



***Planning Proposal No. 24 – Orange LEP 2011 Administrative
Amendment***

December 2018

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INTRODUCTION

Orange City Council, as the planning proposal authority, has prepared this Planning Proposal to amend *Orange Local Environmental Plan 2011* ('the LEP'). The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act 1979'), *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by the NSW Department of Planning & Environment ('DPE').

The Planning Proposal is primarily an administrative housekeeping exercise, seeking to correct a number of anomalies and update the instrument to respond to emerging issues and trends encountered by Council over the past several years.

A number of very minor spot rezonings have also been identified along with one additional permitted use to rectify an unintended consequence of the adoption of Orange LEP 2011.

Further commentary on these matters can be found throughout this report, including under **Part 3 Sections B, C, and D**.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of this planning proposal are to

- Rectify a series of anomalies that have been identified over time.
- Expand upon the range of exempt development that may be undertaken within the Orange LGA.
- Amend the approach to flood planning controls to automatically link the LEP with the most recent and up-to-date floodplain risk management plan when adopted by Council.
- Adopt a missing water catchment map tile to ensure the water catchment area is fully identified.
- Amend the Combined Local Map 1 in terms of the airport Obstacle Limitation Surface in view of the runway extension.
- Amend clause 4.1C to remove ambiguity in relation to multi-dwelling housing in Ploughmans Valley.
- Amend clause 4.2 to add Zone E3 Environmental Management to the list of zones that the clause applies to in order to facilitate the transfer of rural land between primary producers without creating additional dwelling entitlements.
- Adopt a clause to enable subdivision of land in situations where an LEP amendment results in a lot being subjected to more than one land use zone (split-zoned) or where a lot is subjected to more than one minimum lot size (split-sized) so that the overall intent of the LEP can be delivered in an orderly fashion.

- Adopt a clause to facilitate the orderly management of land by allowing boundary adjustments between two lots that are already below the minimum lot size, without creating new or additional dwelling entitlements.
- Adopt a clause that enables small scale café's and residential areas subject to a floor space size limitation under clause 5.4, in recognition of and in order to support the importance of the food sector of Orange.

PART 2 - EXPLANATION OF PROVISIONS

The objective of this planning proposal will be achieved by

- Correct several anomalies that have been identified in the Heritage map and Schedule 5 Environmental Heritage as outlined in [Attachment 1](#).
- Amend all LEP maps to update the cadastre used and properly align the values of each map and tile with the cadastral property boundaries where relevant as outlined in [Attachment 2](#)
- Create several new entries to Schedule 2 Exempt Development as shown in [Attachment 3](#) in order to enable certain benign and minor forms of development to occur. Additionally to enable land in the E3 Environmental Management zone to access certain forms of exempt development currently permitted in the RU1 zone under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Amendment to the approach to flood control planning as outlined in [Attachment 4](#) to align with new and updated floodplain risk management plans.
- Adoption of a missing map tile for Combined Local Map 1 sheet 12 as shown in [Attachment 5a](#).
- Amendment of Combined Local Map 1 sheets 9, 10 and 15 as shown in [Attachment 5b](#) to reflect changes to the Orange Airport Obstacle Limitation Surface area
- Amend clause 4.1C as shown in [attachment 6a](#) to remove an ambiguity concerning multi-dwelling housing in Ploughmans Valley.
- Amend clause 4.2 as shown in [attachment 6b](#) to include the E3 Environmental Management zone in the list of zones to which the clause applies. This will facilitate the transfer of non-residential rural land holdings between primary producers.
- Adoption of a new clause as shown in [attachment 6c](#) to enable subdivision of split-zoned or split-sized land so that the intent of the LEP can be more fully delivered without establishing additional dwelling entitlements in rural areas.
- Adoption of a new clause as shown in [attachment 6d](#) to allow boundary adjustments in cases where both properties are already below the minimum lot size, without creating additional dwelling entitlements.

- Adoption of a new clause as shown in [attachment 6e](#) to enable small scale café's in residential areas, without enabling larger chain restaurants that would have undue impacts upon the local amenity.
- Amend the Land Zone Map and Minimum Lot Size map to provide for a range of minor rezonings as shown in [attachment 7a – 7j](#)

PART 3 - JUSTIFICATION

Section A. Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report. The planning proposal results from and responds to the emergence of a range of issues over several years and is in recognition of the Department of Planning and Environments guidance to review the performance of LEPs on a regular basis.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Due to the administrative nature of the planning proposal it covers a diverse mix of issues. In many cases, such as misdescriptions in the heritage schedule or errors in certain maps, the only possible response is to amend the LEP. In other situations alternative approaches have been considered and ultimately rejected on the grounds of practicality or efficiency.

Section B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Central West and Orana Regional Plan 2036* (June, 2017) by DPE ('CWO Regional Plan') will guide the NSW Government's land use planning priorities and decisions in the region up to 2036. The CWO Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is accompanied by an Implementation Plan.

The goals of the CWO Regional Plan are:

- The most diverse regional economy in NSW
- A stronger, healthier environment and diverse heritage
- Quality freight, transport and infrastructure networks
- Dynamic, vibrant and healthy communities

For each goal, the CWO Regional Plan identifies directions and associated actions to assist in achieving the goal.

Table 1 below summarises the directions of the CWO Regional Plan, provides comment on the directions and actions of the Plan that are directly relevant to the Planning Proposal, and indicates whether the Proposal is considered to be consistent or inconsistent with the Plan.

Table 1. Central West and Orana Regional Plan		
Goal 1: The most diverse regional economy in NSW		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
<p>D1: Protect the region's diverse and productive agricultural land</p> <p>1.2: Protect important agricultural land from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.</p>	<i>Ongoing</i>	<p>The Planning Proposal is considered to be consistent with the intent of this Direction.</p> <p>The Planning Proposal seeks to facilitate the ability for primary producers to manage their holdings and improve the ability to transfer land between farms without creating new dwelling entitlements or further fragmenting productive land.</p>
<p>D10: Promote business and industrial activities in employment lands.</p> <p>A10.1: Encourage the sustainable development of industrial and employment land to maximise infrastructure and connect to the existing freight network.</p> <p>A10.2: Use local environmental plans to promote the development of specialised industry clusters and the co-location of related industries.</p> <p>A10.6: Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefits to locating this activity elsewhere.</p>	<i>Ongoing</i>	<p>The Planning Proposal is considered to be consistent with the intent of this Direction.</p> <p>The Planning Proposal seeks to provide a B1 Neighbourhood Centre zone to some existing shops and post office in East Orange, again this better reflects the use of the premises on the ground and further promotes employment into the future. The B1 zone will also enable and better provide for a minor expansion of the East Orange post office, which needs space to adapt its operations due to the changing nature of the post and parcel delivery industry.</p>

D12: Plan for greater land use compatibility. A12.4: Amend planning controls to deliver greater certainty of land use.	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction. The minor rezonings within this planning proposal are generally intended to reflect the actual use of premises and properties.
Goal 2: A stronger, healthier environment and diverse heritage		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D15: Increase resilience to natural hazards and climate change. A15.5: Implement the requirements of the NSW Floodplain Development Manual by updating flood studies and floodplain risk management plans.	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction. The Planning Proposal seeks to amend the planning controls to align with updating of Councils floodplain risk management study and plans.
D17: Conserve and adaptively re-use heritage assets. A17.2: Prepare, review and update heritage studies in consultation with the wider community to recognise and conserve heritage assets and items, and include appropriate local planning controls	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction. The planning proposal seeks to correct a number of identified errors and misdescriptions in the Heritage Map and Schedule 5 Environmental Heritage.
Goal 4: Dynamic Vibrant and Healthy Communities		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS

<p>D22: Manage growth and change in regional cities and strategic and local centres</p> <p>A22.2: Reinforce the role, function and relationship between regional cities and strategic centres in local housing strategies.</p>	<p><i>Ongoing</i></p>	<p>The Planning Proposal is considered to be consistent with the intent of this Direction.</p> <p>The Planning Proposal adjusts the commercial zoning pattern in the CBD and around the East Orange post office. These minor adaptations will further reinforce the role of the respective locations within the context of Oranges commercial centres.</p>
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Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

The *Blayney, Cabonne, Orange Rural and Industrial Land Use Strategy* (July, 2008) by GHD ('BCORILUS') was prepared for Blayney, Cabonne, and Orange City councils. The Strategy outlines key land use policies and principles for the three council areas in relation to rural and industrial land, and provided the planning context for the preparation of the Standard LEP Instruments for each local government area. The Strategy, which has a timeframe up to 2038, was adopted by the three councils and endorsed by the Director-General of the Department of Planning & Infrastructure.

The Planning Proposal is considered to be consistent with the current strategy. One minor rezoning involves part of 1 Barrett Street Orange being rezoned from IN1 General Industrial to R1 General Residential. This land is located at the rear (southern) end of the property behind the existing industrial shed and due to the lot configuration is not of practical use to the industrial site. Rezoning of this section will facilitate the orderly development of the neighbouring residential land. The loss of industrial land represented by this section of 1 Barrett Street will not impact upon the supply of industrial land as it is too small to be practically used for industrial purposes.

Although not formally endorsed by DPE, Council has endorsed the *Strategic Commercial and Industrial Review* (April 1, 2014) by RedeConsult. This Review outlined key trends and points of interest in commercial and industrial spaces and uses for Orange city. Pertinent to this Planning Proposal is the conclusion that there is adequate retail floor space in the commercial zones of Orange, but that the size/configuration of the CBD favoured smaller shop footprints and layouts. Respondents in the Review indicated that more investment into business areas and more education opportunities for commercial/retail staff would assist in strengthening the retail fabric of Orange. Expansion of the B3 Commercial Core zone over the railway into East Orange recognises the current use of this land for a mixture of shops and offices.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. See [Attachment 9](#) for more details.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

On the whole, yes. Refer to [Attachment 10](#).

Section C. Environmental, social, and economic impacts

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is considered unlikely that critical habitats or threatened species/populations/ecological communities will be adversely affected as a result of the Planning Proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Groundwater

Orange has a high water table and large areas of the LGA are identified as groundwater vulnerable in the Groundwater Vulnerability Map of the LEP. None of the rezonings, new or amended clauses, new exempt development provisions or other matters in the Planning Proposal are considered to materially effect groundwater.

Flooding

Parts of the Orange LGA are flood affected, due to Ploughmans Creek, Blackmans Swamp Creek, and their tributaries. Council is in the process of undertaking a new Floodplain Risk Management Study and Plan. This Planning Proposal will enable the LEP to respond dynamically to future flood mapping updates without the need for formal LEP amendments.

See further comments under Ministerial Direction 4.3 in [Attachment 10](#).

Q9. Has the planning proposal adequately addressed any social and economic effects?

European and Aboriginal Heritage

The Planning Proposal is likely to have a negligible-to-positive impact on heritage items and conservation areas. A number of mapping and schedule errors have been identified and will be rectified by the Planning Proposal.

See comments under Ministerial Direction 2.3 of [Attachment 10](#).

Employment

The Planning Proposal is likely to have a positive impact on employment opportunities.

Refer to Ministerial Direction 1.1 of [Attachment 10](#).

Residential Growth

The Planning Proposal is likely to have a negligible but beneficial effect on residential growth. One additional permitted use for a dwelling in relation to 120 Calton Road, and a minor rezoning of part of 1 Barrett Street to facilitate the residential development of adjacent land to the west will enable some infill residential development.

Refer to Ministerial Direction 3.1 of [Attachment 10](#).

Retail Centres

The Planning Proposal will reinforce the primacy of the Orange CBD as the key retail and commercial centre for the Orange region and surrounds. The Planning Proposal seeks to rezone the East Orange Post Office and adjacent shops in East Orange to B1 Neighbourhood Centre to better reflect their role within the Orange hierarchy of commercial centres as well as facilitating a minor expansion of the post office so that it can adapt to the changing nature of the post and parcel industry.

Refer to [Attachment 7j](#) for more details.

Section D. State and Commonwealth interests

Q.10 Is there adequate public infrastructure for the planning proposal?

Utilities

Existing urban zones are equipped with adequate utilities (water, sewer, electricity, stormwater, NBN infrastructure). Water/sewer headworks charges may apply to proposed development, and this would be levied at the development application stage.

Public Transport

The commercial zones of Orange are serviced by buses that capture public transport users from residential areas of Orange and surrounds (including Molong, Lucknow, and Bathurst). The planning proposal is not anticipated to unduly impact on the operation of transport services.

Roads

The Planning Proposal is likely to have a negligible-to-minimal impact on roads.

Waste Management and Recycling Services

The Planning Proposal is unlikely to create significant impacts on the provision of waste management and recycling services.

Emergency Services Provision

The Planning Proposal is unlikely to generate significant demand on the existing emergency services network. The proposal seeks to clarify the role of part of the SP2 zone on Forest Road to reflect the use of the site by the NSW Rural Fire Service.

Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

Preliminary views of State or Commonwealth public authorities have not been obtained prior to preparing this Planning Proposal. Having regard to the Ministerial Directions and overall scope of the Planning Proposal, no recommendations are made as to agencies that should be consulted in connection with progressing the Proposal. The Gateway Determination may stipulate additional consultation requirements in the planning proposal process.

PART 4 – MAPPING

The planning proposal seeks to amend the LEP maps in a number of ways. This includes:

- Rectification of a cadastre misalignment across the LGA resulting from an update of the standard used by the NSW government.
- Amendment of the Heritage map to correct several errors in the mapping of existing heritage items.
- Repeal of the current flood planning map so that the LEPs flood controls can dynamically respond to changes in the Floodplain Risk Management Plan as it evolves over time, rather than creating a delay between updates of the FRMP and consequential updates of the LEP.
- Amendment of the Minimum Lot Size map in relation to a future caravan park site
- Amendment to the Zoning Map in relation to a range of minor rezoning items
- Amendment to the Additional Permitted Uses Map in relation to a dwelling entitlement issue at 120 Calton Road
- Amendment of Combined Local Map 1 in relation to a missing tile (12) that contains part of the water catchment boundary as well as amendment of tiles 9, 10 and 15 in relation to the Airport Obstacle Limitation Surface which needs to be updated given the extension of the airport runway.

PART 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the requirements of the Gateway Determination. It is, however, anticipated that an exhibition period of 28 days will be required per the default in Schedule 1 of EP&A Act 1979.

Consultation will commence by giving notice of the Planning Proposal via:

- an advertisement in the Central Western Daily,
- a notification on the Orange City Council website (www.orange.nsw.gov.au), and
- social media.

All forms of the notice will include:

- a brief description of the objectives and intended outcomes of the Planning Proposal,
- an indication of the land affected by the Planning Proposal,
- the location and dates where the Planning Proposal may be inspected,
- the contact name and address at Orange City Council where submissions may be directed, and

- the closing date of the submission process.

During the exhibition period, the following materials will be made freely available for public inspection:

- the Planning Proposal, in the form approved for community consultation by DPE,
- the Gateway Determination, and
- any studies and supporting material relied upon by the Planning Proposal.

Following the exhibition period, a report will be prepared analysing any submissions received and making recommendations as to any appropriate changes or adjustments to the Planning Proposal, for the consideration of Orange City Council.

Where contact details have been provided, all persons and organisations making a submission will be advised of the date and time of the relevant Council (or committee) meeting where the report is to be considered, and subsequently advised of the determination.

PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in [Table 2](#).

Table 2. Project timeline

Project stage	Commencement	Completion
Gateway Determination	19 June 2019	
Government Agency consultation	Late July 2019	August 2019
Public Exhibition Period	Late July 2019	August 2019
Public Hearing	Not required	
Consideration of Submissions	Late August 2019	September 2019
Consideration of post exhibition proposals (Report to Council)	September 2019	
Seeking and obtaining legal opinion from Parliamentary Counsels Office	September 2019	October 2019
Submission to DPE to finalise	October 2019	
Anticipated date Council will make the plan (if delegated)	October – November 2019	
Anticipated date Council will forward to DPE for notification	October 2019	

Attachment 1 Heritage corrections

Schedule 5 Environmental Heritage of the LEP provides the formal particulars, address and title, of properties affected by state and local heritage listings. This schedule is a form of cross referencing for the heritage maps of the LEP that visually identify where heritage items and conservation areas are located.

Over time some technical errors have been identified, due in part to the extensive number of items that were added to the schedule under Amendment 1 and in some cases due to title particulars changing as a result of subdivision or street renumbering.

The following table outlines a range of issues that have been identified in relation to existing heritage items. In some cases the item has been listed in Schedule 5 but is not reflected in the heritage map, in others an item on the map has either not been listed or has been mis-described in the schedule. This has potential to confuse the public and open the door for debate on the heritage significance of the relevant item. The response column details the proposed course of action to rectify these issues.

Property Affected	Issue	Response
26 Caroline Street	Heritage item I268 is shown on the maps but not listed in the schedule.	Listing to be added to the schedule
34 Telopea Way "Emmaville" cottage	Emmaville Cottage has been relocated.	Existing site to be removed from the schedule and map.
106 and 106A Franklin Road	Heritage item I75 straddles both lots, but 106A Franklin Road was not mapped.	106A Franklin Road to be mapped as part of heritage item I75
154 Peisley Street	The Geolyse building has been included within the mapping of the railway station – it should be mapped and listed as separate item to reflect that it is legally and functionally a different property.	Listing to be added to the schedule and mapped independently of the railway station.
65 Dalton Street	The property is listed as item I89 covering two lots but has not been mapped as such.	Heritage map to be updated with item I89 shown on both relevant lots.
Summer Street	Brass footpath inlays in pavement of Summer Street, mapped as Byng Street road reserve.	Heritage map to be updated removing the item from Byng Street and mapped onto Summer Street road reserve.

Property Affected	Issue	Response
26 Kinghorne Lane	Shown as heritage item I282 on the map but has not been listed in the schedule.	Add entry to schedule for item I282.
170,172 & 174 Moulder Street	Three properties mapped as heritage item I110 but has not been listed in the schedule	Add entry to schedule for item I110.
166 Edward Street	Now part of 85-89 McLachlan Street. The heritage conservation area was originally mapped to include cottages in Edward Street. This property was converted to parking area for a motor dealership. The legacy heritage conservation area status may hinder future (re)development of the motor dealership in McLachlan Street	Amend the extent of Heritage Conservation Area C3 to exclude the entirety of the motor dealership.
Former Ambulance Station	Currently mapped as a heritage item but the schedule description relates to the adjoining property.	Amend the schedule entry for item I254 to relate to the Ambulance station.
3 Spring Street, Spring Hill	Schedule lists Lot 2 Section 8 DP 758921. However the correct property is Lot 3 Section 8 DP 758921	Amend the schedule entry for item I303 to be Lot 3
282 – 294 Summer Street	Item I158 is listed as 286 Summer Street and should be 282 Summer Street. Item I159 is listed as 288 – 294 Summer Street and should be 286 – 294 Summer Street	Amend listing in schedule with correct street address and lot/DP numbers
107 Prince Street	Currently listed in the schedule but has not been properly mapped.	Amend heritage map to include the item.

Drafting recommendation:

In schedule 5:

for item I308 “Emmaville”, omit the item.

for item I158 omit the address and insert instead “282 Summer Street”

for item I159 omit the address and insert instead “286-294 Summer Street”

for item I303 omit the property description and insert instead “Lot 3 Section 8 DP 758921”

Add the following entries, in appropriate order, to schedule 5 Environmental Heritage:

Suburb	Item Name	Address	Property Description	Significance	Item No
Orange	Geolyse Building	154 Peisley Street	Lot 200 DP 1231431	Local	I365
Orange	Former Ambulance Station	291 Anson Street	Lot 1 DP 758817*	Local	I366
Orange	House	26 Caroline Street	Lot 13 DP 16510	Local	I268
Orange	terrace cottages	170-174 Moulder Street	Lots A, B & C DP 152958	Local	I110
Huntley	house	26 Kinghorne Lane	Lot 101 DP 1092868	Local	I282

* The former ambulance station is currently the subject of a subdivision application to facilitate redevelopment of the adjacent land (the former hospital site). As such the property is expected to have slightly adjusted boundaries and become known as Lot 502 in the subdivision of lots 1 & 2 Section 4 DP 758817. The Final version of this planning proposal will be updated to reflect the Lot and DP numbers prior to gazettal.

Attachment 2 Cadastre update

As the earth is not perfectly spherical, cadastral information is typically mapped, or projected, onto a 'geoid' which is a slightly deformed sphere, intended to reflect bulges and depressions in the overall shape of the earth. Changes to the adopted geoide therefore alter the 2 dimensional representation of land when drawn or mapped but do not alter physical boundaries or dimensions in the real world.

Periodically the State government reviews and updates the legal cadastre based on the latest and most accurate geoide. Spatial data that is prepared before such a change will therefore not align properly with spatial data prepared after the geoide change. Most of the LEP maps were prepared in 2010 prior to the most recent Geoide/Cadastre changes.

It is proposed to update all maps to reflect the most current cadastre used by the lands office. This adjustment does not involve any material change to the zone or other classification of land and is required to facilitate the orderly administration of the LEP, enabling the various map layers to be integrated more efficiently in Councils internal GIS system to enhance administration of the LEP.

Mapping recommendation

That all map tiles of all LEP maps be updated to the current cadastre, with no change to the intended content of the maps other than those changes detailed elsewhere in this planning proposal.

Attachment 3 Local Exempt Development provisions

DELETED as per Condition 2 of Gateway Determination

Attachment 4 flood control planning to align with new and updated floodplain risk management study and plans (FPRMS&P)

To implement the recommended approach set out in the *FRMS&P*, clause 7.2 of *Orange LEP 2011* would require minor amendments, namely in regards the wording of sub clause (2) and (5). It is recommended that the following clause replaces the existing clause 7.2 of *Orange LEP 2011*:

7.2 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to land at or below the flood planning level.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Plan.”
- (5) Within this clause:

Flood planning level means the level of a 1% AEP (annual exceedance probability) flood event plus 0.5 metre freeboard, or other freeboard as determined by any floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.

Floodplain Development Manual means Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

It is also recommended that a new floodplain risk management clause be added to *Orange LEP 2011* as follows:

Floodplain risk management

- (1) The objectives of this clause are as follows:
 - (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,
 - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- (2) This clause applies to land which lies between the flood planning level and the level of the probable maximum flood, but does not apply to land at or below the flood planning level.
- (3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:
 - (a) amusement centre
 - (b) camping ground
 - (c) caravan park
 - (d) child care centre
 - (e) commercial premises (including business premises and retail premises)
 - (f) community facility
 - (g) correctional centre
 - (h) eco-tourist facility
 - (i) educational establishment (including schools and tertiary institutions)
 - (j) emergency services facility
 - (k) entertainment facility
 - (l) extractive industry
 - (m) function centre
 - (n) health services facility
 - (o) industry
 - (p) mining
 - (q) place of public worship
 - (r) residential accommodation (including seniors housing)
 - (s) respite day care centre
 - (t) tourist and visitor accommodation
 - (u) waste or resource management facility
- (4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Plan.”

- (5) Within this clause ***probable maximum flood*** means the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

Attachment 5a.

Adoption of Combined Local Map 1 Sheet 12 to complete the water catchment boundary.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 5b Amend Combined Local Map 1 Sheets 9, 10 and 15 to update the airport Obstacle Limitation Surface

Review of maps:

6150_COM_CL1_009_020_20111129

6150_COM_CL1_010_020_20111129

6150_COM_CL1_015_020_20111129

To amend the Obstacle Limitation Surface – Formal LEP mapping to be provided prior to public exhibition.

Attachment 6a Amend clause 4.1C in relation to multi dwelling housing in Ploughmans Valley

Multi Dwelling Housing in Ploughmans Valley

The issue:

Clause 4.1C(2)(b)(ii) includes the phrase “multi dwelling housing” which may create a false impression of what the clause enables. In practice multi dwelling housing, which comprises three or more dwellings, is unlikely to be able to satisfy the DCP design requirements on lots of only 600 square metres and this form of development is more intensive than was intended for the Ploughman’s Valley area.

It is therefore proposed to delete the phrase from the clause.

Drafting recommendation:

Omit the phrase “or multi dwelling housing” as shown below:

4.1C Exceptions to minimum lot sizes for certain residential development

- (1) This clause applies to land in Ploughmans Valley that is both:
 - (a) within Zone R2 Low Density Residential, and
 - (b) identified on the Lot Size Map as having a minimum lot size of 850 square metres.
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies if:
 - (a) a dual occupancy is lawfully erected on the land, and
 - (b) the area of each resulting lot will not be less than:
 - (i) 650 square metres for a dual occupancy (attached), or
 - (ii) 600 square metres for a dual occupancy (detached) ~~or multi dwelling housing,~~and
 - (c) only one dwelling will be located on each lot resulting from the subdivision.
- (3) Development consent may be granted to a single development application for consent to development of land to which this clause applies that involves both of the following:
 - (a) the subdivision of land into 2 or more lots,
 - (b) the erection of a dual occupancy (attached) or dual occupancy (detached) with a single dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:
 - (i) 650 square metres for a dual occupancy (attached), or
 - (ii) 600 square metres for a dual occupancy (detached).

Attachment 6b Amend clause 4.2 to include Zone E3 Environmental Management.

The issue:

Clause 4.2 allows rural subdivision of any size that does not create a dwelling entitlement allowing farmers to adjust the size of their enterprise through trading land with other farmers, without creating dwelling entitlements. However, this clause does not apply to the E3 zone greatly restricting the amount of land within Orange that can benefit.

Drafting recommendation:

Insert “Zone E3 Environmental Management” into the list of zones the clause can apply to, as shown:

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition,
 - (e) Zone E3 Environmental Management.**

Note. When this Plan was made it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note. A dwelling includes a rural worker’s dwelling (see definition of that term in the Dictionary).

Attachment 6c Adopt a new clause in relation to the Subdivision of split-zoned or split-sized land.

The issue: Amendments to the LEP can result in some parcels of land, particularly on the edge of project areas, being given two or more zones or lot sizes in order to deliver the intention of the relevant project. This raises a technical issue in that to subdivide land all resultant lots need to be compliant with the appropriate controls. However where land is partially within a project area the residue of land outside the project area may not meet the minimum lot size, obstructing the orderly attainment of the project. Additionally where land is subject to more than one zone it can create confusion as to what forms of development are permissible on the land and how such developments are to be designed and sited.

It is proposed to enable land in such situations to be subdivided consistent with the zone or lot size boundaries in order to reflect the intent of the LEP and facilitate more orderly management of land. It should be noted that this is not intended to create additional development potential, such as dwelling entitlements, over and above the existing situation.

Drafting recommendation:

4.2C Subdivision of split-zoned or split-sized land

- (1) The objective of this clause is to enable subdivision of land that has two or more zones, or two or more minimum lot sizes, to facilitate the orderly and efficient use of land.
- (2) This clause applies to land comprising a single lot of land that is:
 - (a) Affected by two or more land use zones regardless of the size of the lot, or
 - (b) Affected by two or more minimum lot size categories within the boundaries of the lot.
- (3) Land to which this clause applies may, with consent, be subdivided consistent with the zone or minimum lot size boundaries, provided that:
 - (a) Each resultant lot must have legal and practical access to the local road network,
 - (b) No resultant lot will be split-zoned or split-sized,
 - (c) No additional dwelling entitlements are created,
 - (d) Where the parent lot has a dwelling entitlement, the plan of subdivision must nominate which resultant lot will preserve the dwelling entitlement, all other lots shall have no dwelling entitlement.
 - (e) In the event that no lot is nominated, all dwelling entitlements, other than existing dwellings, shall be deemed to be extinguished.
 - (f) All existing dwelling(s) or other buildings must be located a minimum of 900mm from any lot boundary,
- (4) Lots created under this clause without a dwelling entitlement are to have an appropriate restriction as to user under section 88B created on the title confirming that the land does not benefit from any dwelling entitlement.
- (5) In this clause:
 - (a) **Split-zoned** means a lot of land that is identified on the Land Zoning Map as being subject to more than one land use zone.

- (b) **Split-sized** means a lot of land that is identified on the Lot Size Map as being subject to more than one minimum lot size.
- (c) **Dwelling entitlement** means the ability for a lot of land to have a dwelling house, or other form of residential accommodation, permitted with consent under the provisions of this plan.

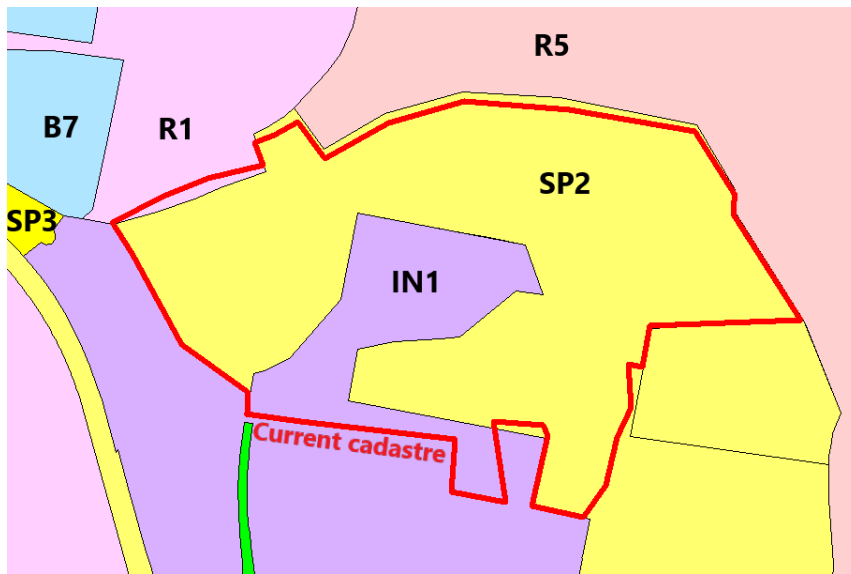
Attachment 6d Adopt a new clause in relation to small scale café's in residential areas and amend clause 5.4 to limit the floor space area for such development.

Drafting recommendation:

7.13 Café's in the R1 General Residential Zone

- (1) The objective of this clause is to enable small scale café's, that are designed, constructed and operated in a manner that respects and preserves the residential amenity of the area to be developed in the R1 General Residential Zone.
- (2) This clause applies to development for the purposes of a Restaurant or Café in the R1 General Residential Zone.
- (3) Despite any other provision of this plan land to which this clause applies may, with consent, be developed for the purpose of a Restaurant or Café subject to:
 - (a) The development may not comprise or contain a drive through service element, and
 - (b) The gross floor area of the development being limited to no more than 100m², and
 - (c) All car parking requirements of the development, as determined under the relevant Development Control Plan, must be provided on site, and
 - (d) The development may only contain a single flush wall sign placed on the streetward oriented elevation of the building in a position that is logically consistent with the architectural elements of the building, and
 - (e) No illuminated or animated signage may be erected or installed that is visible from the public realm, and
 - (f) Any outdoor seating area must be located forward of the building alignment only, and
 - (g) The hours of operation being limited to 8:00am to 10:00pm Monday to Friday and 8:00am to 3:00pm on Saturdays and public holidays, and
 - (h) If the development is proposed in relation to a heritage item, a heritage impact statement from a suitably qualified heritage consultant or architect must be provided that:
 - (i) identifies which aspects or elements of the building provide heritage significance of the building, and
 - (ii) makes recommendations in relation to the preservation, maintenance and enhancement of the heritage values of the item.

