



Phone: (02) 6392 3247

Fax: (02) 6392 3260

Contact: H. Nicholls

THE GENERAL MANAGER

POST OFFICE BOX 17

MOLONG 2866

Website: www.cabonne.nsw.gov.au

Email: council@cabonne.nsw.gov.au

Our Ref:

Doc ID: 852122

ABN: 41992 919 200

3 July 2017

Ms Katrine O'Flaherty
Regional Director, Western
Department of Planning & Environment
PO Box 58
DUBBO NSW 2830

Dear Madam,

**REQUEST FOR GATEWAY DETERMINATION
PLANNING PROPOSAL FOR REZONING OF LAND
LOT 9 DP 243046
411 LOWER LEWIS PONDS ROAD, CLIFTON GROVE**

Please find attached a Planning Proposal for rezoning of Lot 9 DP 243046 being land known as 411 Lower Lewis Ponds Road, Clifton Grove. The subject land is identified as part of Strategy Area 3 as described by the endorsed Blayney, Cabonne, Orange Sub Regional Rural and Industrial Strategy of July 2008.

Attached is a hard copy and an electronic (^{CD}USB) copy of the Planning Proposal, along with a copy of the council report and extract from the council minutes supporting the proposal. Also attached is a copy of the department's checklist and evaluation criteria for delegation of plan making.

Council requests consideration of the Planning Proposal under the department's Gateway process.

Should you have any further enquiries please contact the undersigned during business hours on 6392 3246.

Yours faithfully,

HJ Nicholls

DIRECTOR ENVIRONMENTAL SERVICES

Encl.

Request for initial Gateway Determination

Instructions to users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local regional office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your regional office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Cabonne Council
Contact person: Heather Nicholls
Contact phone number and email: (02) 6392 3246
heather.nicholls@cabonne.nsw.gov.au

Planning Proposal Details – Attachments

1. Land involved

- Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove

2. Maps

- Location maps ✓
- Existing zoning map ✓

3. Photos

- Aerial photo ✓
- Photos showing land and surrounds ✓

4. Complete Planning Proposal (1 electronic and 1 hard copy) *(as confirmed with Jenna @ DDO office)*

- All matters to be addressed in a planning proposal, including Director General's requirements for the justification of all planning proposals in accordance with a 'Guide to preparing a Planning Proposal' are completed prior to forwarding to the regional office in the first instance. See attached pro forma. ✓

5. Planning Proposal has been supported by council

- Council has considered the written proposal before it is sent to the Department of Planning ✓
- Attached is council's resolution to send the written planning proposal to the Department of Planning. ✓

Heather Nicholls

Signed for and on behalf of Cabonne Council
3 July 2017

Project timeline

The anticipated project timeline for completion of the Planning Proposal is outlined below:

No	Task	Commencement	Completion
1	Gateway determination Obtain Gateway Determination	July 2017	July 2017
2	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the planning proposal in accordance with any conditions of the Gateway Determination	August 2017	September 2017
3	Consider submissions and document finalisation Council staff to consider, respond and report to council on any submissions received and issues raised, and make any relevant changes to the planning proposal. This process will determine amongst other things, the following: • Whether or not to endorse and/or support the planning proposal • Whether or not to endorse the planning proposal (as exhibited); or • Whether or not to endorse the planning proposal (as amended)	October 2017	November 2017
5	Submission to the Department and/or Parliamentary Counsel Council to forward the planning proposal to the department and/or Parliamentary Counsel following public exhibition (including and changes made).	November 2017	December 2017
6	Notification Notification of LEP amendment being made	January 2018	January 2018

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Attachment 4 – Evaluation criteria for the delegation of plan making functions

Local Government Area	Cabonne Shire Council
Name of draft LEP	Cabonne Local Environmental Plan 2012 - Amendment 6
Address of land	Lot 9 in DP 243046 being land known as 411 Lower Lewis Ponds Road, Clifton Gove, near Orange
Intent of draft LEP	To rezone a 30.08ha allotment of land that is currently zoned RU1 Primary Production under the Cabonne LEP 2012, to RU5 Large Lot Residential in accordance with the endorsed sub regional rural and industrial lands strategy.
Additional Supporting Points / information	Refer to the attached Planning Proposal prepared for Landorange Partnership and dated April 2017, and also the council planning report and extract from meeting minutes.

