning proposal does not seek to reclassify public land.

In accordance with the responses to the above points, the planning proposal is not considered to be of low impact and therefore it is therefore considered that a community consultation period of 28 days is applicable.

References

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Local Environmental Plans, DoP, Sydney.

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Planning Proposals, DoP, Sydney.

Drawings

Plates



Plate 1: Panoramic view of the site from the elevated north-west corner



Plate 2: Existing abattoir buildings



Plate 3: EEC in south-western corner with grazed paddocks in the foreground



Plate 4: Representative image of the level of clearing across the site



Plate 5: The north-western corner of the site, mapped as bush fire prone but now cleared

Attachment A

LOCAL ENVIRONMENTAL STUDY

DOCUMENT ATTACHED SEPERATELY

Attachment B

ALTERED GATEWAY APPROVAL



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_ORANG_002_00)

I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 10 June 2016 for the proposed amendment to the Orange Local Environmental Plan 2011 as follows:

1. Delete Condition1

and replace with a new Condition 1:

1. An addendum to the *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008* is to be prepared to recognise the removal of the Clergate Hills land from the strategy and outcomes on projected industrial land supply and demand.

Blayney and Cabonne Shire Council are to be provided with a copy of the draft addendum and Planning Proposal, and given at least 21 days to comment on these matters.

Council is to provide the Department a copy of the draft addendum for approval to progress to community consultation.

2. Delete Condition 4

and replace with a new Condition 4:

4. 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 and draft *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008 addendum* 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 & Environment 2016).

3. Delete Condition 8:

and replace with a new Condition 8:

8. Prior to the submission of the Planning Proposal under section 59 of the Act, the relevant planning authority must submit the finalised *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008 Addendum* for the Department endorsement.



Planning & Environment

4. Insert New Condition 9:

9. The LEP is to be completed by 17 December 2017.

Dated *6th* day of February 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning