

PROPOSED 'CLEARVIEW ESTATE'

Lots 11 & 88 DP750401

Park & Rifle Range Roads

SHIRALEE, SOUTH ORANGE NSW

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PLANNING PROPOSAL

Minimum Lot Size(s) & Land Use Zone(s) for Residential Subdivision

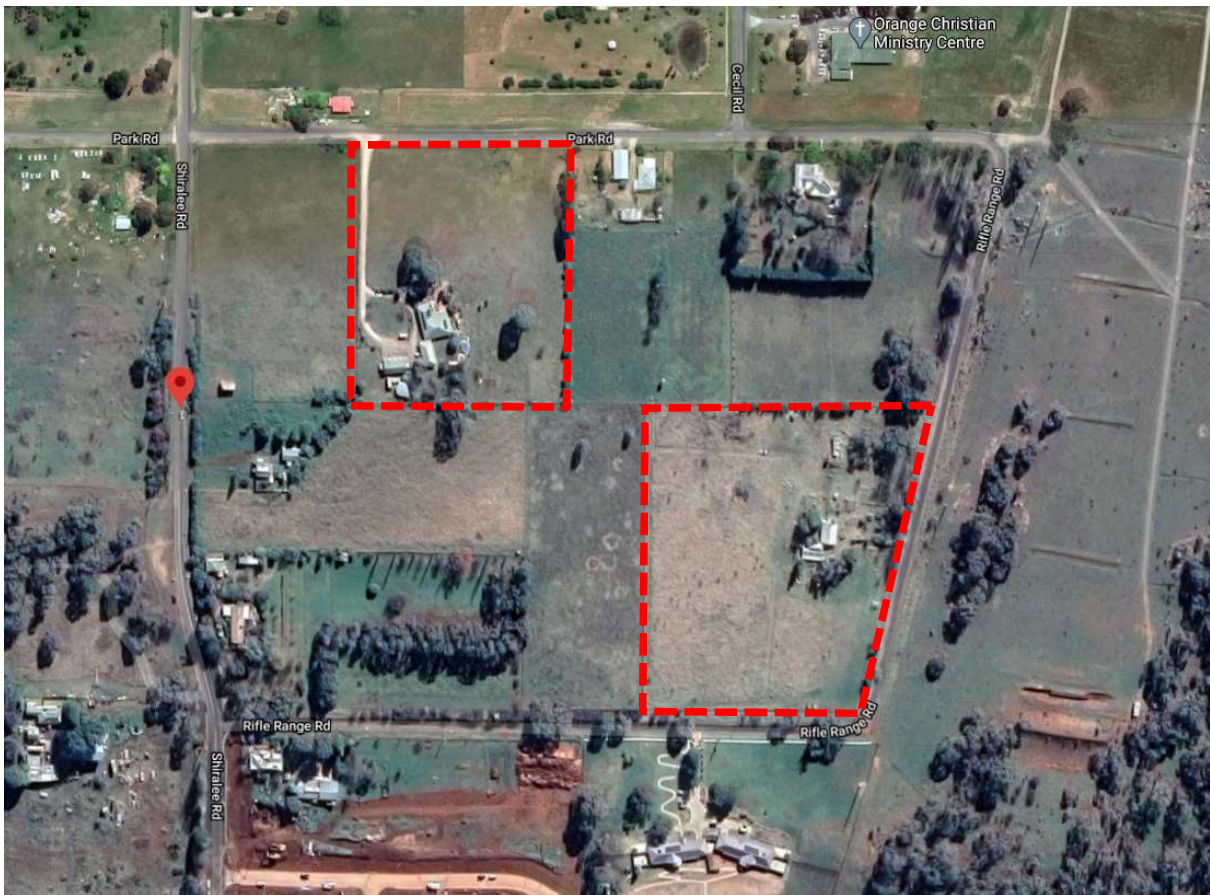


Figure 1: Aerial photo showing existing Lots affected by the Proposal (Source: Google Maps 2020).

Applicant: Landorange Partnership
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Lodged with: Orange City Council

17 December 2020
Version D: For Lodgement

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Table of Contents

1	EXECUTIVE SUMMARY	3
1.1	SUMMARY OF PLANNING PROPOSAL	3
1.2	SUPPORTING INFORMATION	3
1.3	PROCESS OVERVIEW	4
2	PLANNING PROPOSAL – JUSTIFICATION OVERVIEW	5
2.1	RELEVANT SITE MAP(S)	5
2.2	SITE A	6
2.3	SITE B	7
2.4	SITE C	8
2.5	OVERALL LOT YIELD	8
3	EXISTING SITE ANALYSIS & KEY CONTROLS.....	9
3.1	SITE LOCATION	9
3.2	SITE DESCRIPTION	9
3.3	SHIRALEE CONTEXT.....	9
3.4	TOPOGRAPHY	10
3.5	WATERCOURSES & DRAINAGE	10
3.6	SITE PHOTOS	10
3.7	SITE HISTORY & CONTAMINATION	11
3.8	SITE ANALYSIS OVERVIEW	11
3.9	KEY EXISTING CONTROLS	14
4	PLANNING PROPOSAL	21
4.1	PART 1: OBJECTIVES OR INTENDED OUTCOMES	21
4.2	PART 2: EXPLANATION OF PROVISIONS.....	21
4.3	PART 3: JUSTIFICATION OF PROPOSED LEP AMENDMENTS	21
4.4	PART 4: MAPPING.....	29
4.5	PART 5: COMMUNITY CONSULTATION.....	30
4.6	PART 6: PROJECT TIMELINE.....	30

Figures

Figure 1: Aerial photo showing existing Lots affected by the Proposal (Source: Google Maps 2020).	i
Figure 2: Map showing indicative location of the three (3) Sites (yellow) relative to the two (2) affect lots (red).	5
Figure 3: OLEP2011 Lot Size Map overlaid with indicative Subdivision Plan showing Site areas.	5
Figure 4: OLEP2011 Land Zoning Map overlaid with indicative Subdivision Plan showing Site areas.	6
Figure 5: Location of Site(s) in relation to Orange CBD (NSW Planning Portal).	9
Figure 6: Site photos (18/09/2020).	10
Figure 7: Site Analysis Diagrams (Shiralee DCP Appendix D).	11
Figure 8: Heritage Map Excerpt HER_008B (OLEP2011).	15
Figure 9: Excerpt from Draft DCP Section 4A Flood Affected Land – Figure 6.20 Sheet 6.	16
Figure 10: Biodiversity, Watercourse & Groundwater Vulnerability Map Excerpt CL2_008B (OLEP2011).	17
Figure 11: Excerpt Shiralee DCP Figure.12 Large Lot Classification Diagram.	19
Figure 12: Indicative Amendment Area – Overlay Lot Size Map 008B (OLEP2011).	29
Figure 13: Indicative Amendment Area – Overlay Land Zoning Map (OLEP2011).	29

1 EXECUTIVE SUMMARY

1.1 Summary of Planning Proposal

The following table summarises the key aspects of this Planning Proposal:

Planning Proposal/ Site Description	<p>This Planning Proposal seeks to amend <i>Orange Local Environmental Plan 2011</i> (OLEP2011) in three (3) locations on two (2) existing lots of land along Park Rd and Rifle Range Road, SHIRALEE (South Orange) as follows (referencing proposed future lots in DA384/2020 – see below):</p> <ul style="list-style-type: none"> a) Site (A): Part Lot 11 DP750401 (41 Park Rd) – Proposed lots 302-304 fronting Park Rd – reduce the Minimum Lot Size (MLS) from 3,800m² to 3,000m²; b) Site (B): Part Lot 11 DP750401 (41 Park Rd) – Part proposed lot 301 fronting proposed Montrose St: <ul style="list-style-type: none"> i) reduce the MLS from 9,000m² to 1,000m² (remainder stays in existing MLS 9,000m²); ii) possibly change the Land Use Zone from Zone R2 Low Density Residential to Zone R1 General Residential for consistency with the surrounding zoning/lot sizes. c) Site (C): Part Lot 88 DP750401 (55 Rifle Range Rd) – Proposed lots 113-115 fronting Rifle Range Rd (East): <ul style="list-style-type: none"> i) reduce the MLS from 2,000m² to 700m² for the entire 2,000m² area; and ii) possibly change the Land Use Zone from Zone R2 Low Density Residential to Zone R1 General Residential for consistency with the surrounding zoning/lot sizes. <p>As each Proposal relates to part of each lot (that references a future lot layout) we have provided mapping in Part 4: Mapping below.</p>
Applicant	Landorange Partnership – Mr David Fenton
Owner	Two (2) land owners – see Owners' Consent
Relevant Development Applications	Development Application DA384/2020 was lodged by the Application in early October and covers the Site in this Planning Proposal as well as adjacent sites as part of an 85-lot subdivision. This DA is expected to be approved by Council in December 2020. The 'Proposed Lots' referred to in this Planning Proposal are the relevant proposed lots in DA384/2020 but existing lots are also referenced.

1.2 Supporting Information

The Planning Proposal is supported by the following reports:

Field	Report / Plans	Reference	Name
Contamination	Preliminary Contamination Assessment	17 Sept 2020	Envirowest Consulting

Whilst this is not a Development Application, the Planning Proposal is supported by the following **INDICATIVE Subdivision Concept** (Heath Consulting) to show how a potential lot layout would utilise the proposed changes:

Reference	Name
20021-PP-PROP(A)	DA384/2020 Subdivision Layout (Black) & Proposed Amended Lots (Pink) (with aerial)
20021-PP-PROP-A(A)	DA384/2020 Subdivision Layout (Black) & Proposed Amended Lots (Pink)
20021-PP-LS(A)	Lot Size – Shiralee DCP Master Plan Layout
20021-PP-LZ(A)	Land Zoning – Shiralee DCP Master Plan Layout
20021-PP-PROP-LS(A)	Lot Size – Proposed (DA384/2020) Subdivision Layout in relation to DCP Masterplan
20021-PP-PROP-LZ(A)	Land Zone - Proposed (DA384/2020) Subdivision Layout in relation to DCP Masterplan

1.3 Process Overview

The Planning Proposal has been prepared in accordance with *Divisions 3.4 – Environmental Planning Instruments (LEPs)* of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (Dec 2018) '*A guide to preparing planning proposals*'. Section 1.3 of the Guideline states that a Planning Proposal should provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. It should contain enough information to identify relevant environmental, social, economic and other site-specific considerations. However, it is not a development application, nor does it consider specific detailed matters that should form part of a development application.

A gateway determination under the EP&A Act is requested from the NSW Department of Planning, Industry & Environment ('DPIE') to allow this planning proposal to be placed on public exhibition. The regional office of DPIE has delegations to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application). Planning Circular PS 18-013 (14 December 2018) updates delegation of plan making decisions under the EP&A Act (and replaces PS16-005 & PS12-006).

Section 3.34(2)(g) of the Act provides that if the planning proposal authority is a council, the Gateway Determination may authorise the council to make the proposed instrument and set out any conditions the council is required to comply with before the instrument is made and, as a result, the council becomes the local plan-making authority. The Applicant requests, on behalf of Council, that this matter is delegated to Council to become the plan making authority.

The Gateway Determination may provide details of further studies/consultation required by Council to enable the public exhibition and finalisation of the LEP amendments but we believe that the attached studies should be sufficient to support this Planning Proposal.

Please see **Part 6: Project Timeline** of this Report for an indicative timetable of steps to achieve the outcomes in this Proposal.