Attachment 7a. Minor rezoning of residue industrial land at Narrambla



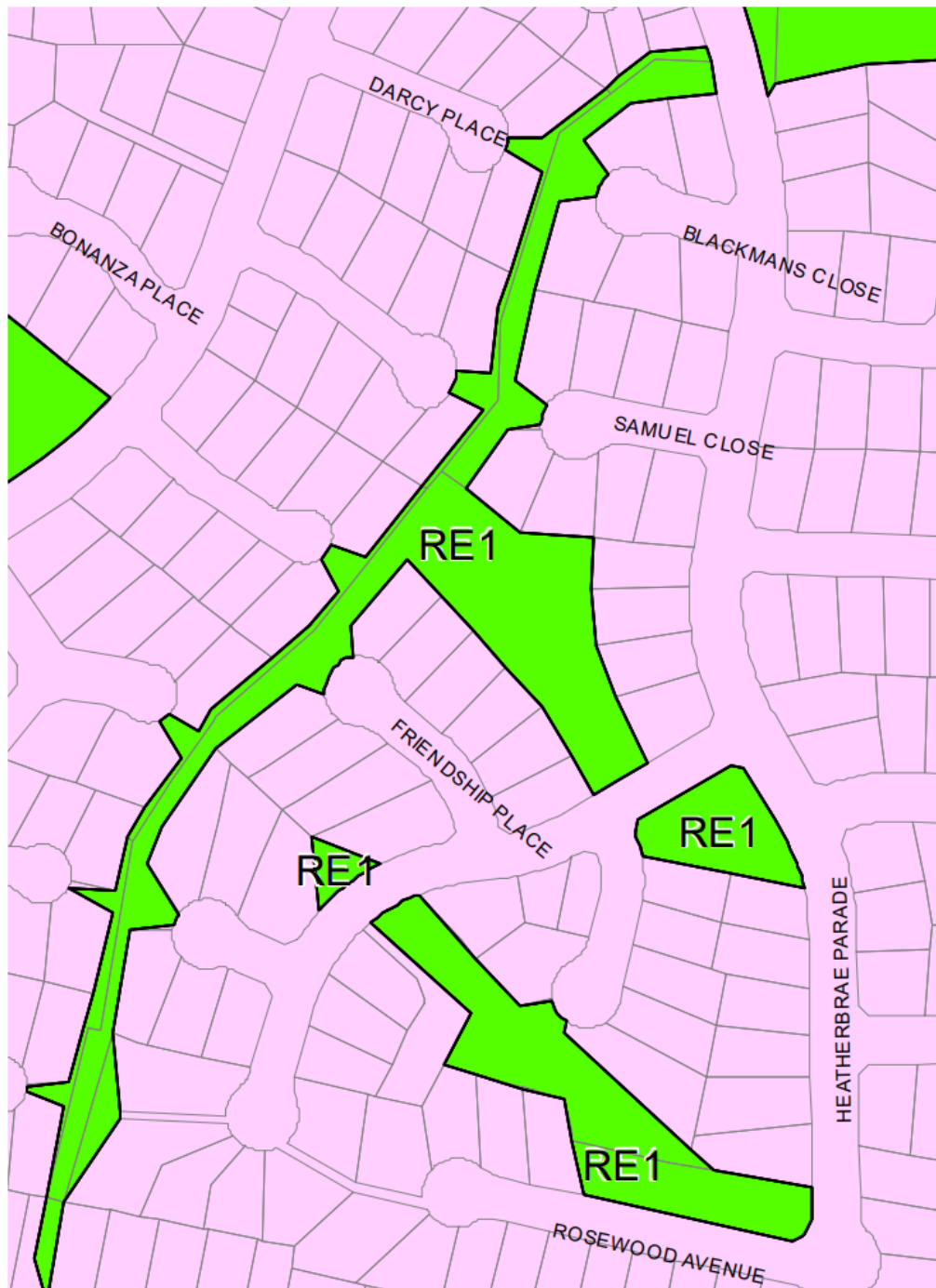
Residue Industrial land in Narrambla has, through previous subdivisions resulted in land that is split zoned between IN1 General Industrial and SP2 Infrastructure. The SP2 area is intended to provide a noise and odour buffer from the Sewage treatment plant resource recovery centre to the southeast and the residential lands to the north.

It is therefore proposed to adjust the IN1 and SP2 boundary to reflect the cadastre boundaries of the residue industrial land and the buffer land respectively.

Attachment 7b. Minor adjustment to land use zones along the Teamsters Walkway (Crinoline St, Anson St, Hargreaves Crescent, Heatherbrae pde through to Phillip Street).

The zone boundary between the RE1 Public Recreation zone of the Teamsters Walkway and neighbouring R1 General Residential properties has not adhered to the cadastral property boundaries, resulting in a number of residential properties appearing to be split zoned. The proposal is to amend the zone boundary to be consistent with the cadastre boundaries.

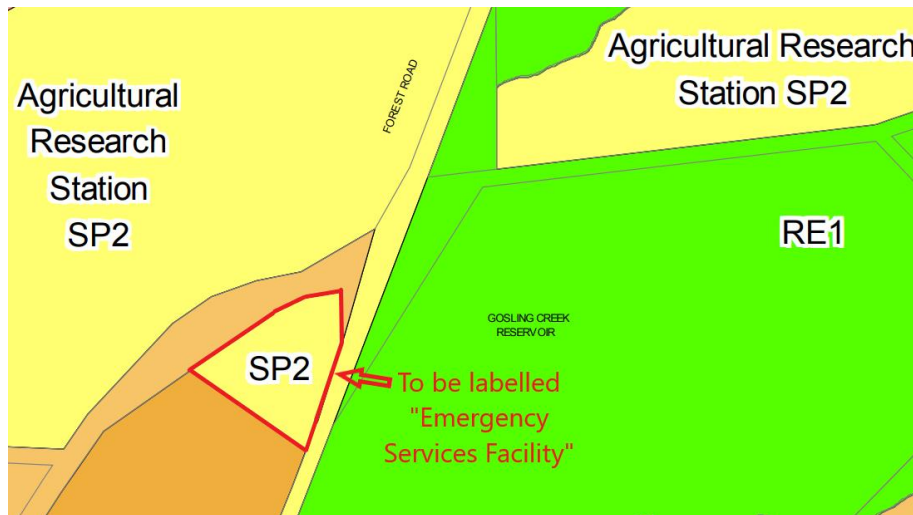
Formal LEP mapping to be provided prior to public exhibition.



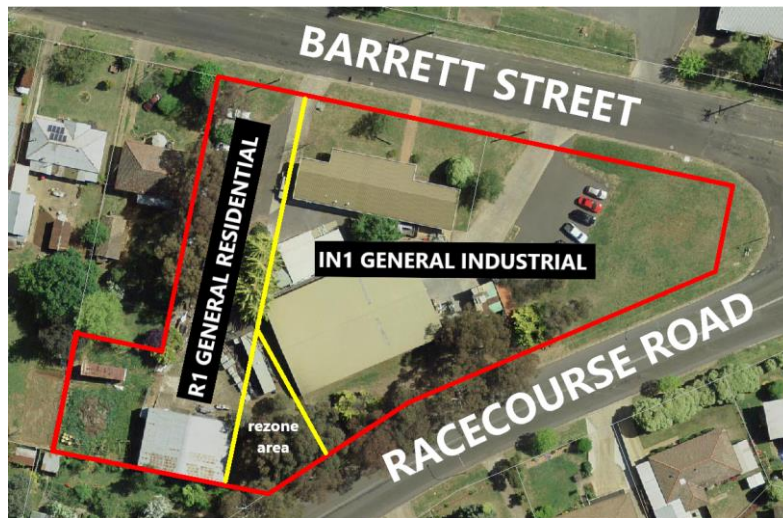
Attachment 7c. Amending the SP2 zone applying to the Rural Fire Services site in Forest Road.

The property at 1385 Forest Road, is already zoned SP2 however it requires a descriptive name added to the zone title. It is recommended that the zone be titled SP2 “Emergency Services Facility” as this would cater for the Rural Fire Service while also retaining the potential for other emergency service facilities to be co-located on the site – for example an SES facility or similar.

Formal LEP mapping to be provided prior to public exhibition.



Attachment 7d. Minor rezoning of part of 1 Barrett Street to convert surplus industrial land to residential.



