



IRF23/2179

Gateway determination report – PP-2021-6584

Rezone land from E3 Productivity Support to R1 General Residential and amend minimum lot size from 2ha and 2000sqm to 500sqm at 274 Leeds Parade and part of 264 Leeds Parade, Orange.

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	3
1.6	Background	4
2	Need for the planning proposal	5
3	Strategic assessment	5
3.1	Regional Plan	5
3.2	Local.....	5
3.3	Section 9.1 Ministerial Directions	6
3.4	State environmental planning policies (SEPPs)	8
4	Site-specific assessment	8
4.1	Environmental.....	8
4.2	Social and economic.....	8
4.3	Infrastructure	9
5	Consultation.....	9
5.1	Community	9
5.2	Agencies.....	9
6	Timeframe	10
7	Local plan-making authority	10
8	Assessment summary	10
9	Recommendation.....	10

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal Report prepared by Saunders Property, not dated
Orange City Council Planning and Development reports dated 7 March and 4 July, 2023
Preliminary Site Investigation prepared by EnviroScience dated 13 September 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Orange
PPA	Orange City Council
NAME	Rezone land from E3 Productivity Support to R1 General Residential and amend minimum lot size from 2ha and 2000m ² to 500m ² at 274 Leeds Parade and part of 264 Leeds Parade, Orange.
NUMBER	PP-2021-6584
LEP TO BE AMENDED	Orange Local Environmental Plan 2011 (OLEP)
ADDRESS	274 Leeds Parade, Orange and part of 264 Leeds Parade, Orange (subject lands)
DESCRIPTION	Lot 211 DP 1177178 and Lot 20 DP 1117081
RECEIVED	31/03/2023
FILE NO.	IRF23/2179
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

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that explain the intent of the proposal.

The objectives of the planning proposal is to:

- Facilitate residential development on the subject lands by amending zone and minimum lot size.
- apply a Development Control Plan (DCP) to the site.

1.3 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	E3 Productivity Support	R1 General Residential - excluding the dam area on 264 Leeds Parade. See discussion under section 1.5 of this report.
Minimum lot size	2ha	500m ²
	2000 m ²	500m ²
Local Provision	None	A new local provision requiring the preparation of a DCP
Number of dwellings	0	111

The Gateway determination has been conditioned requiring the explanation of provisions and the objective of the planning proposal to be updated to reflect the requirement for a DCP to be prepared for the subject lands. This amendment is to be made prior to public exhibition of the planning proposal.

1.4 Site description and surrounding area

The subject lands are located 2.5km north of Orange CBD and have a combined area of 13.49ha. The subject lands have access to the Northern Distributor Road through Leeds Parade. The sites are mostly surrounded by vacant lands to the north and west, and some newly constructed residential development to the east.

The subject lands are approximately 250m east of the main western railway line and abuts a residential area to the east. Although the subject lands are part of the local employment zoned land, most of the industrial and commercial premises are located west of the main western railway line. Charles Sturt University occupies a large site located less than a kilometre north of the subject lands.



Figure 1 Subject site (source: ePlanning Spatial Viewer 2023)

1.5 Mapping

The planning proposal shows changes to the zoning and lot size maps for 274 Leeds Parade only. Prior to community consultation, the planning proposal needs to be updated showing the changes to both subject lands. The planning proposal maps will also need to be updated to exclude the southern area of 264 Leeds Parade, which contains a dam. Council has indicated that the dam may not be required in the future for stormwater retention. Further work is required by Council to understand the appropriate land zoning and any future appropriate development for this area. So, for the purpose of this proposal, the zoning and MLS remains unchanged for the dam area.

Additionally, the new DCP provision will be driven by an LEP map which identifies the subject lands.

