



Planning,
Industry &
Environment

IRF21/1372

Gateway determination report – PP-2021-2499

Amend zone and minimum lot size for parts of Lot 11 DP750401, 41 Park Road and Lot 88 DP750401, 55 Rifle Range Road, Orange. (10 additional homes)

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Report- Planning proposal report prepared by iPlan Projects dated 17 December 2020
Plan – Proposed subdivision Layout and proposed amend mended lots prepared by iPlan Projects dated 9 December 2020
Report- Preliminary Contamination Investigation prepared by Envirowest Consulting dated 17 September 2020
Council meeting agenda dated 2 March 2021
Council meeting minutes dated 2 March 2021

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Orange City Council
PPA	Orange City Council
NAME	Amend zone and minimum lot size for parts of 41 Park Road and 55 Rifle Range Road, Orange. (10 additional homes)
NUMBER	PP-2021-2499
LEP TO BE AMENDED	Orange Local Environmental Plan 2011
ADDRESS	Parts 41 Park Road and part of 55 Rifle Range Road, Orange
DESCRIPTION	Parts of Lot 11 DP 750401 and Lot 88 DP 750401
RECEIVED	24/03/2021
FILE NO.	IRF21/1372
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

Section 4.1 on page 21 of the planning proposal report contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal seeks to amend zone and minimum lot size (MLS) for parts of the lands located within the Shiralee Urban Release Area in order to increase dwelling yield, by amending-

- Northern part of 41 Park Rd (Area A)- amending MLS from 3800m² to 3000m²
- South eastern part 41 Park Rd (Area B)- amending MLS from 9000m² to 1000m² and amending zone from R2 Low Density Residential to R1 General Residential
- North eastern part of 55 Rifle Range Rd (Area C)- amending MLS from 2000m² to 700m² and amending zone from R2 Low Density Residential to R1 General Residential

1.2 Explanation of provisions

The planning proposal seeks to amend the Orange LEP 2011 per the changes below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Zone	Area A- R2, Low density Residential Area B- R2, Low density Residential Area C- R2, Low density Residential	Area A- No changes proposed Area B- No changes. Proposal submitted a change from R2 Low Density residential to R1 General Residential – NOTE Council did not support the rezoning of this land. Area C- R1 General Residential
Minimum lot size	Area A- 3800 m ² Area B- 9000 m ² Area C- 2000 m ²	Area A- 3000 m ² Area B- 1000 m ² Area C- 700 m ²
Number of dwellings	4	14

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal needs to be updated to reflect Council's decision not to change the zoning of Area B.

1.3 Site description and surrounding area

The subject sites are located within Shiralee urban release area (URA) and situated to south of the Orange CBD. Some development has occurred within the URA to the south west and south east. The subject sites are surrounded by Park Road to the north, Riffle Range Road to the east and south and Shiralee Road to the west which is also one of the main accesses to the area. The site slopes from the south-west falling to the north east. The subject sites are: -

- Area A- Northern part of 41 Park Rd- Lot 11 DP 750401 (9281m²)
- Area B- South eastern part 41 Park Rd - Lot 11 DP 750401 (4051m²)
- Area C- North eastern part of 55 Riffle Range Rd - Lot 88 DP750401(6372m²)