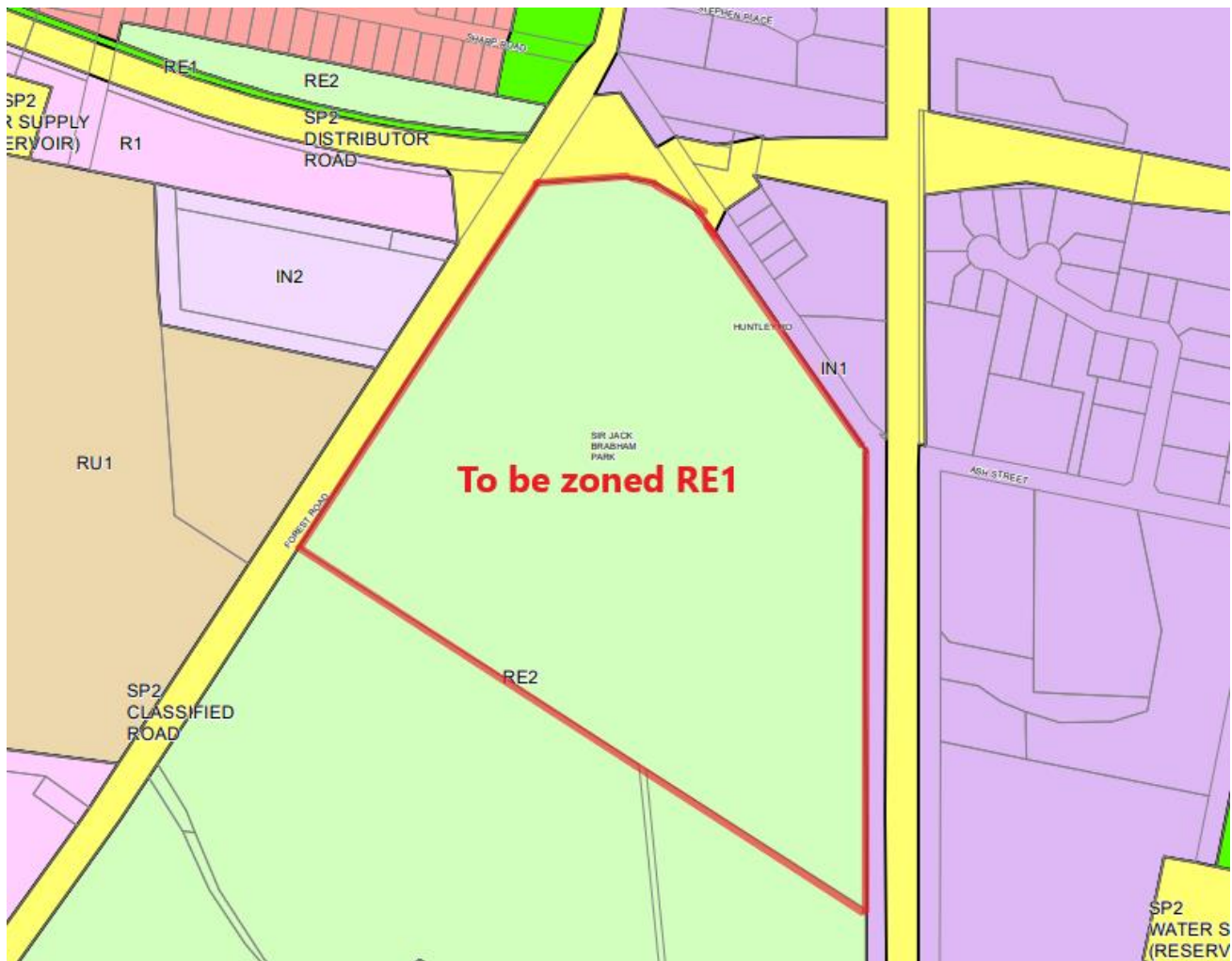
1 Barrett Street, on the corner of Racecourse Road is currently zoned IN1 General Industrial. It is bounded to the west by land zoned R1 General Residential. The neighbouring land to the west has been approved for residential units with the layout being designed to be able to absorb and utilise the some of the land at 1 Barrett Street subject to that portion of the site being rezoned to R1 General Residential.

This would enable the residential units to obtain direct access onto Racecourse Road. The part of 1 Barrett Street proposed is located to the rear of the existing industrial shed and is not accessible to, and is of no direct benefit, to the industrial use.

Accordingly it is proposed to rezone the area of land at the rear of 1 Barrett Street to R1 General Residential to facilitate the potential development of additional housing in this otherwise residential area.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 7e. Minor rezoning to change the designation of Jack Brabham Park from Private Recreation to Public Recreation.



The land indicated above is currently zoned RE2 Private Recreation. This zone was adopted on the understanding that Zone RE1 Public Recreation was intended to be applied only to recreation land that had not limitations on public access and use at any time. Jack Brabham Park hosts a range of sporting events and fixtures during which the general public are restricted from crossing the playing field.

It is now understood that this distinction between RE1 and RE2 was not the intended effect. Given that Jack Brabham park is a public asset and intended to be generally available to the public without restriction it is now considered appropriate to rezone the land to RE1 Public Recreation.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 7f. Minor rezoning of the Orange Function Centre on Bathurst Road.

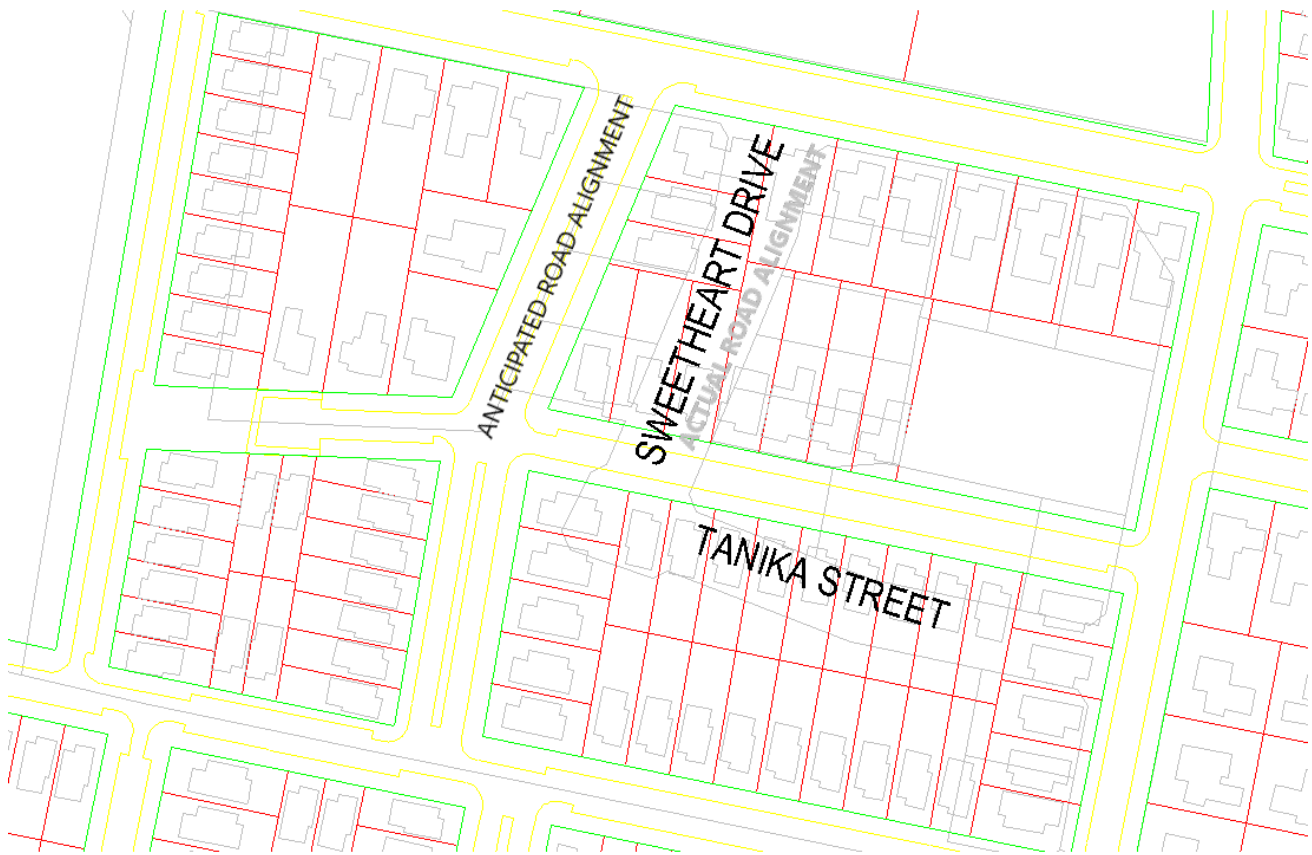


The land indicated above (2 – 18 Eyles Street) is currently zoned R1 General Residential. The site is developed as a convention centre and is not practically used for residential purposes. Rezoning of the land to B6 Enterprise Corridor would expand the range of potential uses for the site. Its location along Bathurst Road makes it highly suited to a range of commercial activities that require or benefit from prominent positioning in the road network.

It is noted that the tennis centre and open space to the east is zoned RE1 Public Recreation, this is not proposed to change as it would provide a worthwhile open space area between the subject site and the B6 zone of the two service stations on Bathurst road and other B6 land further east.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 7g. Minor adjustment to the land use zone and minimum lot size maps in Shiralee to reflect the layout of approved subdivisions.



The above illustrates the differences in the anticipated (conceptual) layout of the Shiralee Masterplan and the actual layout (faint grey) of Sweetheart Drive and Tanika Street as approved and developed during one of the first subdivision applications. While the layouts differ the fundamental aspects of the master plan were retained, such as lot sizes, permeable street network rather than cul-de-sacs development and so on. However the differences need to be reflected in the LEP maps to ensure that the future use of the lots is not unduly hindered.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 7h. Minor rezoning of neighbourhood shops in East Orange, to better recognise the current use of the land around the East Orange Post Office



The land indicated is currently zoned R1 General Residential and comprises the East Orange Post Office, a denture clinic, a Café, a vacant former office premises and one dwelling (owned by the post office owner/operator).

Several approaches from the Post Office owner/operator seeking the ability to expand have been received over the last several years. They advise that the postal service is undergoing a structural adjustment in response to the rise of internet based communications and online retailing, the combined effect of which has been a significant decrease in traditional letters and a significant increase in the parcel and package delivery aspects of the business. As a consequence more storage and handling space is needed to store and sort parcels and packages.