2 PLANNING PROPOSAL – JUSTIFICATION OVERVIEW

Therefore, the key justifications for the amendment are as follows for Sites A to C as shown on the attached map:

2.1 Relevant Site Map(s)

The following Figures shows the relationship of the three (3) Sites in relation to the parts of the two (2) affected lots and the indicative Subdivision Concept & DA384/2020 (Please see **Part 4: Mapping** for additional mapping):

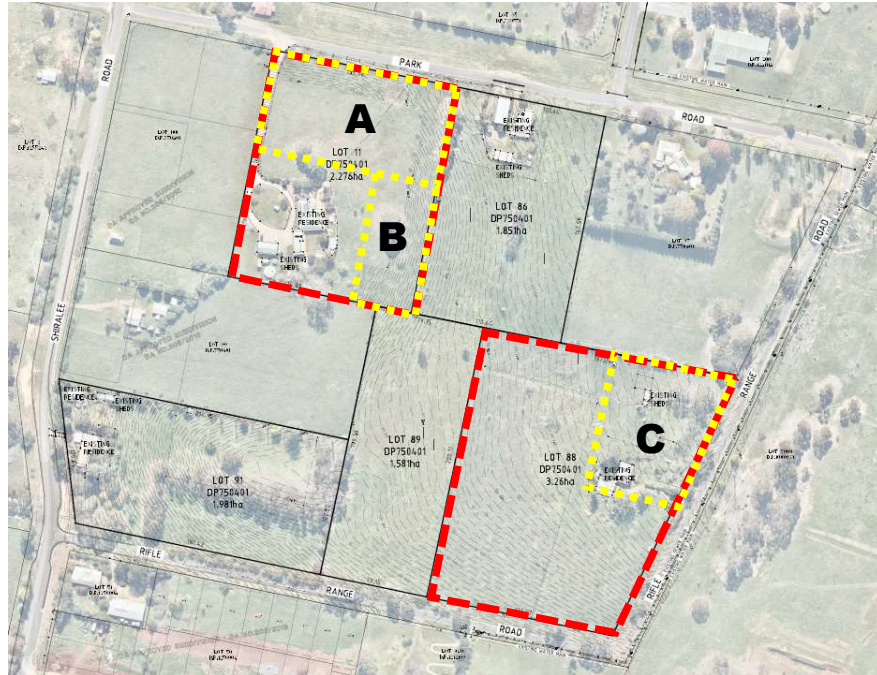


Figure 2: Map showing indicative location of the three (3) Sites (yellow) relative to the two (2) affect lots (red).



Figure 3: OLEP2011 Lot Size Map overlaid with indicative Subdivision Plan showing Site areas.

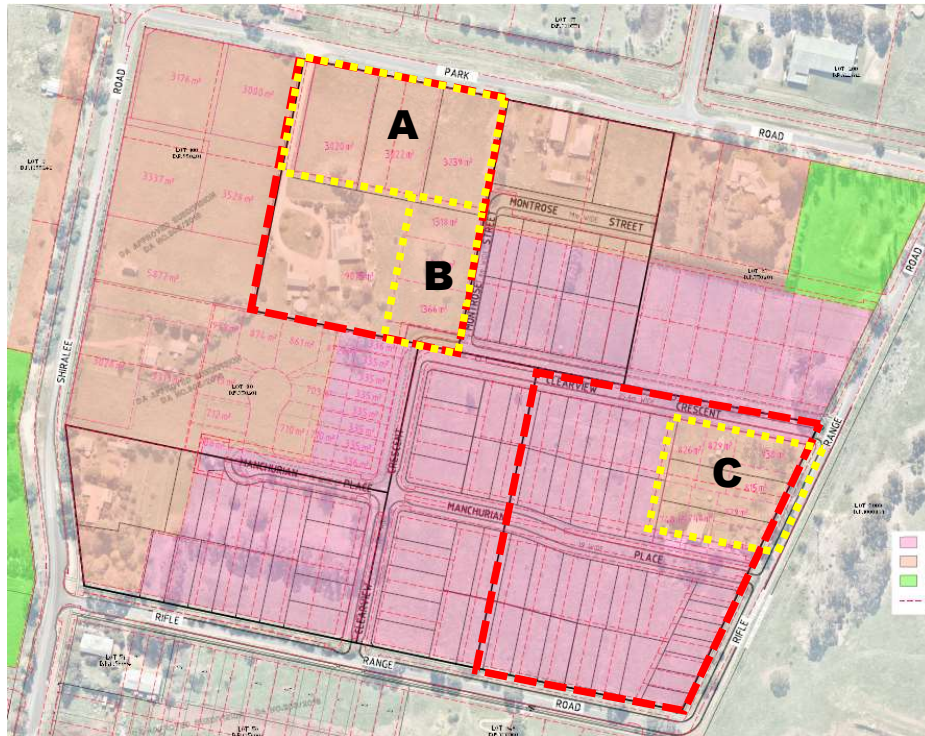


Figure 4: OLEP2011 Land Zoning Map overlaid with indicative Subdivision Plan showing Site areas.

2.2 SITE A

REDUCE MINIMUM LOT SIZE (MLS) FROM 3,800M² TO 3,000M²

Site A covers the northern part of existing Lot 11 DP750401 fronting Park Rd/Southern Feeder Rd. Under DA384/2020 this consists of Proposed Lots 302-304 plus the access handle for Proposed Lot 301.

- a) **Lot Yield:** In DA384/2020 there was a *Clause 4.6 Variation Request* for proposed Lots 302-304 (3 lots) fronting Park Rd to reduce the Minimum Lot Size (MLS) for subdivision from 3,800m² to ~3,300m² in that DA (a 13.2% variation). This Planning Proposal seeks to retain those three (3) lots but they will be reduced to ~3,000m² (a 21% variation) so there is no increase in lot yield on this part of the Site compared to DA384/2020.
- b) **Variation Transparency:** The proposed lot width is similar to DA384/2020 but the lot depth of the three (3) proposed lots in Site A decreases slightly to better align with the Lot Size Map and provide a buffer to the existing dwelling. This extent of variation may be beyond the scope of a standard Clause 4.6 Request and is resolved by seeking amendment to OLEP2011 through this Planning Proposal. However, in effect this aspect of the Planning Proposal produces a similar outcome (same lot yield) to that proposed in DA384/2020.
- c) **Transition in Lot Size:** On the Lot Size Map, land west of Site A (corner Park Rd & Shiralee Rd) has an MLS of 3,000m² (see DA approval No.305/2016) and land east of Site A (along Park Rd) has an MLS of 2,400m². Therefore, an MLS of 3,000m² for Site A is an appropriate transition in lot sizes (and likely street character) along Park Road.
- d) **DCP Consistency:** In DCP Figure 12 Large Lot Classification Diagram it would appear that the Site A lots were originally intended to have an MLS of 3,000m² so it is unclear why this was increased to 3,800m² in OLEP2011.
- e) **Response to Slope:** Shiralee Masterplan appears to have responded to steeper sloping land by increasing lot size. However, the slope of Site A is only around 5-7% and is not a significant constraint to slightly smaller lots. By retaining proposed lot widths in excess of ~40m it allows new dwellings on those lots to align along the contours in an east-west direction and reduce the amount of cut/fill required whilst maintaining good passive solar orientation.
- f) **Heritage:** In addition, the additional density sits at lower contours and does not form part of the sight-lines to the heritage building on top of the hill so there is no additional heritage or scenic impact.
- g) **Access to SFR:** In the DCP, Site A in 41 Park Rd would be subdivided into two (2) lots fronting Park Rd with at least one (1) lot requiring direct access to Park Rd. In the amended subdivision plan, Site A would be subdivided into three (3) lots with up to two (2) lots requiring direct access to Park Rd. The access to these two (2) lots can be a shared driveway to reduce impacts of new driveways on the proposed Southern Feeder Road (SFR). The 3rd lot can be accessed from Montrose St (so no new access to SFR required).
- h) **Tree Protection:** The adjusted fence line seeks to protect a number of large established eucalypts that form part of the garden of existing Lot 11 and will either remain in the large garden of proposed Lot 301 or be close to the

boundary where there is a lower chance of conflict with any future dwelling. The reduced lot size will not, therefore, impact on tree preservation but can improve the outcomes.

Therefore, in summary the proposed change to the Lot Size for Site A is justified because:

- a) It produces the same lot yield in this location as DA384/2020 and only one (1) more lot than shown in the DCP;
- b) It is consistent with the lot size in DCP *Figure 12 Large Lot Classification Diagram*;
- c) The Planning Proposal is a transparent way to have a ~21% variation and resolves an inconsistency between DA384/2020 and the Lot Size maps;
- d) It creates an improved consistency in lot sizes along Park Rd;
- e) The slope of Site A is managed with wider lots (>40m) that allow passive solar oriented dwellings to minimise earthworks;
- f) Only one (1) additional lot (compared to the DCP layout) will require access from Park Rd and this can share an access so there is no increase in new driveways to the Southern Feeder Road (SFR). One (1) of the three (3) proposed lots will be accessed from Montrose St;
- g) The reduced lot size enables a boundary relocation that will enhance preservation of some of the larger established eucalypts on Lot 11.

2.3 SITE B

REDUCE MINIMUM LOT SIZE (MLS) FROM 9,000M² TO 1,000M² / POSSIBLE CHANGE TO ZONE R1 GENERAL RES.

Site B covers the eastern part of existing Lot 11 DP750401. Under DA384/2020 this land will front Montrose St.

- a) **Lot Yield:** The variation for Site B would increase the yield for this part of 41 Park Rd from one (1) to four (4) lots – an increase of three (3) lots only.
- b) **Improved Connectivity (Road Realignment):** In the Shiralee Masterplan, Montrose St is a cul-de-sac with access from Rifle Range Road (East) down to the eastern edge of 41 Park Rd (Lot 11) that was intended to open up development along its frontage. In DA384/2020 the Applicant proposed a new alignment for Montrose Street connecting to Clearview Crescent because the adjacent land is yet to develop (so access to Rifle Range Rd is not possible). Once the adjacent land develops this creates a through-road that is an improved urban outcome over a cul-de-sac as it has increased connectivity and would avoid the need for larger vehicles (e.g., waste trucks) to have to turn around in the cul-de-sac.
- c) **Access/Road Frontage:** The realignment of Montrose St occurs along the eastern boundary of 41 Park Rd and this improved connectivity opens up access for new lots along that frontage that would have previously not have had this possibility. Therefore, the new road realignment (and its additional cost) creates an opportunity to more effectively use the Site with each lot having a street frontage and no additional battle-axe lots created.
- d) **Maintain Existing Dwelling Curtilage:** In DA384/2020 the existing dwelling on Lot 11 (Proposed Lot 301) was retained on a lot of ~1.25ha. This land has a Minimum Lot Size (MLS) for subdivision of 9,000m² in OLEP2011. It is proposed to reduce this lot to 9,000m² whilst maintaining the existing garden & curtilage around the existing dwelling and continue to provide access to both Park Rd (existing driveway) and Montrose St in accordance with the Shiralee Masterplan. Therefore, there are no major changes to the amenity of this existing dwelling.
- e) **Transition in Lot Size:** This would leave >3,000m² of land along the Montrose St frontage (at a lower contour than the existing dwelling) that could be developed into up to three (3) lots each of minimum 1,000m². Each of these three (3) lots would be ~27-28m wide and ~36m deep resulting in lots >1,000m². These are larger than the 700m² lots to the east but provide a transition up to the larger 3,000m² lots along Park Rd (see Site A above).
- f) **Response to Slope:** When preparing the Shiralee DCP there may have been an intent to have a larger lot size on steeper sloping land. Whilst the slope of Site B is 10-15% (~13% average), the Proposal still allows for three (3) lots with a lot width of ~28m. This is sufficient to enable dwellings to be sited along the north-south contours to minimise cut/fill. It is important to note an area of Lot 90 DP750401 has an MLS of 200m² to the south of Site B with significant slope of ~9.5%. In comparison a slope of 13% for 1,000m² lots is suitable. Therefore, consistent with the Shiralee Masterplan, slope is not a major constraint to reduced lot size in Site B.
- g) **Heritage/Scenic/Tree Protection:** The three (3) new lots are located at a lower contour than the heritage item and will not impact any significant views to the heritage item at the top of the hill. One (1) existing significant tree has a greater potential to be protected close to the boundary of the proposed lots.