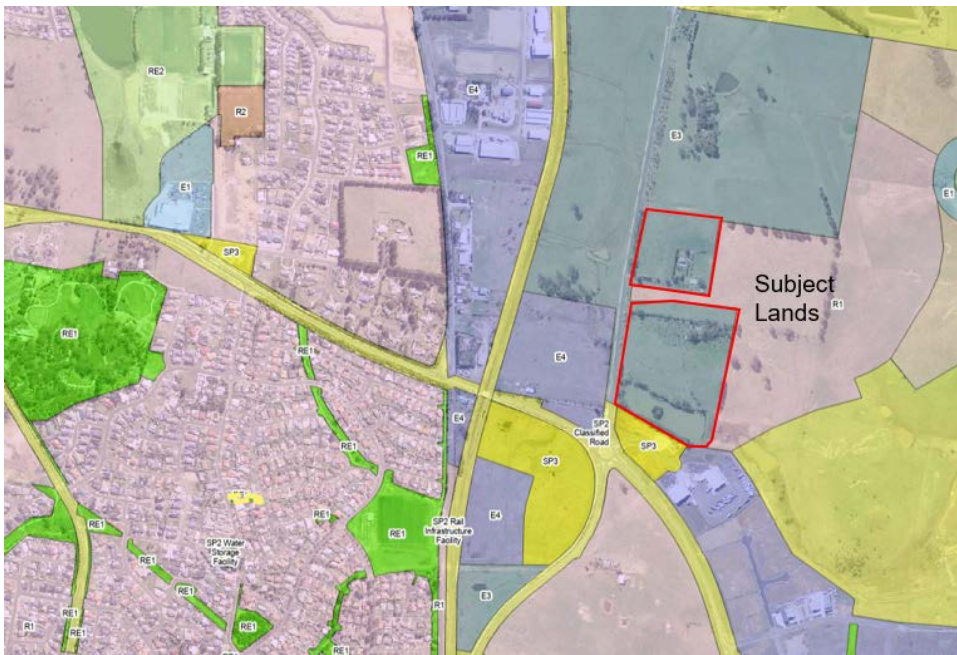


Figure 2 surrounding zoning

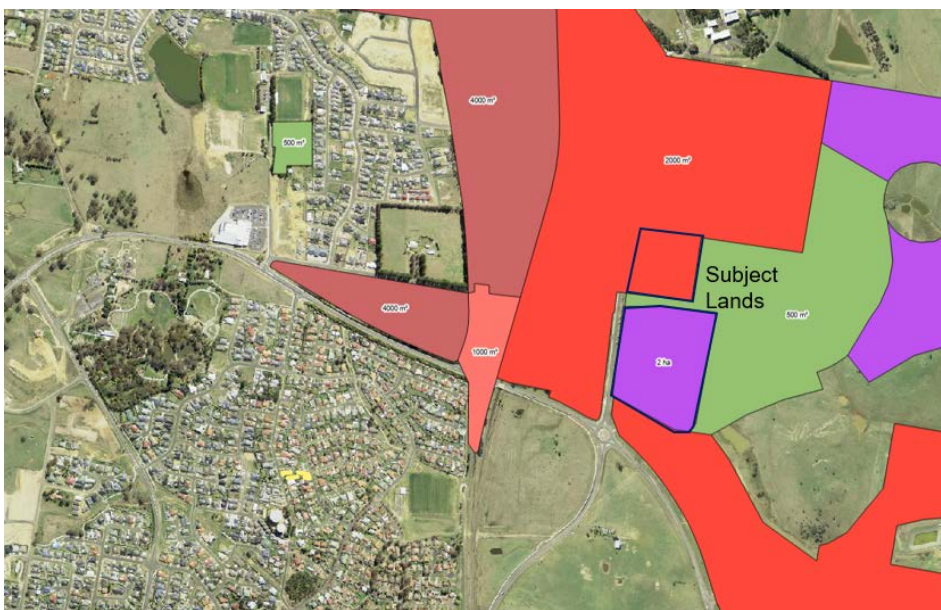


Figure 3 surrounding lot size

1.6 Background

The subject lands were zoned to be developed as an extension for adjoining employment land and the university, however the majority of the non-residential uses are located west of the main western railway line. Land immediately to the north and west are zoned E3 Productivity Support and E4 General Industrial. This employment land located east of the rail line (including the subject site) has not been developed for business or industrial purpose. The land to the east of the subject lands is zoned residential and some residential construction has commenced. Orange Housing Strategy (July 2022) identifies the subject lands to be a candidate area for residential use due to its proximity to available services from the adjoining residential development. A draft DCP is submitted with this planning proposal for the area and council will exhibit and finalise the DCP as required.

The planning proposal originally submitted included only 274 Leeds Parade. The Department requested Council to consider including 264 Leeds Parade in the planning proposal. This request was to support the orderly development of the area and act on the local housing strategy recommendation, which included both lots in this residential candidate area. Council agreed to include both lots within the planning proposal.

2 Need for the planning proposal

The subject lands fall under the Leeds Parade candidate area identified by the Orange Housing Strategy (OLHS) and gives effect to other strategic documents that apply to the area (as discussed under section 3). The planning proposal will facilitate development of the land consistent with the adjoining residential area.

The proposed amendments to the LEP are the best planning mechanisms to achieve the intended development of the land.