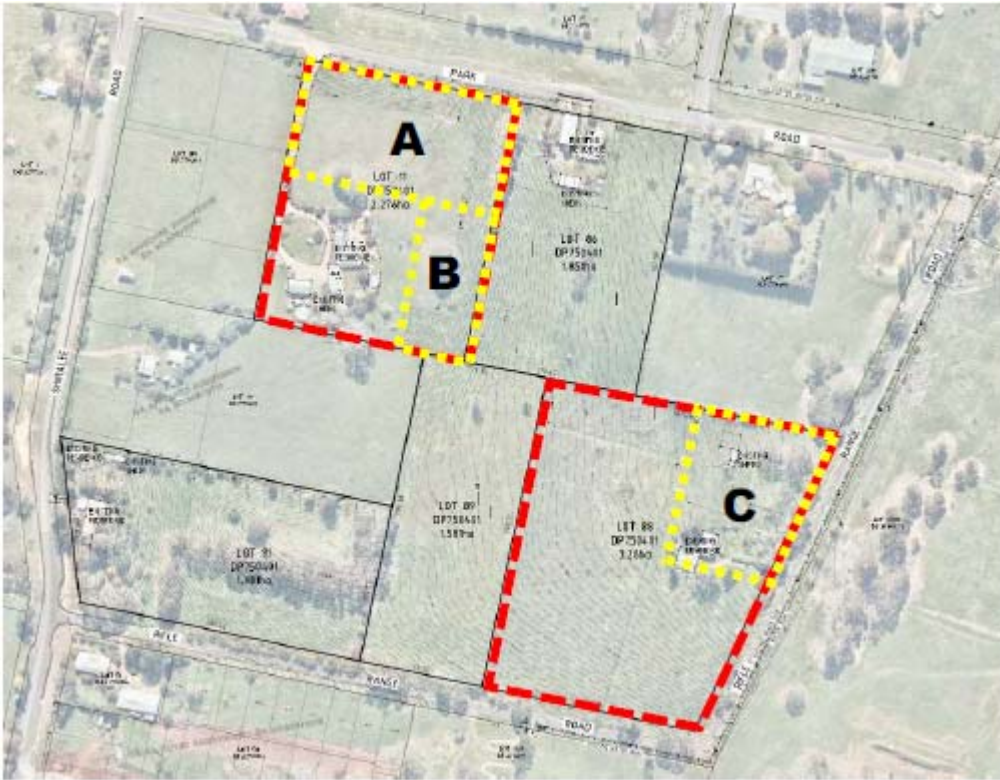


Figure 1 Subject site (source: Planning proposal report 2020)

The Shiralee area was identified as an Urban Release Area (URA) under the OEP 2011 for the purposes of cl 6.1 – Arrangements for designated State public infrastructure. On 19 June 2015 the Secretary's delegate certified that satisfactory arrangements for designated State infrastructure was made. Under Orange LEP 2011 (Am. No 4) the URA designation was removed and no longer applies.