Therefore, in summary the proposed change to the Lot Size for Site B is justified because:

- a) It produces only three (3) more lots than shown in the DCP and is an efficient use of the Site;
- b) The realignment of Montrose St to connect to Clearview Crescent is an improved urban outcome and would enable the three (3) new lots to have a direct road frontage without any battle-axe access handle(s);

- c) The proposed lot size of the existing dwelling at 41 Park Rd remains at 9,000m² (existing MLS) and provides sufficient setbacks to maintain the privacy and garden curtilage of this dwelling with new lots at lower contours;
- d) The proposed lot size of 1,000m² provides a transition between the 700m² lots to the east, the 3,000m² lots to the north, and the 9,000m² lot to the west;
- e) The slope of Site A is managed with reasonably wide lots that allow future dwellings to minimise earthworks and is consistent with smaller Minimum Lot Size (MLS) areas in the Shiralee Masterplan in the same area. Any future dwelling on the lower contour is less likely to impact heritage/scenic views at the top of the hill.

2.4 SITE C

REDUCE MINIMUM LOT SIZE (MLS) FROM 2,000M² TO 700M² / CHANGE TO ZONE R1 GENERAL RESIDENTIAL.

Site C covers the north-eastern part of existing Lot 88 DP750401. Under DA384/2020 this covers Proposed Lots 113-115.

- a) **Lot Yield:** In the Shiralee DCP, the area of Site C (part of Lot 88) has a Minimum Lot Size (MLS) of 2,000m² and is likely to produce up to three (3) lots (as per DA384/2020) or two (2) lots shown in the Shiralee Masterplan. However, in this Proposal the reduction to 700m² lot size may increase this to up to eight (8) lots – an increase of up to 5-6 lots that is an efficient use of this land.
- b) **Original Lot Size Intent:** As two buildings are visible on the aerial and two lots proposed in the DCP, it can only be assumed that the intent of the lot size was to create a reasonable curtilage around each 'building' for existing owners/residents. However, one of these buildings is a shed and the other is a dwelling of limited value that is proposed for demolition under DA384/2020. Therefore, neither are buildings that warrant such a large lot size.
- c) **Inconsistent Lot Size Pattern:** Site C is surrounded by an MLS of 700m² to the north, west and south-west and an MLS of 200m² to the south. However, the surrounding lands have, if anything, more constraints than Site C. Site C sits on some of the flattest land of the block with limited vegetation. Therefore, if the existing dwelling is removed it suggests that Site C should have a similar lot size to the surrounds.
- d) **Density Facing Parkland:** The land to the south fronting Rifle Range Rd has an MLS of 200m². This is likely to have been because it is located on relatively unconstrained land AND it has the additional amenity of facing the proposed Bloomfield Reserve parkland on the opposite side of Rifle Range Road. Site C has this same amenity, suggesting that the lot size should be reduced to maximise dwellings with excellent recreation access and outlook.
- e) **Widened Road Frontage:** Council has also recently requested that Rifle Range Road (east) adjacent to the parkland needs to be redesigned and made wider compared to the layout provided in the Shiralee Masterplan & DCP. The Applicant is willing to contribute to this widening but suggests with a wider road it will also have additional capacity for additional lots to front and access that road with no additional impact. The additional yield will also offset the additional cost of that road contribution.

Therefore, in summary the proposed change to the Lot Size for Site C is justified because:

- a) It produces only 5-6 more lots than shown in the DCP and is an efficient use of the Site;
- b) The two (2) existing buildings on Lot 88 are a dwelling and a shed (to be demolished under DA384/2020) and they do not warrant the retention of larger lot sizes;
- c) There are no major environmental site constraints to smaller lot sizes on Site C;
- d) The existing Minimum Lot Size (MLS) and zoning is inconsistent with the planning controls on surrounding land;
- e) The land has excellent amenity with outlook over the Bloomfield Reserve parkland (like the 200m² lot size area immediately to the south);
- f) A smaller lot size and increased yield is supported by Council's intent to widen Rifle Range Road along the parkland frontage.

2.5 Overall Lot Yield

This Proposal and the three (3) sites for lot size reductions will increase the total yield by around ten (10) lots compared to the original Shiralee Masterplan/DCP and eight (8) lots compared to DA384/2020 (that only sought a Clause 4.6 Variation Request for Site A). This is not a major increase in lot yield compared to what was intended for the area.

In addition, it is clear that the staging of construction of Shiralee has not progressed quite like it was intended. Many larger holdings are not developing in the intended timeframes and this is resulting in the need for roads and infrastructure to extend further than originally intended earlier in the urban release project and with less lots contributing to the cost of the new infrastructure and open space to be provided by Council.

Therefore, where an Applicant demonstrates that a Site is capable of supporting additional yield with minimal impact, we suggest the provision of a limited number of additional lots will add to contributions to fund this infrastructure to enable the Shiralee Masterplan to meet its intended public benefit outcomes.

3 EXISTING SITE ANALYSIS & KEY CONTROLS

3.1 Site Location

The Subject Site(s) are located in the new urban release area known as 'Shiralee' to the south of Orange and south of the Broken Hill Railway Line. The Sites are located ~2.7km south of Summer Street (Orange CBD – black square in Figure below) via Cecil & Hill Streets.

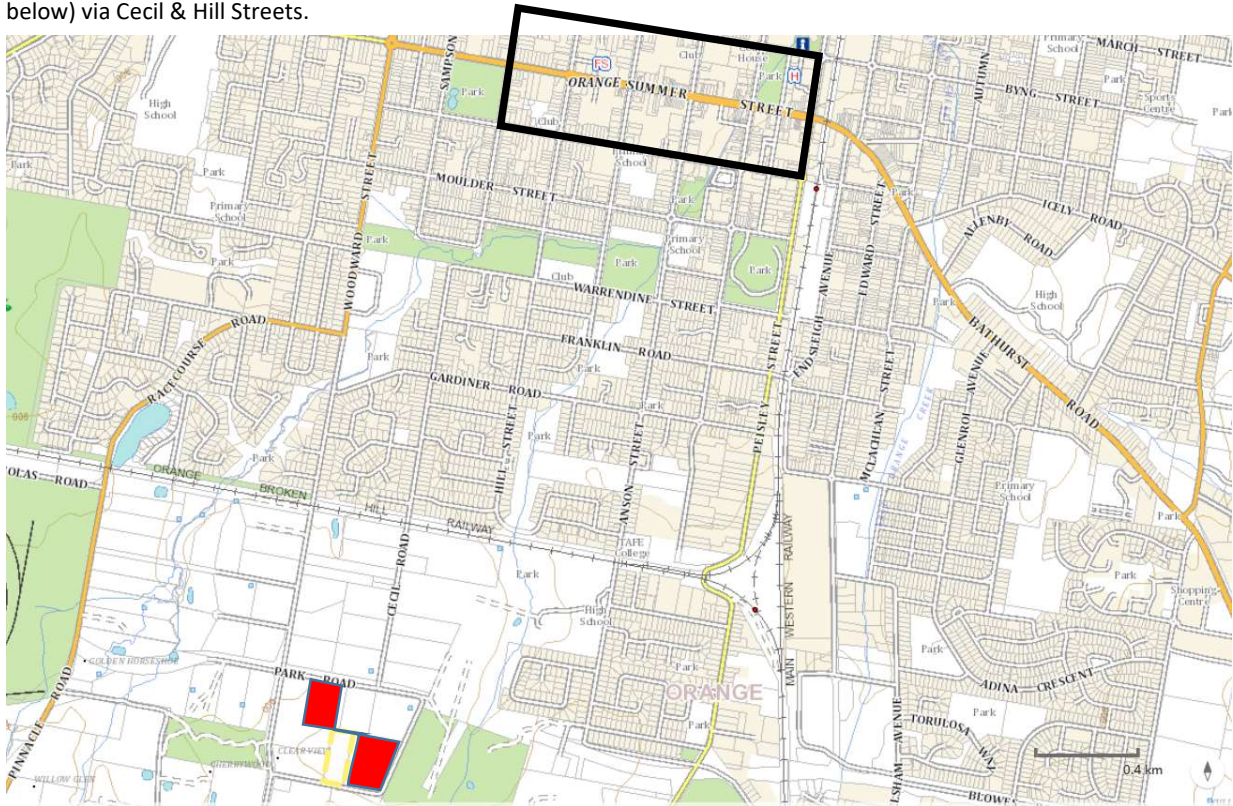


Figure 5: Location of Site(s) in relation to Orange CBD (NSW Planning Portal).

The existing main access roads to/from Orange CBD are Shiralee Road/Woodward St & Cecil Road. The new Southern Link (Feeder) Road (Park Road) runs along the northern edge of the land & will connect east via Dairy Creek Road to the Mitchell Highway. Rifle Range Road forms the southern & eastern boundaries of the existing block.

3.2 Site Description

There are two (2) affected lots that make up the three (3) Sites in this Application with two (2) land owners as set out in the Table below:

Site(s)	Title	Address ORANGE	Area	Owner	Existing Dwelling
A & B	Lot 11 DP750401	'Hillside' 41 Park Road	2.276ha	Dwyer	Yes (to be retained)
C	Lot 88 DP750401	55 Rifle Range Road	3.260ha	Estate of Sharkey	Yes (to be demolished or removed)
		Total Area	~5.536ha		1 dwelling retained/ 1 dwelling removed

3.3 Shiralee Context

The suburb of Shiralee is a new urban release area/suburb to the South of Orange. It has been rezoned for the purpose of urban & residential development based on the Master Plan in the Shiralee Development Control Plan (DCP). It is being progressively redeveloped & serviced.

The first major 'pockets' of development are located south of Shiralee Road along Sweetheart Drive & east of Shiralee Road along Balmoral Drive. The Subject Sites in this Proposal would form a natural extension of existing subdivision/development along Park & Rifle Range Roads.

There has been development approval for 168 Shiralee Rd (DA305/2016) in March 2019 immediately adjacent / north-west of the Site for seventeen (17) lots around the heritage listed item. Stage Two (2) of this is deferred.

The area is changing from a semi-rural lifestyle allotment area to an urban residential area with its own local centre & proximity to the new development around the Orange Base Hospital. As such, impacts from urban development are likely to be minimal as urban subdivision down to smaller lots sizes is consistent with the desired future character.

Land to the east of Rifle Range Road is Crown Land that has been used as a Rifle Range but this use will end with the extension of the Southern Link Road to Park Road and the creation of a large public open space (Bloomfield Reserve). We believe the Rifle Range will shortly cease operation and the Site is not shown as affected in the DCP anyway.

3.4 Topography

The Sites fall roughly from the west/south-west (Shiralee Road) towards the east/north-east (Rifle Range Road). Heights around the Site are as follows:

- a) The highest point is in on the knoll (Lot 11) at around RL910-915.
- b) The lowest point is in the east on Rifle Range Rd (Lot 88) at around RL886.

Therefore, the site has a fall of ~24m over approximately 300m (8%) from the knoll or 500m (~4.8%) for the southern part of the Site. Lot size has been adjusted to account for the fall and the land is suitable for urban residential development with no major chances of land slip or significant erosion (see Justification above).

3.5 Watercourses & Drainage

There are no watercourses on the Site according to the topographic map (NSW Government SIX Maps). Rifle Range Creek is the closest ~200m to the east of the Site and the Site drains to this creek across Rifle Range Road. Blackman's Swamp Creek is >550m to the west of the Site. Rifle Range Creek eventually drains into Blackman's Swamp Creek near Moulder Park. Therefore, other than stormwater drainage, the Site is significantly buffered from and unlikely to affect any of the surrounding watercourses.

3.6 Site Photos

Figure 6: Site photos (18/09/2020).



View from south-eastern corner of Site from Rifle Range Road looking north-west across Site.