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details in Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table1 – to be completed by the department

Stage	Date/details
Planning Proposal Number	
Date sent to department under s56	3 July 2017
Date considered at LEP Review Panel	
Gateway Determination date	

Table 2 – To be completed by the RPA

Stage	Date/details	Notified Reg off
Dates draft LEP exhibited		
Date of public hearing(if held)	NA	
Date sent to PCO seeking Opinion		
Date Opinion received		
Date council resolved to adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP & I requesting notification		

Table 3 – to be completed by the department

Stage	Date/ details
Notification date and details	

Additional relevant information:

Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		

Reclassifications

Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		✓		
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval ?		✓		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?</i>		✓		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		✓		

Spot Rezonings

Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		✓		
Does the planning proposal create an exception to a mapped development standard?	N			

Section 73A matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

N

N

N

(Note – the Minister / GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).

Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

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3. Investigate a proposal to implement the existing street tree master plans, incorporating the capital improvement priorities submitted by each of the Shire's progress associations.

17/05/18 Carried

ITEM - 20 EVENTS ASSISTANCE PROGRAM 2016/2017

MOTION (Walker/Durkin)

THAT Council approve funding of \$1,500 under the 2016/2017 Events Assistance Program (EAP) to Brand Orange for Taste@Watsons Bay 2017.

17/05/19 Carried

**ITEM - 21 PLANNING PROPOSAL FOR REZONING OF 'TALIMBA' 411
LOWER LEWIS PONDS ROAD, CLIFTON GROVE BEING LOT 9 DP
234046 FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT
RESIDENTIAL**

MOTION (Wilcox/Walker)

THAT Council:

1. Receive and note the Planning Proposal for the rezoning of land identified as Lot 9 DP 243046 and Crown road reserve known as White Hill Lane, situated off Lower Lewis Ponds Road, Clifton Grove, Orange, and located within the Strategy Area 3 (SA3) as described in the Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy July 2008.
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. Receive a further report following the public exhibition period to provide details of any submissions received during the exhibition process.

17/05/20 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion as follows:

For: Cllrs Gosper, Dean, Nash, Wilcox, Durkin, Treavors, Walker and Davison.

Against: Nil.

**ITEM - 22 REQUEST TO MODIFY DEVELOPMENT CONSENT -
DEVELOPMENT APPLICATION 2015/133/1 - 104 KENT ROAD,
MULLION CREEK**

Proceedings in Brief

ITEM 21 - PLANNING PROPOSAL FOR REZONING OF 'TALIMBA' 411 LOWER LEWIS PONDS ROAD, CLIFTON GROVE BEING LOT 9 DP 234046 FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL

REPORT IN BRIEF

Reason For Report	To obtain council's resolution to proceed with the rezoning process.
Policy Implications	The proposal is in accordance with the Blayney, Cabonne and Orange City Sub regional rural and industrial land use strategy, adopted July 2008
Budget Implications	Nil
IPR Linkage	4.5.1.c - Provide appropriate mechanisms for democracy and participation for Cabonne residents
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\LAND USE AND PLANNING\\PLANNING\\AMENDMENT 6 TO LEP 2012 - LOT 9 DP 243046 - 411 LOWER LEWIS PONDS RD, CLIFTON GROVE - 837412

RECOMMENDATION

THAT Council:

1. Receive and note the Planning Proposal for the rezoning of land identified as Lot 9 DP 243046 and Crown road reserve known as White Hill Lane, situated off Lower Lewis Ponds Road, Clifton Grove, Orange, and located within the Strategy Area 3 (SA3) as described in the Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy July 2008.
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. Receive a further report following the public exhibition period to provide details of any submissions received during the exhibition process.

