

Orange City Council Rezone land at 386 Molong Road Orange from R2 Low Density to R1 General Residential Zone, increase residential density

Proposal Title :	Orange City Council Rezone land at 386 Molong Road Orange from R2 Low Density to R1 General Residential Zone, increase residential density		
Proposal Summary :	Rezone land at 386 Molong Road zoned R2 Low Density Residential(adjoining the Northern Distributor Road) to R1 General Residential and adjust minimum lot sizes to allow for about 130 lots providing a wider range of housing choice.		
PP Number :	PP_2017_ORANG_002_00	Dop File No :	17/08670

Proposal Details

Date Planning Proposal Received :	15-Jun-2017	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 81 DP 1202584 and Lot 6 DP1065578		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	386 Molong Road Orange NSW 2800		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :	15.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	130
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes :	The subject land is zoned R2 by the Orange LEP 2011 and is located in the fastest developing sector of Orange. The site is strategically identified in the Orange Sustainable Settlement Strategy as part of the 'LU2' urban release area, to be released in the 'short to medium term'. The site has been subject to a development application for the subdivision of the site into 18 lots at the minimum lot size of 1000m2. DA 217/2014(1) was approved with conditions concerning traffic management and contamination and other minor matters. The rezoning to R1 and reduction of MLS will allow the subdivision of between 96-130 lots at a range of sizes from 250m2 through to 1200m2.
External Supporting Notes :	The subject land is zoned R2 by the Orange LEP 2011 and is located in the fastest developing sector of Orange. The site is strategically identified in the Orange Sustainable Settlement Strategy as part of the 'LU2' urban release area, to be released in the 'short to medium term' (this Strategy updated 2010). The site has been subject to a development application for the subdivision of the site into 18 lots at the minimum lot size of 1000m2. DA 217/2014(1) was approved with conditions concerning traffic management and contamination and other matters such as acoustic control. The rezoning to R1 and reduction of MLS will allow the subdivision of between 96-130 lots at a range of sizes from 250m2 through to 1200m2.

Adequacy Assessment

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

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

Comment : The proposal is to allow for a wider range of residential densities on the subject land. The RE1 and E2 Environmental Conservation zones over the Somerset/Ploughman's creek reserve will remain the same.

It is proposed to rezone the land to R1 and retain the provisions of the R1 zone land use table (unchanged). The Lot Size Map will be adjusted to permit a reduction in lot size over

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the site in order to permit a wider range of housing types. The site is able to be serviced by full reticulated urban services.

The URA mapping for the site is proposed to be lifted as part of this amendment.

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

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

Comment : The proposal is straight forward in the amendment to the Orange LEP 2011. It is proposed to change the zone of the subject land to R1 General Residential and reduce the Minimum Lot Size on the site to facilitate lots between 250-300m2 and 500-600m2. The current MLS is 1000m2. The PP affects only the subject site footprint.
The proposed removal of the URA should not occur through this amendment. The certification for designated State public infrastructure as required by clause 6.1 of the Orange LEP 2011 should be undertaken through separate agency consultation. This separate process can be undertaken concurrently with the planning proposal and should not delay the development of the land.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

3.1 Residential Zones

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

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

Note that the DA approved in 2014 addressed site contamination, noise and traffic. It can be expected that there would need to be consultation with RMS to address increased traffic flow in the locality as the result of the rezoning.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal has a DA approved for residential development in 2014 and issues of noise impacts, traffic management and stormwater and flooding were comprehensively addressed at this stage. The rezoning will have minimal impacts on these issues in that the site is generally suited to residential development and the local road system able to accommodate new development. The site area is the same with a proposed increase in lot yield as a result of the rezoning.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping is appropriate. The maps to be affected by the PP are:

*Zoning LZN_007B- change the zone from R2 to R1

*Lot size LSZ_007B - amend the map to permit lot sizes to 250-300m2

*Urban Release Area - remove the subject site upon notification, on the basis that sufficient detail is to be provided in a DCP to satisfy the Council's requirements for adequate servicing and integration with adjacent lots for efficient development. The certification of designated State infrastructure contribution is to be undertaken through the separate agency consultation process.