Given the cluster of non-residential uses in this location it is considered appropriate to rezone the group as a whole rather than only the post office. Due to the limited ability in the neighbourhood to provide for any new off-street parking, already at a premium in the area, the extent of the zone is proposed to be limited to the current built form only. Most of the affected premises have already maximised their footprint to occupy almost of the lots. Therefore the rezoning is not expected to lead to an intensification of the area, but will instead allow the range of uses to evolve more readily in the future.

Formal LEP mapping to be provided prior to public exhibition.

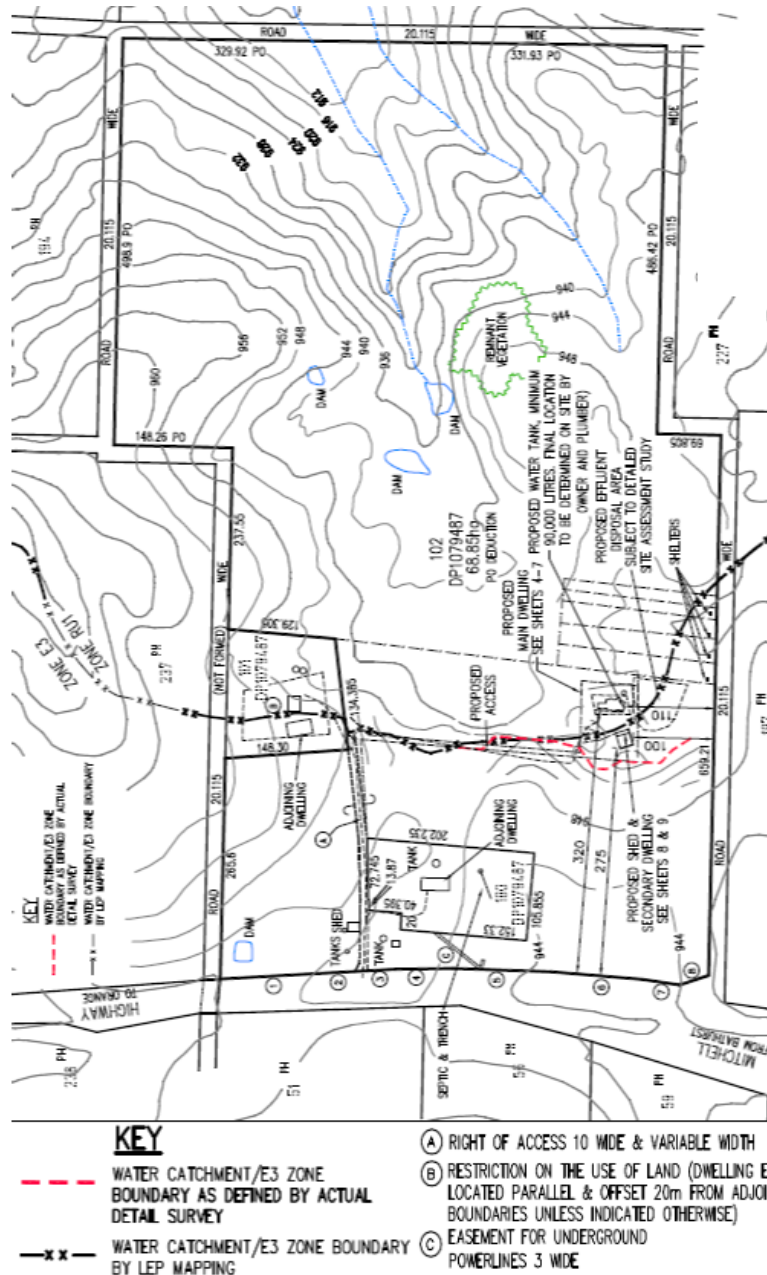
Attachment 7i. Minor amendment to the minimum lot size in relation to land intended for a future caravan park on the eastern edge of the city.



The area indicated has recently been rezoned to allow for a caravan park development. Recent consideration of a subdivision to facilitate this concept, by excising the go-kart track onto a separate allotment highlighted the fact that the southern section remains within a 100ha minimum lot size designation. That lot size was originally adopted while the land was rural, given the change in zone and intended future development it is proposed to remove the minimum lot size from the site, as is currently the case for the northern section of the site.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 7j. Minor adjustment to the water catchment boundary and zoning map in relation to land at Shadforth

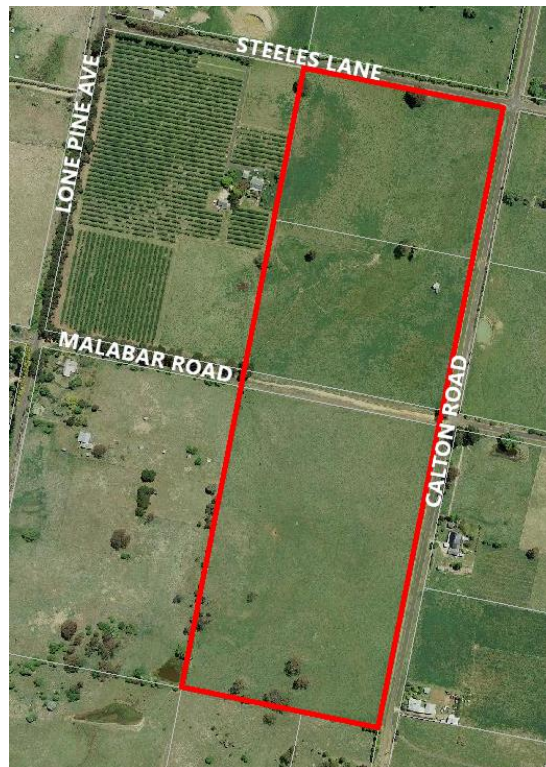


Lot 102 DP1079487, shown above, is currently split zoned between the E3 Environmental Management Zone and the RU1 Primary Production Zone. The zone boundary is intended to reflect the natural water catchment boundary. The current water catchment, and hence zone boundary was prepared using the best available information at the time.

The owner of this land has requested that the boundary be adjusted to facilitate the placement of a dwelling on the land. In support of this the above diagram has been prepared from a survey of the land to illustrate that the current zone boundary does not match the actual watershed alignment.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 8. Creation of an Additional Permitted Use in relation to a dwelling entitlement at 120 Calton Road



The subject land indicated above was originally an 'existing holding' within the meaning of clause 4.2A. When the new LEP was introduced in 2012 a sunset clause was introduced to bring existing holdings to an end, with applications needing to be lodged by 31 December 2012.

Several affected landowners were able to lodge an application within that timeframe, and while the documentation of many were not initially satisfactory applications were officially lodged with requests for additional information. The owner of 120 Calton Road lodged documentation; however, due to staff leave around the Christmas break the application was overlooked. Staff support this Additional Permitted Use.

It is therefore proposed to create an Additional Permitted Use listing for this property within Schedule 1 and the associated Additional Permitted Uses Map.

Formal LEP mapping to be provided prior to public exhibition.

Attachment 8A. Land Use Table updates

The following items are proposed to be added to the land use table of the zones indicated.

- (a) **Bee Keeping** is proposed to be added as permitted with consent in the R1, R2, R5 and RU5 zones. By adding the use to the land use tables this would enable consideration of development applications and the ability to impose appropriate conditions, if merited.
- (b) **Extensive Agriculture** is proposed to be added as permitted with consent in the R5 zone. This reflects the larger lot sizes typical of the zone and would enable some basic forms of agriculture such as grazing. Many home owners on larger lots may already keep animals as a combination of pets and grass control.

However, should the number of animals increase there is the potential for Council to receive complaints, which currently would need to be evaluated as deemed to be either the keeping of domestic pets, which would be exempt, or undertaking an agricultural activity, which would currently be prohibited. By adding the use to the land use table this would enable consideration of development applications and the ability to impose appropriate conditions, if merited.

Orange has a significant number of 2ha and above blocks in the R5 zone. Many of these are developed and occupied as 'lifestyle' blocks which typically take two forms that might be described as:

- a) Ornamental lifestyle, and
- b) Semi-productive lifestyle.

The former is typified by manicured landscaping, expansive areas of lawn and some recreation elements such as tennis courts or the like. Whereas the latter is typified by some fruit trees, vegetable gardens, domestic keeping of chickens and the like.

Both forms of lifestyle occupancy can occur without specific consents or approvals and ordinarily co-exist peacefully enough. However, occasionally Council is contacted by one or the other form of lifestyle occupant with concern about the other, specifically in terms of the number of grazing animals that can be kept on a hobby block before it becomes a de-facto feedlot.