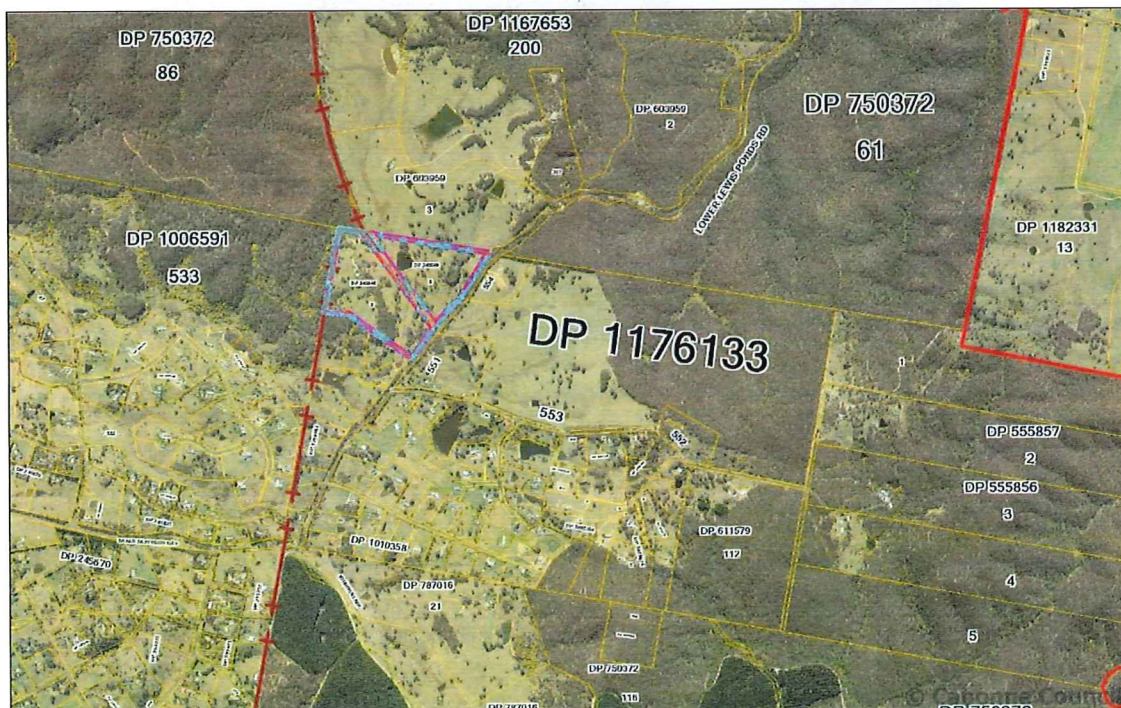
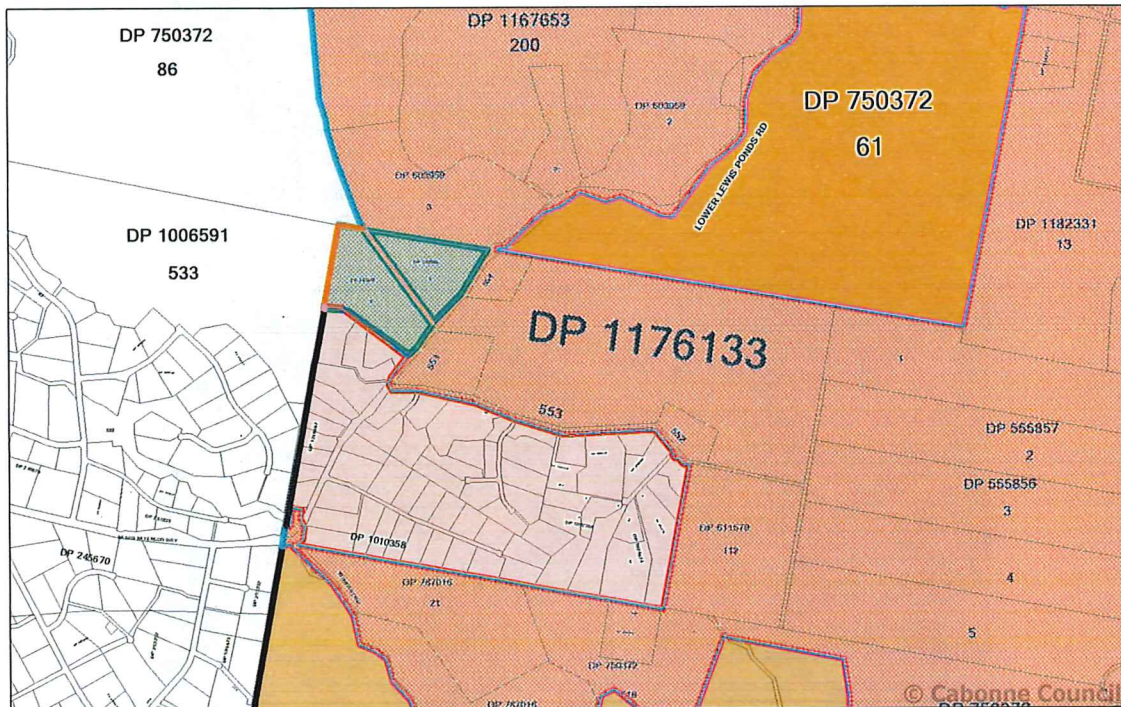
DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council has received a Planning Proposal from Land Orange Partnership on behalf of Mr DC Glover and Ms SL Attenborough to amend the Cabonne Local Environmental Plan 2012. The Planning Proposal relates to land located approximately 7.5km north east of the city of Orange and described as Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove. A copy of the Planning Proposal will be provided to all councillors under separate cover.