Existing houses (left) No.55/Lot 88; (right) heritage listed adjacent property

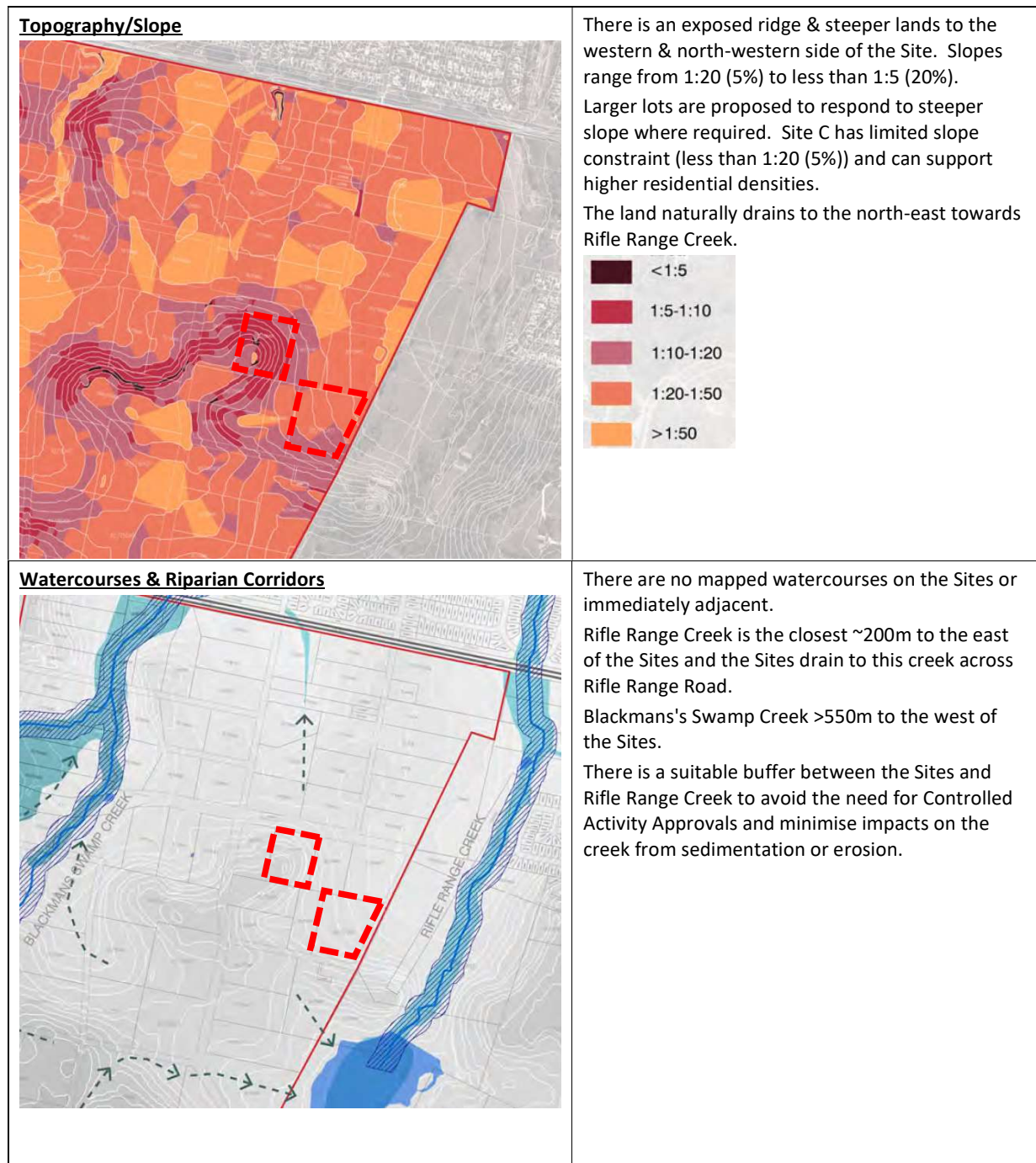
3.7 Site History & Contamination

Please see the Envirowest Consulting (Sept 2020) *Preliminary Contamination Investigation* for details. This found that there is no evidence of mines, sheep dips or contaminating industrial activities on the Site. Only low levels of pesticides & hydrocarbons are present that are below the residential & ecological thresholds, likely associated with extensive agriculture on the Site. See the review of *State Environmental Planning Policies* below.

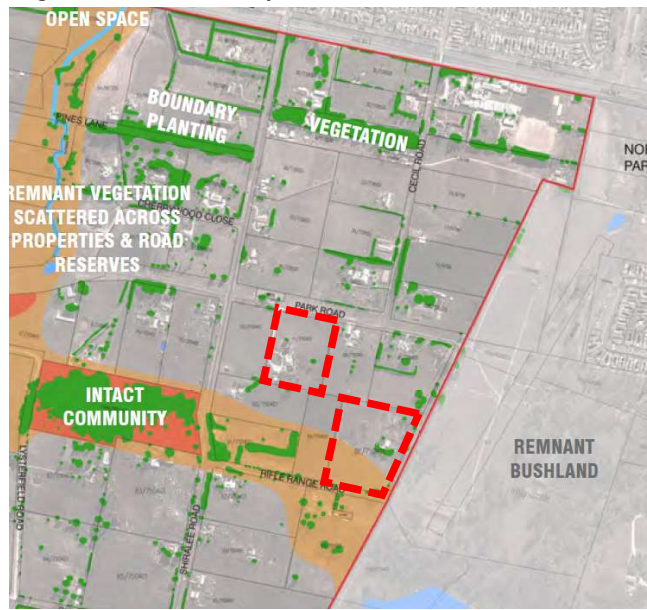
3.8 Site Analysis Overview

The Shiralee Development Control Plan (DCP) provided a detailed Site Analysis for the entire urban release area to support the Masterplan & indicative subdivision layout so a detailed site analysis is not required. Excerpts from some of the key diagrams are set out below with a short analysis of the relevance to the Sites.

Figure 7: Site Analysis Diagrams (Shiralee DCP Appendix D).



Vegetation & Biodiversity

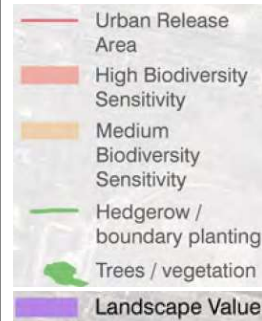
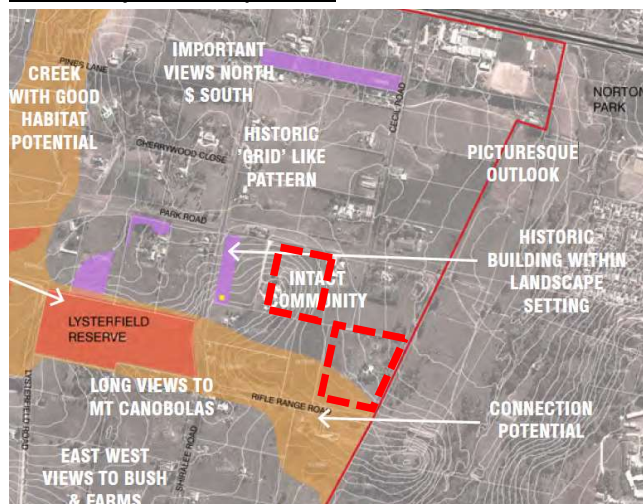


There is very limited significant vegetation on the Sites with only small pockets or stands of native vegetation. Many of the trees on the Site are non-native or have been replanted by owners so have limited ecological significance.

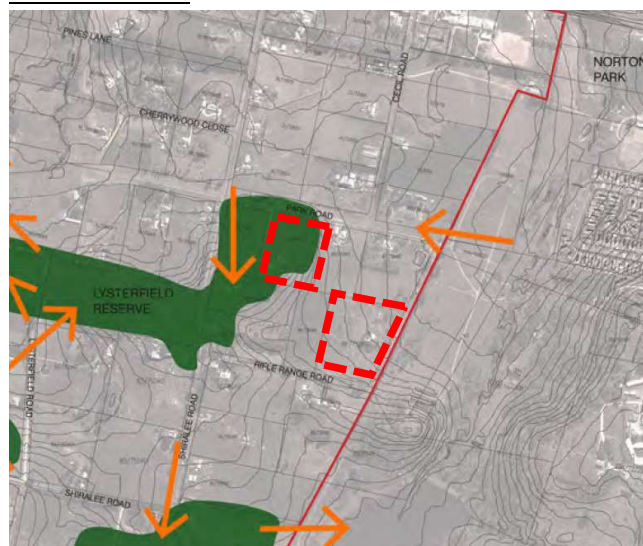
A medium biodiversity sensitivity belt is located through the southern portion of Site C though the other map below shows this as 'Connection Potential' suggesting this has less to do with existing vegetation and is more about connecting the 'Intact (Vegetation) Community' on land to the west to the 'Remnant Bushland' along Rifle Range Rd (see further discussion later in this report). There is a heritage item located on Lot 100 DP750401 to the north-west of the Sites and one to the south of Rifle Range Rd.

These items are unlikely to be affected by the proposed subdivision & development of the Subject Sites, particularly where larger lots are retained along Shiralee Road to the north and north-west of the heritage item and the increased density is on lower contours that do not block key sight-lines to the item(s).

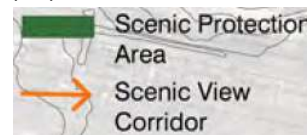
Biodiversity & Landscape Value



Scenic Protection



The north-western section of Sites A & B is marked as a 'Scenic Protection Area' with a Scenic View Corridor along Shiralee Rd towards the south, possibly associated with the heritage item on Lot 100 DP750401 noted above. This would not be significantly impacted if larger lots are retained along Shiralee Road and we suggest smaller lots can occur on the lower contours along Park Rd and proposed Montrose Street.

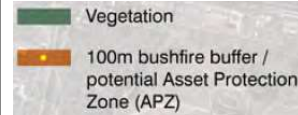


Bushfire



The Sites are not significantly bushfire prone, though a 100m 'potential' Asset Protection Zone (APZ) from vegetation in the Rifle Range may extend slightly over the south-eastern corner of Lot 88 but this does not include Site C.

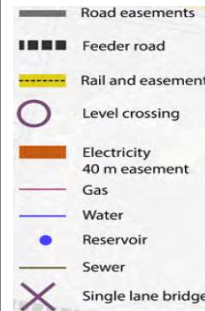
It is important to note that the Planning Portal & RFS website do NOT show the Site as having any bushfire risk or buffer to bushfire prone land so the DCP doesn't trigger the requirement for a bushfire assessment at this time. Rifle Range Road would provide a suitable APZ to the proposed parkland.



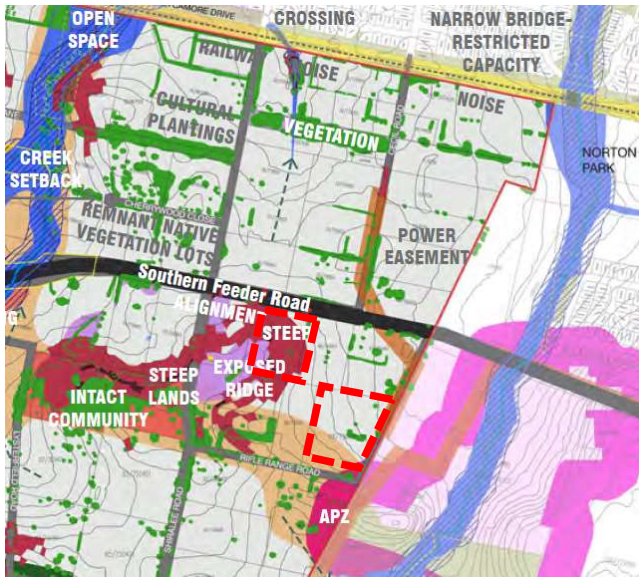
Connections/Barriers



The Sites are located with access to Orange CBD from Shiralee Road & Cecil Road (with crossings over the Broken Hill Railway Line). In the future the Southern Link/Feeder Road (Park Rd) will form the northern boundary of the Sites & connect to Forest Reefs Road & the Mitchell Highway. Electricity easements run adjacent to the Sites in the parkland but do not affect the Sites. development.