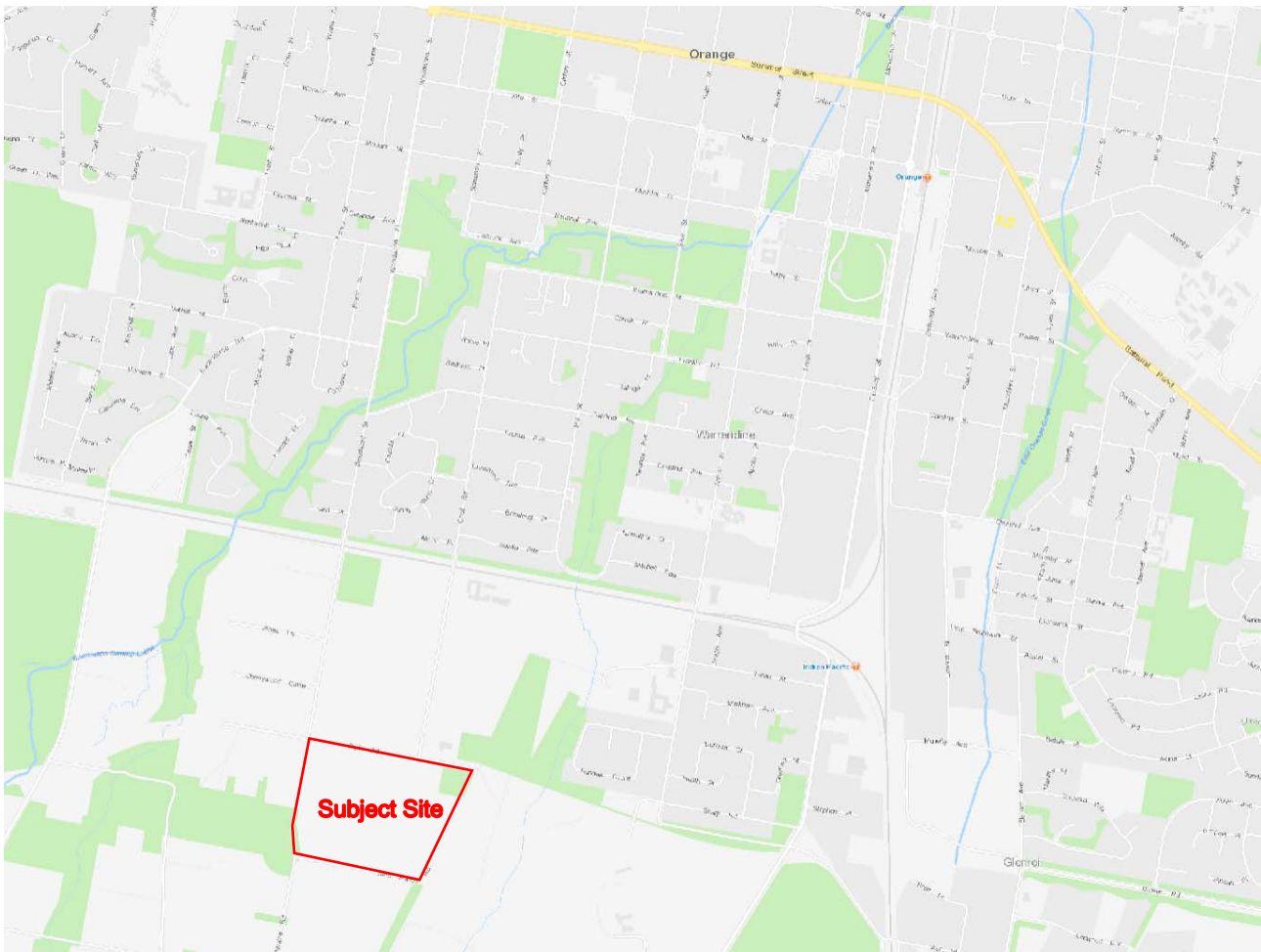


Figure 2 Site context (source: ePlanning spatial viewer 2020)

1.4 Mapping

The planning proposal does not include any maps showing the proposed changes to the Land Zone (LZN) and Lot Size (LSZ) maps. Only concept subdivision plans were included as part of the planning proposal. LEP Maps (LZN_008B and LSZ_008B) that are suitable for community consultation will need to be prepared prior to public exhibition.

2 Need for the planning proposal

The planning proposal is required to achieve additional dwelling yield within the subject lands. The amendments sought will enable further subdivision of the existing approved lots and provide an additional 10 dwellings in the area. The subject lands form part of the Shiralee Masterplan. Council is currently in the process of preparing a local housing strategy to guide council's residential land release strategy due to lack of available identified land release areas in Orange. While the strategy is being drafted, the larger lots located within the Shiralee URA can be further subdivided to meet some of the demands in the area. The new lots will be similar in size to the current approved lots.

The proposed amendments could be partially achieved through the development application assessment with consideration to the clause 4.6 of the LEP, however, the clause 4.6 process will have to be repeated individually, as well as the variations may be too great for council to determine. A planning proposal is the preferred mechanism that will facilitate the intended outcome and streamline assessment at the development assessment stage. Furthermore, the subject lands are identified for urban residential and flexibility in MLS can be supported as the area develops.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2036(CWORP).

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 22: Manage growth and change in regional cities and strategic local centres.	Orange is a major regional city in the Central West and Orana region and can capitalise on its proximity to Sydney and Dubbo. Shiralee URA is already an identified urban release area for Orange and the proposed amendment will facilitate utilisation of the already proposed infrastructure to the area and provide further growth within proximity to the Orange CBD.
Direction 25: Increase housing diversity and choice.	The proposed amendment will give effect to this direction by providing additional housing in proximity to Orange CBD. These additional dwellings can also be constructed according to the demand of the market at the time of construction.
Direction 29: Deliver healthy built environments and better urban design	The proposal will facilitate reinforcement of good urban design principles in the area by increasing utilisation of the land.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The proposal will provide diverse housing choices in Orange, particularly in a growth area (Shiralee). The proposed MLS will enable construction of additional 10 dwellings which can be constructed as the market demands at the time. Furthermore, the partial proposed rezoning will enable a diverse range of residential dwellings for the land (Area C). The proposal will enable construction of dwellings with the current design standard for buildings and will implement good urban design principles. Furthermore, the additional dwellings will contribute to the servicing viability of the area from council's perspective.</p> <p>To summarise, the proposal will give effect to-</p> <ul style="list-style-type: none"> • Planning Priority 2 – 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. • Planning Priority 4 – Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.