The subject land is identified in the Blayney, Cabonne and Orange City Sub Regional Rural and Industrial Land Use Strategy, 2008, as a future investigation area for the release area for life style development. The area, identified in the sub regional strategy as Strategy Area 3 (SA3), is located to the immediate east of the existing Clifton Grove large lot residential precinct

The land described as Lot 10 DP 243046 was the subject of a Planning Proposal in 2014 and has since been rezoned in accordance with the sub regional strategy, subdivided and development of the Bridal Valley Estate is progressing. This subdivision also incorporated adjustments to Lot 71 DP 750372. The land description for this area is now Lots 100 to 110 in DP 1214842.

The current Planning Proposal relates to Lot 9 DP 243046, being the residual of the SA3 investigation area. This allotment is located to the immediate north of the Bridal Valley Estate development.



Location plan - Lot 9 DP 243046

- Water supply for residential purposes to be provided by rainwater tanks supplemented with on-site farm storage and / or the provision of bores where required
- Electricity and telecommunication services to be provided via the extension of existing infrastructure.

The land may be developed in stages, based upon demand for the allotments and the provision of infrastructure. A conceptual development plan has been prepared as part of the Planning Proposal. Final lot layout may vary based upon the requirements of the development assessment process and relevant design criteria.

Preliminary investigation has been undertaken as part of the Planning Proposal to assess environmental impacts including water quality, flora and fauna assessment, groundwater, on-site effluent disposal, soil erosion, stormwater management, flooding and bushfire hazard, traffic and access, site contamination and heritage assessment. The detailed support documentation indicates that the land is capable of accommodating the proposed development. A review of the Planning Proposal documentation by council officers supports the study findings.

It is noted that the nearby Strathnook Lakes Estate (14 lots) and the Weemilah Estate (20 lots) have been fully developed. The Bridal Valley Estate was registered in April 2016 and each of the 7 vacant allotments have since been sold with development commencing on several of the allotments.

The proposed rezoning of the property 'Talimba' will release an additional 10 development lots in the area (noting the existing dwelling located upon the property will be contained within a subdivided allotment).

The Planning Proposal to rezone land from RU1 Primary Production to R5 Large Lot Residential is supported. It is considered that the relevant requirements under section 55 of the Environmental Planning and Assessment Act 1979 and the matters identified in the Department of Planning's 'A guide to preparing Planning Proposals' have been adequately addressed in the Planning Proposal.

It is recommended that council support the Planning Proposal and the matter by submission of the proposal to Gateway Determination.

The intended outcomes of the Planning Proposal are identified as being:

- the rezoning of Lot 9 DP 243046 and White Hill Lane (a Crown road reserve) from RU1 Primary Productions to R5 Large Lot Residential by amending the Cabonne Local Environmental Plan 2012 Lot Zone Map (sheet LZN_005B)
- amending the Cabonne Local Environmental Plan 2012 Lot Size Map (Sheet LSZ_005B) as it applies to Lot 9 DP 243046 to reflect a minimum lot size of 2ha.