Summary



The diagram opposite shows a summary of the above Site Analysis Diagrams that have been addressed above.

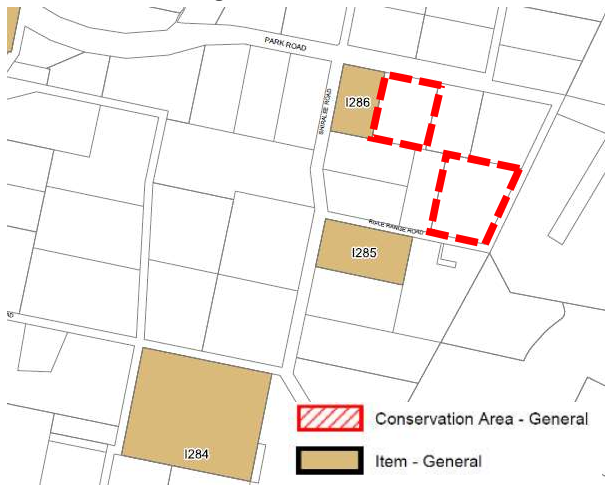



3.9 Key Existing Controls

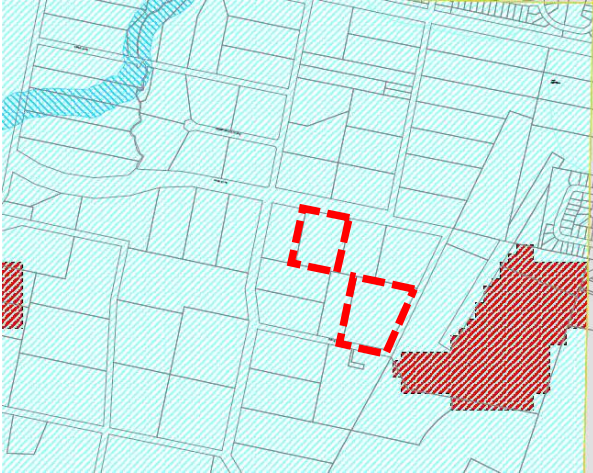
3.9.1 OLEP2011

The following are the relevant controls in *Orange Local Environmental Plan 2011* (OLEP2011). The Lot Size Map (& possibly the Land Zoning Map for Sites B & C) are proposed for amendment by this Planning Proposal but it is important to understand any other implications:

Control	Comment
<p>Clause 2.6 – Subdivision - Land may be subdivided, but only with development consent (unless it is exempt or complying development – neither of which apply to this application).</p>	<p>This is a Planning Proposal. It is supported by an indicative Subdivision Plan but this would form part of a future development application.</p>
<p>Part 2 – Permitted or Prohibited Development Clause 2.1 – Land Use Zones See Part 4: Mapping of this Report for details.</p> <p>Zone R2 Low Density Residential – Objectives</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement. To ensure that development along the Southern Link Road has an alternative access. <p>Zone R1 General Residential – Objectives</p> <ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement. To ensure that development along the Southern Link Road has an alternative access. 	<p>Possibly to be Modified.</p> <p>The Sites are all within Zone R2 Low Density Residential. However, it is important to note that the land surrounding Site C and to the east of Site B is in Zone R1 General Residential.</p> <p>If the lot size is changed for Sites B & C, then Council may consider changing these Sites to Zone R1 General Residential for increased consistency between land use zones and lot size prevalent in the rest of Shiralee.</p> <p>Whilst the approval for any dwellings will form part of a future application, both Zone R1 & R2 permit dwelling houses with consent.</p> <p>It is not the intent of any change of zoning to consider other land uses, though it would not preclude an application for those other permissible uses.</p> <p>The proposal is consistent with the Zone R1 & R2 objectives. It proposes residential subdivision with a range of lot sizes (consistent with the Minimum Lot Size & DCP) that is likely to result in a range of dwelling types (discussed above), patterns, and densities to meet the changing housing needs of Orange, largely in a low-density residential environment.</p> <p>Whilst the proposal may increase one (1) lot with access to the Southern Link (Feeder) Road this has already been requested as part of DA384/2020 and would have minimal impact with a shared driveway.</p>
<p>Clause 4.1 – Minimum Subdivision Lot Size See Part 4: Mapping of this Report for details.</p> <p>Clause 4.1 - Lot Size Objectives (relevant to urban areas)</p> <p>(a) To ensure that new subdivisions reflect existing lot sizes and patterns in the surrounding locality.</p> <p>(b) To ensure that lot sizes have a practical and efficient layout to meet intended use.</p> <p>(e) To provide for a range of lot sizes reflecting the ability of services available to the area.</p> <p>(f) To encourage subdivision designs that promote a high level of pedestrian and cyclist connectivity and accommodate public transport vehicles.</p>	<p>To be Modified. The Sites are predominantly in the following existing Minimum Lot Size (MLS) areas which are proposed to be changed as shown:</p> <ul style="list-style-type: none"> Site A - (W3) 3,800m² change to (W1) 3,000m²; Site B - (X3) 9,000m² change to (U1) 1,000m²; Site C - (V1) 2,000m² change to (Q) 700m². <p>These changes are consistent with the adjacent lot sizes and/or create a suitable transition in lot sizes for consistency in street character that is responsive to site constraints.</p> <p>Smaller lots sizes are often proposed on adjacent land with similar constraints and/or opportunities so it makes sense to test this in this Proposal.</p> <p>The proposal meets the lot size objectives as follows:</p> <ul style="list-style-type: none"> The proposal is mostly consistent with the Shiralee DCP Masterplan lot sizes that seek to respond to the environmental constraints of the Site, protect

Control	Comment
	<p>existing large lot dwelling amenity, & provide buffers to sensitive uses.</p> <ul style="list-style-type: none"> There is a diversity of lot sizes across the Site that will promote housing diversity & potentially affordability. This will avoid monotonous dwelling types, allow increased densities on less constrained areas, and ensure adequate servicing of the land. The proposed layout is set out in the Subdivision Concept. It shows that the majority of lots are rectangular in shape with good road frontages that promote efficient layouts and lot sizes. There is good connectivity to public spaces & proposed community facilities in Shiralee as well as back to Orange CBD.
Clause 4.1B - Minimum Lot Sizes for Dual Occupancy, Multi-Dwelling Housing & Residential Flat Buildings Dual occupancy in Zone R1 requires an MLS of 800m ² and in Zone R2 requires 1,200m ² (MLS on Lot Size Map).	Unchanged. This Proposal does not suggest future dwelling types but these are likely to be single detached dwelling houses. The reduction in lot sizes is unlikely to facilitate dual occupancies in undesirable locations.
Clause 4.3 - Height of Buildings The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	Unchanged. There is no Height of Building (HOB) applicable to the Sites on Map 008B so there are no height restrictions. Regardless, it is expected that buildings are unlikely to be more than one to two-storeys in this area.
Clause 4.4 - Floor Space Ratio The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	Unchanged. There is no Floor Space Ratio (FSR) applicable to the Sites on Map 008B.
Clause 4.6 - Exceptions to Development Standards	Unchanged. This Proposal would avoid the need for significant Clause 4.6 Variation Requests that would exceed 10%.
Clause 5.1 – Relevant Acquisition Authority	Unchanged. There is no mapped land acquisition proposed across the Sites.
Clause 5.10 – Heritage Conservation  <p>Figure 8: Heritage Map Excerpt HER_008B (OLEP2011). As shown on the Figure above, the Subject Site is not listed as a heritage item or in a heritage conservation area in OLEP2011. It is noted that there are listed heritage items on land adjacent to the Site including:</p>	<p>Aboriginal Heritage: There is no obvious evidence of Aboriginal archaeology on the site. The Sites are not located on a major watercourse or near a major hill where gathering places & artefacts are commonly found. The Sites have been cleared of most significant vegetation and modified heavily by agriculture and cultivation & dwellings. We suggest the likelihood of finding relics or items is low. The best way to protect any items is to condition a stop work order if any are found during construction and require the necessary National Parks & Wildlife Act permits.</p> <p>Non-Indigenous Heritage: Item No.286 sits on a land with an approved subdivision (DA305/2016) suggesting that its curtilage has already been determined to be immediately around the shed/dwelling. Proposed Lot 301 adjacent is ~9,000m² to minimise impact. Proposed Lots 302-304 are ~3,000m² but are set further down the contours.</p> <p>Complies. Item No.285 is on the southern side of Rifle Range Road and sits on land with an approved subdivision (DA206/2018) suggesting that its curtilage has already been determined to be immediately around</p>

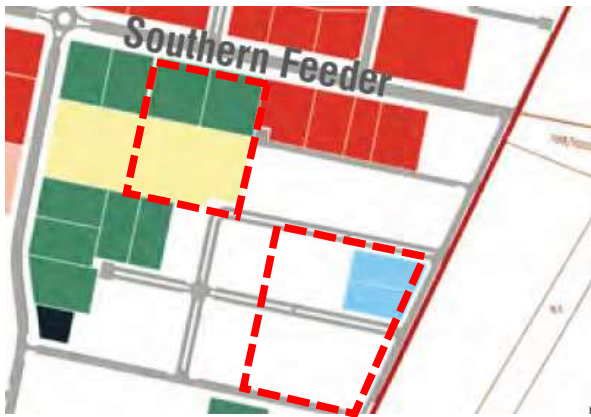
Control	Comment
<ul style="list-style-type: none"> Item No.286 – Dwelling (former), packing shed – 168 Shiralee Rd (Lot 90 DP750401) (Local); Item No.285 – Dwelling – 148 Shiralee Rd/corner Rifle Range Rd (Lot 92 DP750401) (Local). <p>Other heritage listed items (I284 – Colveath homestead; I63 – Towac Racecourse) are more distant and less likely to be affected.</p>	<p>the dwelling. Other lots have been approved adjacent on its lot of a similar size as those proposed on the Subject Sites. For these reasons, we suggest the impact on those heritage items is low, they will be located on suitably sized lots.</p> <p>We suggest a Heritage Impact Statement is not required.</p>
Part 6 - Urban Release Areas (URA)	Unchanged. The Urban Release Area overlay does not apply to the Site as it has been rezoned for urban residential uses.
<p>7.1 Earthworks</p> <p>Before granting development consent for earthworks, the consent authority must consider —</p> <ol style="list-style-type: none"> the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, the effect of the development on the likely future use or redevelopment of the land, the quality of the fill or the soil to be excavated, or both, the effect of the development on the existing and likely amenity of adjoining properties, the source of any fill material and the destination of any excavated material, the likelihood of disturbing relics, the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area, any measures proposed to minimise or mitigate the impacts referred to in paragraph (g). 	<p>Capable of Complying. See DA384/2020 for details.</p> <p>The proposed lot sizes seek to respond to the slope of each Site and each proposed lot can support suitable dwellings whilst minimising cut/fill. This will be addressed in more detail in any future DA.</p>
<p>7.2 Flood Planning</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <ol style="list-style-type: none"> is compatible with the flood hazard of the land, and is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and incorporates appropriate measures to manage risk to life from flood, and is not likely to 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 is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding 	 <p>Figure 9: Excerpt from Draft DCP Section 4A Flood Affected Land – Figure 6.20 Sheet 6.</p> <p>Capable of Complying. See DA384/2020 for details.</p> <p>As shown in the Draft DCP Figure 6.20 Sheet 6 that supports Amendment No.24 to OLEP2011, the Sites are not affected by any mapped Flood Planning Area or land subject to Overland Flow deeper than 100mm. Therefore, we suggest a Flood Study is not required and the land is capable of subdivision for urban residential purposes to smaller lot sizes.</p>