3 Strategic assessment

3.1 Regional Plan

Central West and Orana Regional Plan 2041 provides strategic land use guidance for the subject lands. Development of the subject lands will not require additional service provision to the land, rather will extend the current infrastructure in place for the adjoining residential development. Additionally, the future housing stock can be built to be inclusive housing (seniors housing, affordable housing). As such the proposal can give effect to the following objectives of the CWO Regional Plan 2041:

- *Objective 13: Provide well located housing options to meet demand*
- *Objective 14: Plan for diverse, affordable, resilient and inclusive housing*
- *Objective 17: Coordinate smart and resilient utility infrastructure*


However, the proposal will also rezone existing employment land and result in being inconsistent with *Objective 18: Leverage existing industries and employment areas and support new and innovative economic enterprises*, which provides direction to protect existing employment lands. The subject lands adjoin residential development and the demand for employment activity in the surrounding area is not apparent. This inconsistency is justified through the OLHS which has identified the suitability of the subject lands for residential development.

3.2 Local

Assessment against the local strategic documents that apply to the area is as follows-

Table 6 Local strategic planning assessment

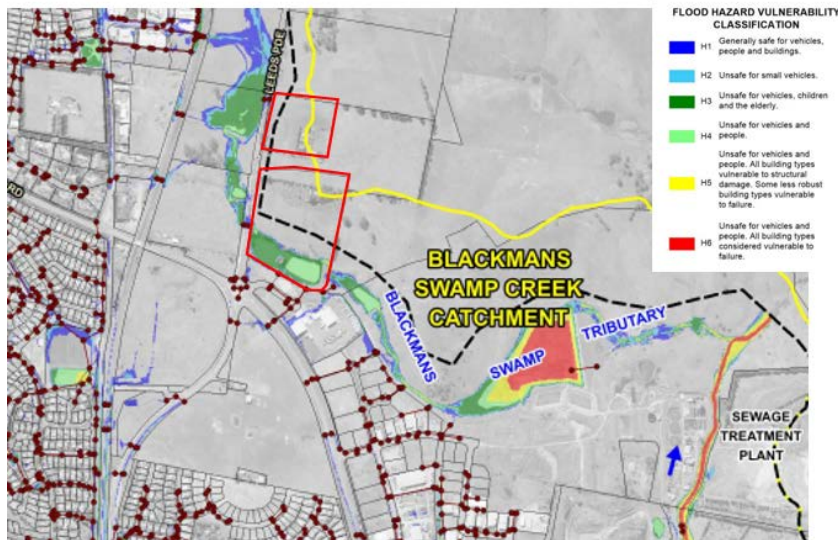
Local Strategies	Justification
Local Strategic Planning Statement	<p>The proposal is consistent with the following Council LSPS priorities:</p> <ul style="list-style-type: none"> • Priority 2 - Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase the range of housing options in existing urban areas. • Priority 13 - Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland.

Orange (Local) Housing Strategy (OLHS), July 2022	<p>The subject lands are part of Leeds Parade candidate area. OLHS requires any development on the land to:</p> <ul style="list-style-type: none"> • incorporate water sensitive urban design • provide a landscaping buffer along Leeds Parade • limit driveway access directly onto Leeds Parade • incorporate exclusion zone to address water quality management for the southern built forms <p>All but the water quality management exclusion zone requirement can be addressed at the Development Application (DA) stage. Council has identified that the boundary for the southern exclusion zone does not match the OLHS boundary. Council resolved to adopt the OLHS exclusion zone boundary instead of the planning proposal's proposed boundary. A revised planning proposal will be prepared that adopts the OLHS boundary. This new boundary will form the southern extent of the subject land for this planning proposal.</p>  <p>Figure 5 Southern exclusion zone boundary comparison (source: council report, 2023)</p>
Blayney Cabonne Orange Rural and Industrial Sub-Regional Strategy (BCO) 2008	<p>BCO identifies the subject lands to be part of Strategic Areas 1 and A which notes the close proximity of the land to CSU and other existing industrial land. It was anticipated that agricultural uses were not viable due to fragmented subdivision pattern and buffer to non-compatible land use can be provided to reduce land use conflict. At the time, the adjoining residential area was zoned and used as rural land.</p> <p>The addendum prepared by Orange City Council dated 2018 identifies a total of 69 vacant or undeveloped zoned employment (Industrial) lots (comprising a total of 112.95ha land) available throughout Orange. Over time, the demand for residential land has surpassed demand for employment land. The subject lands being developed for employment use would likely result in land use conflict with the adjoining residential development.</p>