Maps that affect the site that do not need to be amended are:

*Heritage

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*Land Reservation/Acquisition

*Terrestrial Biodiversity/Watercourse/Groundwater Vulnerability Map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days proposed. This is considered to be appropriate in the circumstances.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Orange LEP 2011 has approximately 20 amendments to date. This draft LEP is spot rezoning amendment that has strategic basis.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the only way to achieve the desired outcome. The lot size and zoning maps will need to be amended to facilitate a lower lot size and therefore increased density. The R1 zone also permits a wider range of residential accommodation compared to the R2 zone.**

Consistency with strategic planning framework : **The subject land has been identified for residential purposes for some time (20+ years) and therefore is consistent strategically. The Orange Sustainable Settlement Strategy nominates the site as short to medium term residential development. The land has been zoned for residential purposes since February 2012 when the LEP was notified.**

Environmental social economic impacts : **Positive social and economic impacts can be expected; the proposal represents a better use of available land and infrastructure.
Environmental considerations include the impacts on the riparian lands, which are protected by an RE1 zone. It is not intended to change the zone layout over the creek system.**

Any development of the site will need to be sympathetic to the need to maintain and improve the creek system and riparian lands, manage vegetation and slope constraints. The development of the site for more intensified residential density will also require investigation into potential traffic impacts on the Northern Distributor Road. Noise impacts for residents has been investigated as part of a DA approved for the site, as has site contamination.

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Assessment Process

Proposal type : **Routine** Community Consultation Period :

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority : **Essential Energy**
 Consultation - 56(2)(d) : **NSW Aboriginal Land Council**
Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The land is identified as an Urban Release Area.**

Documents

Document File Name	DocumentType Name	Is Public
CCL 18 April 2017 Draft Orange Local Environmental Plan 2011 - Amendment 19 - 386 Molong Road.pdf	Proposal	Yes
iPLAN PROJECTS (April 2017) Planning Proposal North Orange (for Council Resolution).pdf	Proposal	Yes
Blackett Acoustics (2013) Road Noise - Acoustic Report (61 Lot).pdf	Proposal	Yes
SLR (2012) Pump Station - Noise Impact Assessment (61 Lot).pdf	Proposal	Yes
SLR (2012) Pump Station - Odour Impact Assessment (61 Lot).pdf	Proposal	Yes
170329_AMENDED North Orange Planning Proposal - S310A & 311A - PROPOSED LEP - LZN & LSZ (OPTION 2).pdf	Map	Yes
170215_AMENDED North Orange Planning Proposal - Sheet_ A311A - PROPOSED LEP - LOT SIZE MAP (OPTION 2).pdf	Map	Yes
170215_AMENDED North Orange Planning Proposal - Sheet_ A310A - PROPOSED LEP - ZONING MAP (OPTION 2).pdf	Map	Yes

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SLR (2012) Pump Station - Odour Monitoring Report
(appendix).pdf

Proposal

Yes

Planning Team Recommendation

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

S.117 directions: 2.1 Environment Protection Zones
 3.1 Residential Zones
 5.1 Implementation of Regional Strategies
 6.2 Reserving Land for Public Purposes

Additional Information : 1. Prior to community consultation, the planning proposal is required to be amended to remove reference to the removal of the Urban Release Area that applies to the subject land. The amended planning proposal is required to be submitted to the Department for endorsement prior to proceeding to community consultation.

2. 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).

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

- Transport for NSW – Roads and Maritime Services (RMS)
- Orange Local Aboriginal Land Council
- The Office of Environment and Heritage
- Essential Energy
- NSW Department of Industry – NSW Office of Water

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

4. 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 and 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).

5. Prior to submission of the planning proposal under Section 59 of the Environmental Planning and Assessment Act 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

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

Supporting Reasons : Orange City Council has undertaken thorough strategic planning to identify areas of future residential growth. The subject site was zoned for residential purposes with the notification of the Standard Instrument LEP in 2012. A development application has been approved for the subdivision of the site into 1000m2 lots; it is proposed to pursue a higher residential density akin to the R1 General Residential zone in Orange through a reduction in minimum lot sizes.

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The planning proposal process will enable community consultation to ascertain the general public's position in relation to the proposal.

Relevant agencies will be provided the opportunity during consultation to consider the proposal against relevant policy areas and considerations.

Signature: _____

Printed Name: _____

Date: _____

*Endorsed
W. Gamsey 23/6/2017
TLWR*