Control	Comment
<p>7.3 Stormwater Management</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <ul style="list-style-type: none"> (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, where practical, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact. 	<p>Capable of Complying. See DA384/2020 for details.</p> <p>A future Subdivision Application will address this but it is expected that each lot can address the stormwater requirements as the road (& largely lot) pattern is consistent with the DCP masterplan.</p> <p>The DCP masterplan shows potential for a detention basin on land outside but immediately adjacent to the north-east of the Site. As on-site detention is not appropriate, contributions can be made towards retarding basins and associated drainage under the Contribution Plan that applies to the land.</p> <p>The Stormwater Layout will require some inter-allotment drainage but this is logical. The proposed subdivision is in the vicinity of Rifle Range Creek but is positioned away from the waterway and Rifle Range Rd.</p>
<p>7.4 Terrestrial Biodiversity</p> <p>This clause applies to land identified as “High Biodiversity Sensitivity” or “Moderate Biodiversity Sensitivity” on the Terrestrial Biodiversity Map.</p>	<p>Not Applicable. There is no mapped biodiversity sensitivity on the Sites on the Terrestrial Biodiversity Map Sheet CL2_008B (see below). The nearest is in the Rifle Range/future parkland (outside the Site) that would be unaffected by the proposed development. Please see the DCP response below for further details.</p>
<p>7.5 Riparian Land & Watercourses</p> <p>This clause applies to land identified as 'sensitive waterways' (or within 40m of the top of bank) on the Watercourse Map.</p>	<p>Not Applicable. There are no mapped sensitive waterways on the Sites on the Watercourse Map Sheet CL2_008B (see below). The nearest is Blackmans Swamp Creek >500m to the west of the Site and the Site drains to the east. Rifle Range Creek is not mapped as a sensitive waterway.</p>
<p>7.6 Groundwater Vulnerability</p>  <p>This clause applies to land identified as “Groundwater Vulnerability” on the Groundwater Vulnerability Map. Before determining an application, the consent authority must consider:</p> <ul style="list-style-type: none"> (a) whether or not the development (including any on-site storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and (b) the cumulative impact (including the impact on nearby groundwater extraction for potable water 	<p>Capable of Complying. See DA384/2020 for details.</p> <p>The Sites are entirely within a Groundwater Vulnerability area. This vulnerability relates to the groundwater system under much of the urban area of Orange. Standard urban residential development practices are not expected to have any substantial impacts on this system for the following reasons:</p> <ul style="list-style-type: none"> a) Hazardous Uses: There are no hazardous chemical storage or activities likely to discharge toxic/noxious substances in an urban residential subdivision that pose a risk to surface or groundwater systems. b) Groundwater consumption: All lots will be connected to mains water supply so there will be no additional private reliance on groundwater systems or groundwater depletion expected. c) Sewerage contamination: All future dwellings will be connected to reticulated sewerage systems so there is a low probability of contamination of

Control	Comment
supply or stock water supply) of the development and any other existing development on groundwater.	groundwater from the increased residential density (on-site effluent management is not required). d) Earthworks: There is no need for substantial excavation to achieve dwelling sites.
7.7 Drinking Water Catchments This clause applies to land identified as “Drinking water” on the Drinking Water Catchment Map.	Not Applicable. The Sites are not located in an identified water catchment for the City of Orange so the drinking water catchment controls do not apply.
7.8 Salinity Before determining a development application for development on land that is subject to salinity, the consent authority must consider the following: (a) whether or not the development is likely to have any adverse impact on salinity processes on the land, (b) whether or not salinity is likely to have an impact on the development, (c) appropriate measures to avoid or reduce any adverse effects that may result from the impacts referred to in paragraphs (a) and (b).	Not Applicable/No Impact. There are no known salinity issues on the Sites or surrounding lands. There are no watercourses through the Sites that are likely to exacerbate salinity. We suggest the subdivision & ancillary development is unlikely to adversely impact on salinity processes and/or salinity is unlikely to impact on the development. Appropriate stormwater management will reduce any adverse effects.
7.9 Airspace Operations The objectives of this clause are as follows— (a) to provide for the effective and ongoing operation of the Orange Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport, (b) to protect the community from undue risk from that operation.	Not Applicable/No Impact. The Obstacle Limitation Surface (OLS) map for Orange Airport does not extend to or affect the Sites as the Site is ~8km from the airport.
7.10 Development in Areas Subject to Aircraft Noise This clause applies to development that— (a) is on land that— (i) is near an airport, and (ii) is in an ANEF contour of 20 or greater, and (b) the consent authority considers is likely to be adversely affected by aircraft noise.	Not Applicable/No Impact. The Noise Forecast (ANEF) mapping does not impact on the Sites.
7.11 Essential Services <i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) storm water drainage or on-site conservation, (e) suitable road access.</i>	Capable of Complying. See DA384/2020 for details. The Sites are intended for urban residential use. It will be provided with reticulated water, sewer, electricity, telecommunications & gas as required by the relevant utility authorities with stormwater to Council's requirements.

3.9.2 Shiralee DCP

The following are some key relevant controls in *Shiralee Development Control Plan (DCP)* relating to lot size.

Control	Comment
<p>1.8 Exceptional Circumstances</p> <p>Development is to be generally in accordance with the Masterplan design and intent per the DCP.</p> <p>In exceptional circumstances Council may consider some variation in lot sizes and types to what is shown the Masterplan and DCP), particularly on larger development sites, such as sites where a number of existing properties are amalgamated.</p>	<p>The DCP acknowledges that Council may consider some variation in lot sizes to what is shown in the Masterplan. This is a larger development site of which the Sites proposed for lot size variation are only a limited amount of that larger site. The justification is set out in this Planning Proposal.</p>
<p>2.1 (Relevant) Shiralee Character</p> <p>The Shiralee Master Plan:</p> <ul style="list-style-type: none"> Has a distinct, separate identity to Orange whilst maintaining the best themes of Orange Is anchored by a hill-top mixed use village Provides housing choice that promotes a diverse community Provides community infrastructure to create a viable community Responds to existing site conditions, including natural features and man-made elements including the street grid Retains and enhance the unique character of the place Conserves and protect historic items and their settings Encourages active street frontages to the public domain Conserves, maintains and enhances existing views and vistas to buildings and places of historic and aesthetic significance. 	<p>The Proposed reduction in lot size is only for three (3) smaller Sites within the larger context of Shiralee, and is not expected to have a significant impact on the desired future character of the area or the dominant lot size pattern.</p> <p>It will continue to maintain a mix of lot sizes that respond to existing site conditions (as set out in this report), maintain sight-lines to the heritage & landscape items, protect the landscape character of key gateway streets, as well as promote housing choice with smaller lots where appropriate.</p> <p>Smaller lots in the three (3) Sites will have direct access to streets for safe access and more casual surveillance and 'active frontages'.</p>
<p>2.2 (Relevant) Design Principles: Shiralee will be developed in accordance with the following Design Principles which underpin the Master Plan:</p> <ul style="list-style-type: none"> Create a sense of arrival into a distinct and identifiable community Protect steep, visually exposed & constrained lands Conserve remnant vegetation Utilise existing road reserves Provide housing choice and a diversity of lot sizes as shown on the Master Plan Locate housing density where amenity is highest Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles Ensure that buildings respond to and reveal the topography by stepping with the slope. 	<p>The Proposed reduction in lot size will continue to maintain a diversity of lot sizes with larger lots along the SFR/Park Rd to maintain the landscape character of this key gateway and diversity of lot sizes (with minor variation from the masterplan – see below).</p> <p>It will also respond to the slope around the ridge along Shiralee Rd and into Lot 11 and the lots have sufficient width to enable building to respond to the topography and step up the slope.</p> <p>Smaller lot size (particularly for Site C) is located where constraints are least and amenity is the highest facing Bloomfield Reserve.</p>
<p>2.5 Lot Typologies</p> <p>Figure 11: Excerpt Shiralee DCP Figure.12 Large Lot Classification Diagram.</p>  <p>See legend below.</p>	<ul style="list-style-type: none"> Site A (3,000m² – Visually exposed and/or sloping lots). Therefore, the Proposal is consistent with the Large Lot Classification but is inconsistent with the 3,800m² MLS in OLEP2011. Proposed lots will have minimum 40m frontage to Park Rd/SFR. Site B (9,000m² – Visually Exposed and Constrained Lots) are appropriate for the land at the top of the hill in Lot 11 to retain the existing green slopes and landscape character south of the SFR around the heritage item (there are no flooding constraints) but smaller lots on the lower contours are less likely to impact this. Site C (2,000m² – Integrated lifestyle lots) are intended to provide a rural-residential lifestyle option but it doesn't say they are constrained from smaller lot sizes. 30m frontage reduced.

Control		Comment	
Large Lot Classification Table			
Colour	Lot Description	Minimum Lot Size	Minimum Boundary Length or Street Frontage
	Integrated lifestyle lots. These lots provide a rural-residential lifestyle option for the Shiralee community.	2,000m ²	30m Street Frontage
	Visually exposed and/or sloping lots. These lots retain the existing landscape character and provide a rural-residential lifestyle alternative to typical urban housing lots.	3,000m ²	65m Street Frontage (40m Street Frontage where located on Southern Feeder Road)
	South Western Lifestyle Lots. These lots retain the existing landscape character adjacent to Pinnacle Road and provide a rural-residential lifestyle alternative.	3,800m ²	45m Street Frontage
	Visually Exposed and Constrained Lots. These lots retain the existing green slopes and landscape character south of the Southern Feeder Road and respond to flooding constraints adjacent to Blackmans Swamp Creek.	9,000m ²	70m Boundary Length
3.4 Staging The Rifle Range exclusion zone, as shown in Figure 15. Land within the Rifle Range exclusion zone, may not be subdivided or otherwise developed until the rifle range has been decommissioned.		The Subject Site(s) are not identified on Figure.15 of the DCP so they are not affected by the Rifle Range exclusion zones.	

4 PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5 - Details of the community consultation that is to be undertaken on the planning proposal. Part 5 would be confirmed following a gateway determination by the Department of Planning; and,
- Part 6 – Project Timeline to detail the anticipated timeline for the plan making process.

4.1 Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective(s) of this Proposal are:

- a) To modify the Minimum Lot Size (MLS) to allow subdivision of the three (3) Sites (part of two (2) existing lots) to facilitate smaller residential lots on less constrained land compatible with the site characteristics;
- b) To ensure the residential zoning matches the zoning of similar Lot Size area adjacent so there is less chance of inconsistencies across zones.

4.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The objective or intended outcome is to be achieved by amending the relevant **Lot Size Map(s)** applicable to the Site in *Orange Local Environmental Plan 2011* ('OLEP2011') – particularly map LSZ_008D - so it has a Minimum Lot Size (MLS) for Subdivision for each Site as follows:

- **Site A** - (W3) 3,800m² change to (W1) 3,000m²;
- **Site B** - (X3) 9,000m² change to (U1) 1,000m²;
- **Site C** - (V1) 2,000m² change to (Q) 700m².

In addition, Council may determine that the **Land Zoning Map(s)** applicable to the Site – particularly LZN_008D is amended so that Site C (and possibly Site B) is changed from the existing Zone R2 Low Density Residential to proposed Zone R1 General Residential for improved consistency in land zoning compared to adjacent land of a similar lot size.

See **Part 4: Mapping** of this Proposal for maps of the affected area(s) as well as *Section 2.1.1 – Relevant Site Map(s)*.

4.3 Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed LEP. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally, detailed technical studies are not required prior to the Gateway determination. It must also demonstrate how the proposed amendment will give effect to the local strategic planning statement of the area.

In accordance with DPIE Guideline, the questions to consider when demonstrating the justification are:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: State and Commonwealth interests.

4.3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The Proposal is a variation to the Shiralee Masterplan/DCP which is the primary document underpinning the Lot Size(s) in OLEP2011. However, based on recent development applications/approvals and discussions with Council, it would appear Council is willing to consider reductions in lot size to facilitate some increases in yield (and resulting contributions) to support the proposed infrastructure for Shiralee that may not eventuate if a significant area of the land remains under-developed.

