

Cabonne Local Environmental Plan 2012 to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential.

Proposal Title :	Cabonne Local Environmental Plan 2012 to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential.		
Proposal Summary :	Cabonne Local Environmental Plan 2012 to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 2ha.		
PP Number :	PP_2017_CABON_002_00	Dop File No :	17/09821

Proposal Details

Date Planning Proposal Received :	04-Jul-2017	LGA covered :	Cabonne
Region :	Western	RPA :	Cabonne Shire Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	411 Lower Lewis Ponds Road		
Suburb :	City :	Clifton Grove	Postcode : 2800
Land Parcel :	Lot 9 DP 243046		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central West and Orana Regional Plan 2036	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	30.08	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	9
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 : There have been no known meetings or communications with registered lobbyists.

Supporting notes

Internal Supporting Notes : The purpose of this planning proposal is to amend the Cabonne LEP 2012 to rezone land from RU1 Primary Production to R5 Large Lot Residential with a Minimum Lot Size of 2.0ha to allow for the development of Large Lot Residential dwellings.

The subject lot is Lot 9 DP 243046. The total area of the lot is approximately 30.08 hectares. A Crown Road Reserve dissects the site which increases the total area of the planning proposal to 31.21ha. An existing dwelling is located on the western side of the lot. A number of sheds and water tanks are located in the vicinity of the existing dwelling.

The proposed development will include:

- 9 lots ranging in size from 2.06 to 6.61 hectares;
- Construction of sealed road within White Hill Lane and internal gravelled access ways that provide access to all lots without requiring direct access to Lower Lewis Ponds Road

It is proposed that the development may be released in stages, based on demand for the lots and the provision of access and services. The variation in the proposed lot sizes reflects the constraints and opportunities of the subject land with smaller lots located in the south and larger lots to the north.

There is no reticulated water or sewer available to the site. It is noted that the Clifton Grove and the Ironbark Estates are serviced by Orange City Council for reticulated water and are required to have onsite wastewater disposal. Consultation with DPI Water will be a condition of the Gateway Determination.

The site has been generally cleared of vegetation. The land is dissected by intermittent watercourses. These areas are recognised as not suitable for residential development in the planning proposal.

The subject land is identified in the Department endorsed Blayney Cabonne and Orange City Sub-Regional Rural and Industrial Land Use Strategy 2008. The land is identified as the northern part of SA3 – Weemilah which was nominated as a Lifestyle Allotment Strategy Area with a potential to provide for large lot residential development due to its proximity to Clifton Grove and Weemilah Road rural residential areas and the urban centre of Orange. The planning proposal notes that the subject land is unaffected by highly productive agricultural land, drinking water catchment, slope or remnant native vegetation. It is noted that the southern part of SA3 is already zoned and developed as

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part of the preparation of the Cabonne LEP 2012. The proposal represents finalisation of the SA3 strategic Area.

It is considered appropriate that Council be issued delegation to exercise plan making functions for this proposal as it is consistent with an endorsed strategy.

The Director Regions, Western is able to utilise delegations to determine this planning proposal.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The Planning Proposal identifies that the objective of this planning proposal is to:

- Rezone the subject site to enable a large lot residential subdivision consistent with Council's Rural and Industrial Lands Strategy.
- Amend the Minimum lot size for the subject land to 2.0 hectares.

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

Is an explanation of provisions provided? Yes

Comment : The proposed provisions in the Planning Proposal will achieve the intended outcomes by:

- Rezoning Lot 9 DP 243046 and White Hill Lane Crown Reserve from RU1 Primary Production to RU5 Large Lot Residential
- Amending the Minimum Lot Size on the subject Lot to 2ha
- Amending the Cabonne Local Environmental Plan 2012 Land Zoning Map (Sheet LZN_005B)
- Amending the Cabonne Local Environmental Plan 2012 Lot Size Map (Sheet LSZ_005B)

This is consistent with the objectives of the proposal.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- * May need the Director General's agreement
 - 1.5 Rural Lands
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.4 Planning for Bushfire Protection

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 (Rural Lands) 2008

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

- 1.2 Rural Zones
- The Ministerial Direction is relevant as the subject site is currently zoned RU1 Primary Production. The proposal is inconsistent with this Direction as the intended outcome of the proposal is to rezone land from RU1 Primary Production to RU5 Rural Residential, which will increase the permissibility of residential development on the subject site. The proposals inconsistency with the Direction is justified by and endorsed strategy which identifies the land which is the subject of the planning proposal.

1.3 Mining

The proposal had the potential to restrict mining and extractive industry (although permissible with consent under the Mining SEPP). The Director Regions, Western can be satisfied that this inconsistency is of minor significance as the proposal is in accordance with an endorsed strategy.

1.5 Rural Lands

The Ministerial Direction applies as the subject site is rural land. The proposal is inconsistent with this Direction as the proposal will affect land within a rural zone and the intended outcome of the proposal is to change the existing minimum lot size on rural land. The Director Regions, Western can be satisfied that the proposals inconsistency with the Direction is justified by an endorsed strategy which identifies the land that is the subject of the planning proposal.