- Planning Priority 5 – Ensure that building design and construction is of a high quality and maintains resident amenity.
- Planning Priority 18 – Advocate for development to be supported by infrastructure.

Shiralee
Masterplan and
Development
Control Plan
2015

The proposed amendment is not consistent with the Shiralee Masterplan as areas A & B are part of Scenic Hill precinct and Area C is a dedicated large lot. Given the increased demand for housing in Orange and pressure to provide additional homes, a variation to the masterplan for Shiralee is acceptable as proposed by Council.



Figure 3 Shiralee Structure Plan (source: Shiralee Development Control Plan 2015)

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Consistent	The proposal acknowledges the local heritage item (Item 285, local dwelling and packing shed) located near the subject site and the potential impact on the item. Detailed investigation will be conducted during the Development Assessment Stage. No further work is required in relation to the LEP amendment.
2.6 Remediation of Contaminated Land	Consistent	A Preliminary Contamination Investigation (PCI) has been included which indicates that site is suitable for residential development subject to refuse (Asbestos Infrastructure) removal (Pg 27, PCI). Implementation of recommendations will be undertaken through the development Assessment (DA) stage. No further work is required in relation to the LEP amendment.
3.1 Residential Zones	Consistent	The proposal will enable broader choice of building type in the area, reduce consumption of land by increasing density and enforce good design. No further work is required in relation to the LEP amendment.
3.6 Shooting Ranges	Consistent	The proposal will facilitate construction of dwellings near an existing shooting range. The subject sites are located outside of the Rifle Range Exclusion zone, as per page 21 of Shiralee DCP. Additionally, the impact of the shooting range has been considered under Amendment 4 of Orange LEP which was related to the rezoning the of Shiralee URA for residential use purpose. No further work is required in relation to the LEP amendment.
5.10 Implementation of Regional Plans	Consistent	As discussed above under section 3.1. No further work is required in relation to the LEP amendment.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP No. 55 Remediation of Land	Whether the land is contaminated	The Preliminary Contamination Investigation report submitted as part of the proposal concludes that the land can be made suitable for residential purposes.	Yes

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Ground Water Vulnerability	The subject land is identified to have Groundwater Vulnerability under the OLEP 2011. The proposal will facilitate additional dwellings in the site which are not uncharacteristic of uses that are intended for the sites and surrounding area. The lots will be provided with reticulated water and sewerage services. Further detailed consideration can be given during the DA stage.
Contamination	As discussed above in section 3.3(Direction 2.6) and 3.4 of this report.
Shooting Range	As discussed above in section 3.3(Direction 3.6) of this report.
Visual Impact	The planning proposal report and council report has adequately addressed potential visual impact. The proposed lot sizes will allow flexibility in design and can be addressed during DA stage.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing Diversity and Availability	The proposal will facilitate additional dwellings in the Orange, which can be constructed to suit various demographics needs. Furthermore, the additional dwellings will help reduce demand for housing in Orange.
Employment	The additional dwellings will increase short-term construction jobs in Orange. Furthermore, the additional dwellings/population will increase demands for local services which may result in additional long-term jobs.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Infrastructure	The additional dwellings will increase viability of reticulated infrastructure provision in the area by Council. An additional 10 dwellings can be serviced by already proposed infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. The proposed amendments are considered a low impact proposal. A **14-day** community consultation period is deemed appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

No further agency consultation is required

6 Timeframe

Council proposes a 4-5 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported Council be required to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has indicated that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered minor in nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will provide additional dwellings to meet housing needs of the area;
- The proposal will encourage a variety and choice of well-designed housing type in Orange; and
- The proposal will contribute to efficient use of proposed infrastructure and services.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Include prepared LEP maps which are to be amended by this planning proposal
 - Reflect Council's resolution which varied the proponent's planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. The planning proposal must be exhibited 2 months from the date of the Gateway determination.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

16 April 2021 (Date)

Wayne Garnsey

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(Signature)

21 April 2021 (Date)

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