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

The Planning Proposal (and the associated amendment to the Lot Size Map(s) under Clause 4.1) is the best way to permit a site-specific reduction in Minimum Lot Size (MLS) that ranges from:

- **Site A** - (3,800m² to 3,000m²=800m² difference) 21% variation;
- **Site B** - (9,000m² to 1,000m²=8,000m² difference) 89% variation;
- **Site C** - (2,000m² to 700m²=1,300m² difference) 65% variation.

Clause 4.6 of OLEP2011 is not generally suitable to permit this extent of variation.

Lot Size Map amendments allow for a site-specific approach to lot size for subdivision rather than applying a blanket-control for a specific zone or land use. This ensures a more targeted approach to amendments with clearer outcomes and assessment of impacts. Lot size amendments cannot be achieved by any changes to the schedules (additional permitted uses).

The proposed Land Zoning changes are not mandatory as there is no specific need to change the permissible land uses in the three (3) Sites as detached dwelling houses are mostly expected. However, the change would:

- Create greater consistency between lot size and land zoning shown across Shiralee;
- Ensure consistency in dwelling type/ land use permissibility on similarly constrained land;
- Maximise the potential of less constrained land (particularly Site C).

The proposed amendment is not of a scale to be considered 'State or Regionally Significant' such that amendments to a State Environmental Planning Policy ('SEPP') would be appropriate to sit above and amend OLEP2011.

Therefore, the most appropriate 'tool' or methodology is to amend the Lot Size Map(s) applicable to the Proposal area (and possibly the Land Zoning Maps) in OLEP2011 and there is a 'site-specific' outcome that does not affect other sites and creates a transparent connection between the land use controls and the intended development outcomes.

4.3.2 Section B – Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Regional plans have been prepared for all parts of NSW including the *Central West and Orana Regional Plan 2036* (July 2017 – *CWORP*) noting there is no District Plan in the Central West & Orana Region. The CWORP includes directions, planning priorities and specific actions for a range of different matters relevant to Orange LGA, as follows:

DIRECTION	Actions	RESPONSE
Goal 1: The most diverse regional economy in NSW		
Direction 12: Plan for greater land use compatibility.	<p>12.3 Create local strategies to limit urban & rural housing development in agricultural & extractive resource areas, industrial areas, & transport corridors.</p> <p>12.4 Amend planning controls to deliver greater certainty of land use.</p>	<p>Shiralee is a new urban release area. The Subject Site(s) will not have any land use conflicts with agriculture, industry or extractive resource areas. Transport corridors like the Southern Feeder Road are protected with larger lot sizes and limited driveway entrances (see justification for one (1) additional access/driveway).</p>

DIRECTION	Actions	RESPONSE
Goal 2: A stronger, healthier environment and diverse heritage		
Direction 13: Protect & manage env. assets Direction 14: Manage & conserve water resources for the env. Direction 15: Increase resilience to natural hazards & climate change Direction 16: Respect & protect Aboriginal heritage assets Direction 17: Conserve & adaptively re-use heritage assets	13.1 Protect high environmental value assets through local environmental plans. 14.2 Locate, design, construct & manage new developments to minimise impacts on water catchments, including downstream areas & groundwater resources. 15.1 Locate developments, including new urban release areas, away from areas of known high biodiversity value; areas with high risk of bushfire or flooding; contaminated land; & designated waterways. 17.2 Prepare, review & update heritage studies in consultation with the wider community to recognise & conserve heritage assets & items, & include appropriate local planning controls.	The existing block between Shiralee Rd, Park Rd & Rifle Range Road has limited environmental constraints other than slope & some limited vegetation. There are no areas of high biodiversity value, bushfire risk, flood potential or contamination that would preclude a reduction in lot sizes for the three (3) sites. The heritage item on the adjacent Site has its primary view lines protected with increased density is proposed on lower contours that would not affect those sight-lines & similar lot sizes are approved around that item.
Goal 4: Dynamic, vibrant and healthy communities.		
Direction 22: Manage growth and change in regional cities and strategic local centres.	22.1 Coordinate infrastructure delivery across residential and industrial land in regional cities and strategic centres.	A key issue for Shiralee is the provision of sufficient contributions to pay for timely community infrastructure to make this a sustainable settlement. This may require some additional yield on suitable sites to offset under-developed larger holdings closer to Orange. Shiralee has good proximity to Orange CBD, the hospital precinct & Cadia for access to services & jobs. The reduction in lot size for three (3) Sites will maintain housing choice & may promote more affordable housing on smaller lots.
Direction 25: Increase housing diversity & choice.	25.2 Increase housing choice in regional cities & strategic centres at locations near or accessible to services & jobs. 25.3 Align infrastructure planning with new land release areas to provide adequate & timely infrastructure. 25.4 Locate higher density development close to town centres to capitalise on existing infrastructure & increase housing choice.	
Direction 29: Deliver healthy built environments & better urban design.	29.2 Enhance the quality of neighbourhoods by integrating recreational walking & cycling networks. 29.3 Reflect local built form, heritage & character in new housing developments. 29.4 Incorporate water sensitive urban design in new developments.	The Shiralee masterplan and its associated connections, character & water sensitive urban design requirements are unaffected by the reduction in lot sizes on three (3) Sites. This will be addressed in more detail in a future development application (DA).
Local Government Narratives - Orange		
Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase the range of housing options in existing urban areas.		This Proposal will support the delivery of additional new homes in the Shiralee area and the infrastructure needed to support this new release area.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

Council have prepared a Local Strategic Planning Statement 2020 (updated July 2020) to guide future land use decisions in the area. The LSPS does not specifically refer to the Subject Site OR suggest the outcomes in this Planning Proposal but this Proposal is consistent with the key relevant Priority Areas identified in that Statement, as follows:

Priority Areas

- **Priority 1** – Capitalise on Orange's character, lifestyle & heritage to enhance tourism & attract new residents.
- **Priority 2** – Support the delivery of new homes in residential release areas, including North Orange & Shiralee, & increase the range of housing option in existing urban areas.
- **Priority 3** – Provide a range of facilities & services to meet community needs, & foster a culturally rich, creative & socially connected Orange community.
- **Priority 4** – Provide diverse housing choices & opportunities to meet changing demographics & population needs, with housing growth in the right locations.
- **Priority 6** – Provide recreational opportunities to meet the needs of residents or, & visitors to, Orange.
- **Priority 9** – Enhance local & neighbourhood centres as great connected places, whilst maintaining the regional town atmosphere.
- **Priority 10** – Improve access to, from & within Orange, & encourage active transport.
- **Priority 12** – Protect & conserve the natural, built & Aboriginal cultural heritage of Orange.
- **Priority 13** – Protect, conserve & enhance Orange's urban tree canopy, landform, waterways & bushland.
- **Priority 14** – Protect, conserve & enhance the natural, visual, environmental & heritage qualities of Orange's scenic areas, & significant views to & from Mount Canobolas.
- **Priority 18** – Advocate for development to be supported by infrastructure.

As stated above, the proposed reduction in lot size for three (3) Sites will enhance additional housing provision in Shiralee whilst responding to the existing site characteristics/constraints, protecting the character of the area & maintaining the transport & connectivity of the Site to/from/within Orange. Without sufficient contributions from housing, Council is less able to provide the range of facilities & services, recreational opportunities, local/neighbourhood centres, & infrastructure necessary to achieve the goals for Shiralee and future residents.

There is very limited additional environmental impact from the Proposal compared to what is currently sought under DA384/2020 and the DCP masterplan. Reductions in lot sizes are not generally in areas with sensitive waterways, significant vegetation, biodiversity or increased scenic/heritage impact. The key constraint is topography/slope.

Instead, the Proposal recognises that lot sizes based on existing dwellings may not have allowed for the full potential of these sites. The increased yield (& associated contributions) will go towards the required infrastructure for Shiralee.

Orange, Blayney & Cabonne Regional Economic Development Strategy 2018-2022 (REDS)

The REDS does not specifically refer to the Subject Site OR suggest the outcomes in this Planning Proposal but this Proposal is not inconsistent with the key relevant Priority Areas identified in that strategy.

Relevant Land Use Strategies

Council is currently preparing an updated Local Housing Strategy but only the Local Profile has been exhibited in 2020. Until this is adopted the relevant strategy is the *Orange Sustainable Settlement Strategy* (Update 2020). This is significantly out-of-date and does not provide detailed recommendations for Shiralee that have not been accommodated within the Shiralee Masterplan/DCP. The Site sits in Growth Area LU-12 along the proposed Southern Feeder Road. The Proposal is consistent with this Strategy.

Shiralee Masterplan/DCP

This is the primary document governing the development of the Shiralee area and it informed the planning controls in OLEP2011. This is addressed in more detail in *Section 3.9.2 – Key Controls (Shiralee DCP)* above.

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

The Proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) as shown in the table below.

SEPP (Infrastructure) 2007

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. For this application, relevant infrastructure includes the adjacent Southern Feeder Road (SFR); and key utilities.

The Proposal will have minimal impact on the Southern Feeder Road as it only increases the number of lots with direct frontage/access by one (1) lot and this has already been sought under DA384/2020. These lots are still 3,000m² so they have potential for large setbacks to minimise noise/vibration impacts under Clause 101 – Development with frontage to a classified road/Clause 102 – Impact of road noise or vibration on non-road development. Under Clause 104 – Traffic generating development & Schedule 3 of the SEPP will be addressed as part of any future development application.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The Site is in an urban area and unlikely to affect extractive industries. According to the Common Ground website there are no known mineral or extractive resources or exploration licences in or near the Subject Site that would be affected by the proposal.

SEPP No 55 – Remediation of Land

SEPP55 seeks to promote remediation of contaminated land and reduce the risk of harm to human health – to be considered when rezoning land or consenting to development on land. In particular, Clause 7 states that a planning authority must not consent to any development on land unless it has considered whether the land is contaminated and, if so, it has been suitably remediated or will be suitable for the proposed use.

Section 3.7 Site History & Contamination and the attached *Preliminary Contamination Assessment* (Envirowest) included detailed soil sampling across the Site in accordance with the guidelines and it determined that the Site is suitable for residential use (subject to clearing of rubbish/refuse/ asbestos buildings – this can be appropriately conditioned).

SEPP (Vegetation in Non-Rural Areas) 2017

This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of those areas. It replaces the previous controls relating to vegetation protection in the LEP and includes additional biodiversity reforms. It applies to a number of relevant zones on the Site including Zones R1/R2. Clearing of vegetation requires a permit or approval by Council and forms part of this DA.

The Site is not identified on the Biodiversity Values Map or Native Vegetation Map produced by the NSW Government. The Minimum Lot Size of most of the lots is less than 1ha so the threshold for clearing is 0.25ha or more. Trees on the subject sites are already subject to a clearing request under DA384/2020. There are limited native trees on Sites A & B & most are expected to be retained. On Site C, a significant amount of those trees are non-native species that are not protected under the SEPP/legislation.

It is not likely that the threshold will be exceeded to require a Biodiversity Development Assessment Report (BDAR) for the future subdivision. This is an urban zoned site that is based on a preferred subdivision pattern adopted by Council with which this application is consistent. Vegetation is not a major constraint to the Proposal.

SEPP (Building Sustainability Index: BASIX) 2004

This is a Planning Proposal only so any future dwellings will form part of later application(s), at which time a BASIX is likely to be required. Indicative lots are oriented in accordance with the Masterplan to maximise passive solar design & minimise energy consumption.

SEPP No 21—Caravan Parks & SEPP No 36—Manufactured Home Estates

The aim of these policies is to encourage and facilitate development of caravan parks (and thereby also permit manufactured home estates) in certain zones/areas. Whilst changing the Land Zoning Maps to include Sites C (& possibly Site B) in Zone R1 General Residential may permit caravan parks/MHEs, it is not the current intent of the Applicant (as evidenced by the *Subdivision Concept*) to seek approval for these or affect their general permissibility.