2.3 Heritage Conservation Areas

The Ministerial Direction is relevant as part of the planning proposal an archaeological investigation was undertaken and one Aboriginal Site was identified on the edge of White Hill Lane. The planning proposal notes that no ground disturbing works are proposed in the vicinity of the site and, provided the management recommendations are followed, White Hill Lane is unlikely to be harmed by the proposal. Further detailed assessment can be undertaken at the DA stage. The planning proposal is consistent with this Direction as there will be no change to the model provision that protect heritage. Director Regions, Western can be satisfied that no further work is required to satisfy this Direction other than consultation with OEH.

3.1 Residential Zones

This Direction applies as the proposal intends to rezone land to R5 Large Lot Residential to allow for residential development. The intended out comes of this proposal are consistent with the objectives of this Direction including encouraging a variety and choice of housing types to provide for existing and future housing needs. The planning proposal is consistent with this Direction and is further supported by an endorsed strategy.

3.4 Integrating Land Use and Transport

This Direction applies as the proposal intends to alter a zone. The proposal will include construction of sealed road within White Hill Lane and internal gravelled access ways that provide access to all lots without requiring direct access to Lower Lewis Ponds Road. The planning proposal is consistent with this Direction and is further supported by an endorsed strategy.

4.4 Planning for Bushfire Protection

This Direction applies as a portion of the subject site is identified as bushfire prone. The planning proposal identifies that a full assessment will be undertaken at the DA stage, a preliminary assessment indicates that the proposed lots in the vicinity of the bushfire prone land would be subject to an Asset Protection Zone of 10 to 25 metres. Further work can be undertaken at community consultation and DA stage. Director Regions, Western can be satisfied that no further work is required to satisfy this Direction. Consultation is required with NSW RFS and addressed with the Section 59 report.

5.10 Implementation of the Regional Plans

The proposal has not considered the final Central West and Orana Regional Plan. Council is to address the Regional Plan Prior to community consultation.

Rural Lands SEPP (2008)

The proposal is inconsistent with the aims of this Policy. The subject lot is, however identified in the endorsed local strategy that was prepared in accordance with the Rural Subdivision Principles and Rural Planning Principles. For this reason the Director Regions Western can be satisfied that inconsistency is justified by the endorsed strategy and no further work is required.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Adequate locality maps are included in the planning proposal to identify the subject land to proceed to community consultation.

A condition will be imposed in the Gateway determination requiring the preparation of Land Zoning Map Sheet LZN_005B and Lot Size Map Sheet LSZ_005B in accordance with the Departments Standard Technical Requirements for LEP Maps at finalisation of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The planning proposal intends to place the proposal on exhibition for 28 days. The notification would be placed on Council's website and advertised in the local newspaper. All associated material will also be made publicly available at Council. It is noted that initial consultation has been carried out during the preparation of the Blayney Cabonne and Orange City Sub-Regional Rural and Industrial Land Use Strategy 2008.

The proposal is 'low impact' as it is consistent with an endorsed strategy. A minimum of 14 days exhibition period is required.

The proposed community consultation is considered appropriate for the purposes of this proposal.

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 : January 2013

Comments in relation to Principal LEP : Cabonne LEP 2012 was notified on 18 January 2013.

Assessment Criteria

Need for planning proposal : The planning proposal is required to amend the Cabonne Local Environmental Plan 2012 to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential and amend the current 100ha Minimum Lot Size to 2ha. A planning proposal is the only mechanism to amend the LEP and achieve the desired outcome.

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Consistency with strategic planning framework :

The final Central West and Orana Regional Plan applies to the land. Council is required to address the Regional Plan prior to community consultation. Generally the proposal is consistent with the final Central West and Orana Regional Plan.

The subject land is identified in the Department endorsed Blayney Cabonne Orange City Sub-Regional Rural and Industrial Land Use Strategy 2008. The land is identified as SA3 – Weemilah which was nominated as a Lifestyle Allotment Strategy Area with a potential to provide for large lot residential development due to its proximity to Clifton Grove and Weemilah Road rural residential areas and the urban centre of Orange.

Environmental social economic impacts :

The proposal will result in increase the number of large residential lots, enhancing the supply and diversity of housing available in the area.

A preliminary flora and fauna assessment concluded that the proposed development is not expected to have a significant impact on the long term survival of threatened species and communities. The proposed subdivision pattern has been designed to ensure minimal tree removal. Water quality, on-site effluent disposal, soil erosion, stormwater management, flooding, bushfire hazard, traffic hazard, heritage contamination groundwater, riparian corridors, and demand have all been considered in the proposal. These Environmental impacts have been assessed as part of the Section 117 Direction report. Nonetheless consultation with the relevant agencies is recommended (OEH, NSW RFS and DPI - Water).

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

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? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Request for Gateway Determinatio 411 Lower Lewis Ponds Road.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection

Additional Information :

1. Prior to community consultation the Planning Proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.

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 14 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 and / organisations under Section 56(2)(d) of the Environmental Planning and Assessment Act, 1979:

- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- Orange City Council
- NSW Department of Primary Industries – Water

Each public authority/organisation 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.

7. Council is authorised to exercise delegations.

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Supporting Reasons : The proposal is consistent with the endorsed local strategy and will increase the availability of housing in the Cabonne Area.

Signature:	<u><i>Amanda Carnegie</i></u>		
Printed Name:	<u><i>Amanda Carnegie</i></u>	Date:	<u><i>26.7.2017</i></u>

Endorsed

W/hamsey 26/7/2017
TLWR