Staff time is then expended to investigate and manage these concerns. The intention of expressly allowing extensive grazing with consent is to enable the productive lifestyle occupants to potentially seek a consent that would outline the scale of such animal keeping and any associated equipment. Such an approval would then give both the occupant and neighbour certainty as to the extent and management of such activities.

It is anticipated that this will result in very few applications. Additionally, the inland code has now made "farm buildings" permissible in the R5 zone on lots with an area of 4,000m² or above, so allowing extensive grazing seems entirely consistent with the Departments approach given that by definition a farm building is "ancillary to an agricultural use of the landholding".

- (c) ***Secondary Dwellings*** are proposed to be added as permitted with consent in the R2 Low Density Residential zone.

Currently secondary dwellings in this zone can only be considered under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, which has the effect of limiting the floor space to 60m². Secondary dwellings in other zones are limited in size to the greater of 60m² or 50% of the floor space of the principle dwelling. By adding this use to the land use table secondary dwellings in the R2 zone would also be able to access the 50% rule.

Attachment 8B. Boundary Adjustments in Certain Rural Zones

Clause 4.2 allows rural subdivision of any size that does not create a dwelling entitlement, allowing farmers to adjust the size of their enterprise through trading land with other farmers without creating dwelling entitlements. However, this clause does not apply to the E3 zone, greatly restricting the amount of land within Orange that can benefit.

It is proposed to insert zone E3 Environmental Management into the clause as a zone to which the clause applies.

Attachment 9. Applicable State Environmental Planning Policies

SEPP	Consistent	Comment
No. 55 - Remediation of Land	Yes	<p>SEPP No 55 aims to identify lands where potential contamination requires that land to be remediated prior to being developed, used, or zoned in a certain way. The Planning Proposal seeks to rezone a number of properties across the LGA.</p> <p>The minor nature of the rezonings and the known histories of the sites involved do not indicate that there is, or would be likely to be, any contamination present. Notwithstanding this, the sites in question can be required to undertake formal investigation works as part of any future Development Applications.</p> <p>Prior to any use or development occurring subject to a development application, land will need to be assessed against clause 7 of the SEPP.</p> <p>The Planning Proposal is considered to be consistent with – and not in contravention of – this SEPP.</p>
Exempt and Complying Development Codes 2008		<p>The Planning Proposal seeks to include a number of local exempt development listings. These are either not covered by the SEPP or limited in terms of the zones where they apply. The proposed listings do not conflict with, or duplicate the SEPP</p> <p>Therefore, the Planning Proposal is considered to be consistent with – and not in contravention of – this SEPP.</p>

Attachment 10. Applicable Ministerial Directions (section 9.1 Directions)

1. Employment and Resources

Direction	Consistent?	Comments
1.1 Business and Industrial Zones	Yes	<p>The Planning Proposal is consistent with this Direction. Direction 1.1 stipulates that Planning Proposals must:</p> <ul style="list-style-type: none"> • give effect to the objectives of the Direction, • retain existing business and industrial zones, • not reduce total potential floor space for employment and related public services in business zones and industrial uses in industrial zones, and • ensure that proposed new employment areas are in accordance with a strategy that is approved by DPE. <p>Rezoning of land adjacent to the CBD seeks to convert from one business zone B6 to a mix of two other business zones B3 and B4.</p> <p>The rezoning of land around the east orange post office technically adds a modest amount of supply, but in practice simply recognises the current range of commercial activities already in operation.</p> <p>The minor rezoning of IN1 land at the rear (southern end) of 1 Barrett street only involves a disused and inaccessible section of the lot to facilitate the orderly development of adjacent residential land to the west.</p> <p>The Proposal therefore responds satisfactorily to this Direction.</p>

2. Environment and Heritage

Direction	Consistent?	Comments
2.3 Heritage Conservation	Yes	<p>The Planning Proposal is consistent with the objective of this Direction, it involves only the rectification of misdescriptions in Schedule 5 and correction of several mapping errors and anomalies. The only removal relates to Emmaville Cottage in North Orange (item I308) which was physically relocated the Orange Adventure Playground (Lot 20 DP 1076343)</p> <p>The Proposal therefore responds satisfactorily to this Direction.</p>

3. Housing, Infrastructure and Urban Development

Direction	Consistent?	Comments
3.1 Residential Zones	No – justified	<p>The Planning Proposal is consistent with the objectives of this Direction.</p> <p>No current residentially zoned land is to be changed.</p> <p>One very minor rezoning at the rear of 1 Barrett Street will technically add to the supply of R1 land.</p>
3.4 Integrating Land Use and Transport		<p>The Planning Proposal is consistent with this Direction.</p> <p>The Direction requires the planning authority to have regard to:</p> <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development</i> (August, 2001) by former NSW Department of Urban Affairs and Planning (DUAP), and • <i>The Right Place for Business and Services – Planning Policy</i> (August, 2001) by DUAP. <p><i>Improving Transport Choice</i> highlights the need to concentrate a mix of uses in centres, improve walkability and cyclability of urban areas, plan public transport to work with land use strategies, and design hubs in a way that they are to human-scale.</p> <p><i>The Right Place for Business and Services</i> outlines key objectives such as co-locating trip-generating activities in highly accessible areas, minimising car-dependence through limiting dispersed, inaccessible commercial development, ensuring public transport meaningfully connects to mixed use centres, protecting/maximising community investment in centres and dependent infrastructure, encouraging private and public investment into centres, and fostering growth, competition and innovation in centres.</p> <p>The CBD expansion (into land that is already in a business zone) will enhance the ability of the CBD to provide a consolidated shopping and commercial precinct which is consistent with principles of minimising private vehicle usage by enabling one trip to serve as many purposes as possible. As a result of the Planning Proposal, car dependence will be reduced in Orange for leisure/retail/hospitality consumer trips.</p>

4. Hazard and Risk

Direction	Consistent?	Comments
4.3 Flood Prone Land	No – but justified	<p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>Council is undertaking a Floodplain Risk Management Study and Plan, that reviews the current FRMP which only applies to the Blackmans Swamp Creek (roughly the eastern and central parts</p>

		<p>of the city and terminates at the rail corridor in the South) and the LEP currently only applies to riverine flooding and does not identify or respond to overland flooding from stormwater.</p> <p>The new FRMP includes, for the first time, a detailed study and modelling of the Ploughmans Creek catchment (roughly the western parts of the city) as well as expanding the Blackmans Swamp Creek catchment southwards to encompass Shiralee and the Bloomfield areas. The new FRMP will also map overland flooding as well as riverine flooding.</p> <p>The resultant maps within the new FRMP provide an improved and updated understanding of the extent of risk present. This document (intended to be publicly exhibited roughly in parallel to this planning proposal) will inform future engineering and remediation works, which over time are expected to reduce the extent of hazard. Council anticipates being able to update the FRMP on a roughly annual basis. As such the current LEP approach would almost always be behind the latest knowledge. Accordingly the proposal seeks to amend Clause 7.2 and introduce a new clause that will link the LEP to the current adopted FRMP, meaning that as soon as the FRMP is updated the LEP will automatically respond to the latest information</p> <p>Therefore, the Planning Proposal will not result in development of flood prone land that is inconsistent with the <i>Floodplain Development Manual 2005</i>. The proposed changes are intended to ensure that flood planning controls will always remain as up-to-date as possible. Whenever additional flood studies are undertaken and adopted the planning controls will respond automatically to the new information.</p>
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5. Regional Planning

Direction	Consistent?	Comments
5.10 Implementation of Regional Plans	Yes	<p>The Planning Proposal is consistent with this Direction.</p> <p>The <i>Central West and Orana Regional Plan 2036</i> has been consulted and comments made against that Regional Plan under Q3 of this proposal. The Planning Proposal was deemed to be consistent with relevant Directions and Actions of that Plan.</p>

6. Local Plan Making

Direction	Consistent?	Comments
6.1 Approval and Referral	Yes	<p>The Planning Proposal is consistent with this Direction.</p> <p>The Planning Proposal does not propose to require concurrence for additional uses or situations.</p>

Require- ments		
6.3 Site Specific Provisions	Yes	<p>The Planning Proposal is consistent with this Direction.</p> <p>The Planning Proposal seeks to create an additional permitted use on land at 120 Calton Road, which is considered to be the best way to provide the owner with an equitable outcome given the history of this site as detailed in attachment 8</p>