SEPP (Affordable Rental Housing) 2009 & SEPP (Housing for Seniors or People with a Disability) 2004

The aim of these two policies is to encourage and facilitate development of affordable rental housing and housing for seniors or people with a disability. It is not the current intent of the Applicant to rely on these SEPPs for approval but this does not preclude future applications under these SEPPs for these development types.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

In response to all of the relevant S.9.1 Directions – this Proposal seeks a site-specific amendment to the Minimum Lot Size (MLS) for the Site that is consistent with the Ministerial Directions (latest September 2020) as follows:

Section 9.1 Directions		Applicable to Planning Proposal	Date
1. Employment and Resources			
1.1	Business and Industrial Zones	No.	01/05/17
1.2	Rural Zones	No.	14/04/16
1.3	Mining, Petroleum Production and Extractive Industries	Yes but no impact or restriction on mining. See <i>Question 5</i> SEPP review above.	01/07/09
1.4	Oyster Aquaculture	No.	01/07/09
1.5	Rural Lands	No.	28/02/19
2. Environment and Heritage			
2.1	Environment Protection Zones	Yes. There are no environmentally sensitive areas on the Site except for groundwater and the protections are not weakened by this Proposal for reduced lot size if connected to reticulated water/sewer.	14/04/16
2.2	Coastal Management	No.	03/04/18
2.3	Heritage Conservation	Yes. See <i>Section 3.9 – Key Existing Controls (OLEP2011)</i> . No significant impact on nearby heritage items.	01/07/09
2.4	Recreation Vehicle Areas	No.	14/04/16
2.5	E2 / E3 Zones & Environmental Overlays Far North Coast	No.	02/03/16
2.6	Remediation of Contaminated Land	Yes. Please see submitted Contamination Assessment & response to <i>SEPP 55 (Remediation of Land)</i> above suggesting the land is suitable for the proposed future use.	17/04/20
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes. The increased lot yield will increase the variety and choice of housing types and make efficient use of existing infrastructure and reduce the consumption of land for housing. It is consistent because it does NOT <u>reduce</u> the permissible residential density of the land.	14/04/16
3.2	Caravan Parks and Manufactured Home Estates	Yes. As stated above re SEPPs, there is a potential increase in permissibility for these uses but they are unlikely in this location.	14/04/16
3.3	Home Occupations	No change.	01/07/09
3.4	Integrating Land Use and Transport	Yes. The proposal is consistent with increasing residential densities on existing urban residential land with excellent access to transport connections.	14/04/16
3.5	Development Near Licensed Aerodromes	No.	01/07/09
3.6	Shooting Ranges	Yes. Whilst the land is adjacent to the existing Rifle Range, the land is not identified in the <i>DCP Figure.16 Exclusion Zone for Rifle Range</i> so we suggest it is unlikely to be significantly affected and/or the Rifle Range is due for closure in the short term (5 years).	16/02/11
3.7	Reduction in non-hosted short term rental accommodation period	No. Byron Shire Council only.	15/02/19
4. Hazard & Risk			
4.1	Acid Sulfate Soils	No. Land not mapped as acid sulfate prone land.	01/07/09
4.2	Mine Subsidence and Unstable Soil	No. Land not within a mine subsidence district or unstable land.	14/04/16

4.3	Flood Prone Land	Yes. The land is NOT mapped as flood prone land. This is addressed in more detail in <i>Section 3.9 – Key Existing Controls (OLEP2011)</i> .	01/07/09
4.4	Planning for Bushfire Protection	No. Land not mapped as bushfire prone land on Planning Portal/RFS website.	19/02/20
5. Regional Planning			
5.10	Implementation of Regional Plans	Yes. The <i>Central West & Orana Regional Plan</i> is addressed in more detail in <i>Question 3</i> of this section above. The Proposal is consistent with the Regional Plan.	14/04/16
5.11	Development of Aboriginal Land Council Land	No. Applies to Central Coast only.	06/02/19
6. Local Plan Making			
6.1	Approval & Referral Requirements	No change in referrals proposed.	01/07/09
6.2	Reserving Land for Public Purposes	No land reserved for public purpose affected.	01/07/09
6.3	Site Specific Provisions	No restrictive site-specific planning controls proposed. Reduced MLS reduces the restrictions for the site.	01/07/09
7. Metropolitan Planning – NOT APPLICABLE (Sydney only)⁹			

4.3.3 Section C – Environmental, Social and Economic Impact

7. 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?

The Subject Site(s) are part of a new residential release area where biodiversity & threatened species are likely to have been considered in the rezoning of this land. The affected lots are currently used for large-lot residential 'lifestyle' lots with extensive gardens & managed areas around each existing dwelling with limited native ecological connectivity.

The lots are well separated/buffered from nearby watercourses. The lots are largely cleared of significant trees and there is no mapped sensitive biodiversity. The only environmentally sensitive area mapping is for groundwater. The Rifle Range on the east side of Rifle Range Rd will be a future parkland and may have some sensitivity but it is buffered by the existing/proposed road.

Therefore, there is a low probability of any threatened species, populations or ecological communities on or near the Site being impacted by the slight increase in density in an existing urban release area.

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

There are unlikely to be any significant environmental effects from the reduction of lot size (and likely resulting provision of some smaller-residential lots) on the Site within an existing residential area.

Whilst it will support one (1) additional lot fronting the Southern Feeder Road (SFR) in Site A, this has already been requested under DA384/2020 and with a shared driveway is unlikely to have any significant impact on that road's operation/ safety.

The additional density on Rifle Range Road (Site C) aligns with Council's request to widen this road beyond what is shown in the DCP. DA384/2020 has proposed a new extension to Montrose Street to support the additional density in Site B. There may be slight traffic increases but the Site is well connected to major link roads to minimise impacts.

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

Whilst some of the lot sizes will be reduced there is still a diversity of lot sizes to promote a range of housing options in the area and protect existing (to be retained) dwellings and their amenity. The social & economic benefit of making housing lots available is important to Orange whilst supplies are low and there is limited suitable land to develop. Shiralee is a new release area so whilst it will have significant change, this has been supported consistent with the Masterplan & growth strategy for the area. Existing dwellings (to be retained) will have buffers for privacy/amenity. Most social & economic impacts have been addressed as part of the release of this new urban area.

4.3.4 Section D – State and Commonwealth Interests

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

Yes. The Site has access to all required utilities in adjacent streets. One of the reasons for the Planning Proposal is to respond to the need for some increased residential yield on suitable sites to offset the lack of development on some larger holdings. This will produce greater contributions to pay for the necessary infrastructure to create the Shiralee village, recreation areas, and extension of utility and road services. Therefore, there is a public benefit in allowing additional yield where it is shown each Site can support it and it has minimal impact.

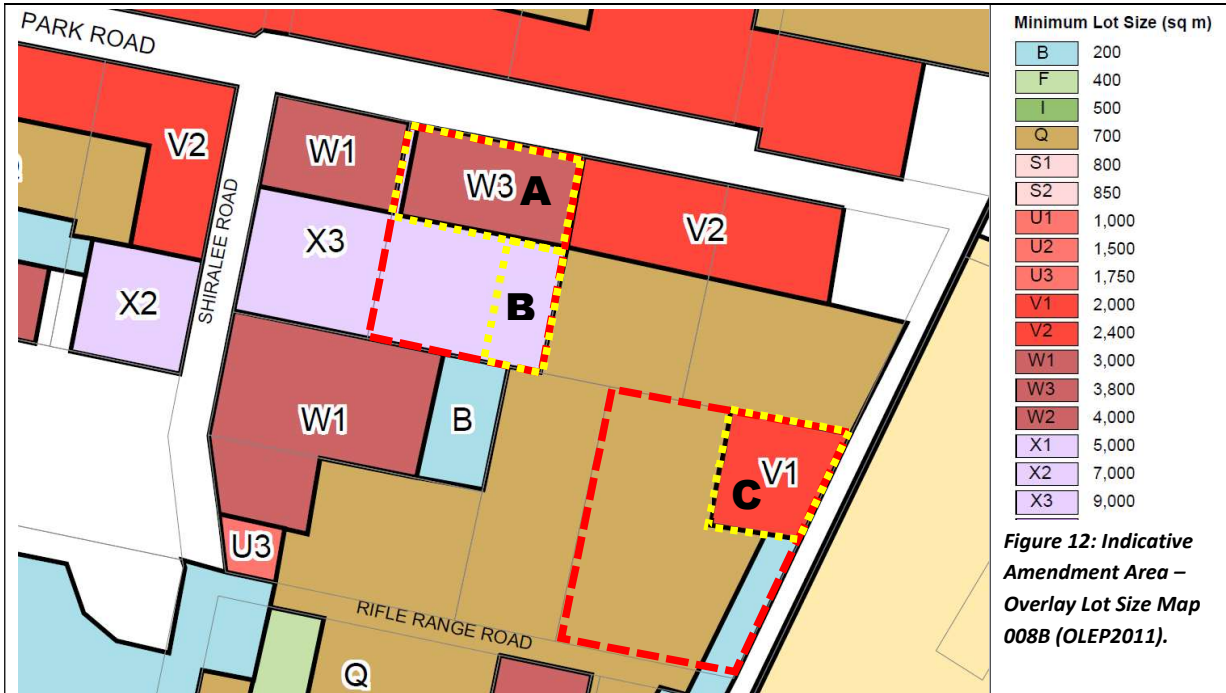
11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

There are unlikely to be any significant state or commonwealth issues with an existing urban release area that is already partly developed. The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in **Part 5: Community Consultation** below).

4.4 Part 4: Mapping

Maps of the three (3) Sites for amended are set out as follows. See Section 2 for additional supporting mapping. Standard instrument mapping can be prepared once the Planning Proposal receives a positive Gateway Determination.

- **Site A** – Lot Size (W3) 3,800m² change to (W1) 3,000m² for all of Area W3/part X3 fronting Park Rd as mapped (no Land Zoning change);
- **Site B** – Lot Size part (X3) 9,000m² change to (U1) 1,000m² / Land Zoning change optional as mapped;
- **Site C** – Lot Size (V1) 2,000m² change to (Q) 700m² for all of Area V1 / Land Zoning change all of Zone R2 as mapped.



4.5 Part 5: Community Consultation

The planning proposal community consultation is to be undertaken in accordance with the requirements set out in 'A guide to preparing planning proposals' (2016) and any requirements set out in the Gateway Determination.

The land sits in the new release areas of Shiralee. The three (3) Sites are part of a larger group of Sites that are currently proposed for redevelopment under DA384/2020 so these owners will be aware of the increased residential densities proposed. There are limited neighbours to the north and west of the land that would be affected.

Therefore, we suggest that Community Consultation can be set at the minimum requirements.

The planning proposal would be notified for a period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the Central Western Daily newspaper and possibly also on Council's website and/or social media.

The notification would provide:

- A description of the objectives or intended outcomes of the planning proposal;
- The land affected by the planning proposal;
- Advise when and where the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Orange:

- The planning proposal, in the form approved for community consultation by the NSW Government;
- The gateway determination.

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification.

4.6 Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 12 months:

Table 1 - Project Timeline Task	Anticipated timeframe
Planning Proposal to Council for approval to send to DPIE	February 2021
Forward Proposal to DPIE	March 2021
Commencement date (Gateway determination)	April 2021
Timeframe for the completion of required technical information	(none expected)
Government agency consultation (pre- and post-exhibition as required by Gateway determination)	May -June 2021
Commencement and completion for public exhibition period	Commence: May 2021 Completed: June 2021
Dates for public hearing (if required)	July 2021 (if required)
Consideration of submissions	July 2021
Consideration of a proposal post exhibition	July 2021 (if required)
Date of submission to the Department to finalise LEP	August or September 2021
Anticipated date RPA will make the plan (if delegated)	October or November 2021
Anticipated date RPA will forward to the Department for notification	November 2021
Potential for amendments to commence	Early 2022 (i.e., within 12 months of Gateway Determination)