3.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	No	<p>The proposal will result in a new local provision being introduced in the LEP to apply a site specific DCP to the site. This new clause will require a DCP to be prepared which will provide guidance on the design of the precinct.</p> <p>In this regard, the inconsistency with direction is considered to be of minor significance as the provision will not hinder development of the site, rather provide guidance for the development of the site.</p>
4.1 Flooding	Not Applicable	<p>274 Leeds Parade is not identified as being flood prone. 264 Leeds Parade, falls within the Blackmans Swamp Creek Catchment and the dam on 264 Leeds Parade is identified to have hazard category 1 to 4 flooding (PMF).</p> <p>For the purpose of this proposal, it is intended to exclude the southern proportion of the site which includes the dam area from being part of the planning proposal. The land use zone and development standards in the LEP will remain unchanged by this planning proposal for this portion of land surrounding the dam.</p> <p>A condition on the Gateway determination requires the planning proposal to be revised to show the amended subject land.</p>  <p>Figure 6 PMF flooding (source: draft Blackmans Swamp Creek and Ploughmans Creek Floodplain Risk Management Study And Plan, October 2020)</p>
6.1 Residential Zones	Yes	<p>The planning proposal will facilitate additional housing in the area which will be utilising the available services for the adjoining residential area.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Employment Zones	No	The planning proposal will rezone existing employment land for residential use and as such is inconsistent with the terms of this direction. Given the sites are identified by the OLHS and justification is provided throughout the planning proposal and this report, the inconsistency with this direction is considered to be of minor significance. No further work is required.

3.4 State environmental planning policies (SEPPs)

The planning proposal will be consistent with the following SEPPs-

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 by requiring the new houses to be built to the current sustainable design standards
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 by permitting a range of exempt and complying building structures of the land
- State Environmental Planning Policy (Housing) 2021 by accommodating a range of suitable diverse housing types in the area

4 Site-specific assessment

4.1 Environmental

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

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Flooding	As discussed in section 3.3, ministerial direction 4.1 Flooding.
Asbestos	A preliminary site investigation for 274 Leeds Parade has been included which concludes that the site is suitable for intended development. The Gateway determination contains a condition requiring updated reports to be prepared prior to finalisation of the amendment, which is to include 264 Leeds Parade, Orange.
Ground water vulnerability	The subject lands and the surrounding area are mapped to have ground water vulnerability. There are adequate provisions within the LEP to assess and determine any potential impact to the ground water. The impact can be assessed as part of the DA process.

4.2 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing diversity	The proposed land zone will permit a range of housing options that will contribute to housing diversity and supply in the local area.
Economy	<p>The subsequent housing on the subject lands will provide accommodation options for the nearby CSU and other local employees. The proposal is deemed to have a positive flow on effect into the local economy by creating a need for additional local service and expanding the customer base for the local businesses.</p> <p>The proposed amendment will result in loss of employment land in Orange, however as discussed under section 3.2 of this report, BCO addendum investigated undeveloped employment land and found that there is an excess. The loss of employment land in this case, will not be detrimental to Orange. This deviation from the BCO is supported by the OLHS which justifies the suitability of the subject lands for residential development.</p>

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 11 Infrastructure assessment

Infrastructure	Assessment
Water and Sewerage	The OLHS identifies that the sites can be serviced by existing water and sewer infrastructure. Any development of the subject lands will connect to the existing services that have been established for the adjoining residential development. Any connection work can be assessed as a part of the future DA process.
Roads	Although there is a proponent designed subdivision pattern, council has identified the need to provide further connection between 264 Leeds Parade and the adjoining residential development. This can be implemented as a part of the future subdivision DA process.

5 Consultation

5.1 Community

An exhibition period of 20 working days is proposed, and forms a condition of the Gateway determination.

5.2 Agencies

No Agency is required to be consulted as part of public exhibition.

6 Timeframe

The planning proposal identifies a 6 month time frame to complete the LEP.

In accordance with the Department's LEP Making Guideline 2023, the planning proposal is categorised as a standard planning proposal. The Department recommends a time frame of 225 working days (1 March 2024) to ensure it is completed in line with its commitment to reduce processing times. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

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

As the planning proposal is considered standard, 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 is generally consistent with Central West and Orana Regional Plan 2041
- The proposal gives effect to the Orange Local Housing Strategy
- The proposal will facilitate future housing in Orange and can easily be serviced by connecting to existing infrastructure
- The proposal will contribute to the local economy and employment

As discussed in the previous sections and based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Include additional subject land, being part of 264 Leeds Parade
- delete all superseded employment zoning references and replace with correct zone
- include the intent to introduce a new Development Control Plan clause and associated mapping under part 7 of the LEP

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 1.4 Site specific Provisions and 7.1 Employment Zones is minor and no further work is required.

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 additional subject land, being part of 264 Leeds Parade
 - delete all superseded employment zoning references and replace with correct zone
 - include the intent to introduce a new Development Control Plan clause and associated mapping under part 7 of the LEP
2. The planning proposal should be made available for community consultation for a minimum of 20 working days

3. The timeframe for completing the LEP is to be 1 April 2024.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



12/09/23

Tim Collins
Manager, Western Region



Assessment officer
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Director's note

Considering the location of this site adjacent to an existing Urban Release Area, I have amended the draft Gateway determination to require the lots subject to this rezoning to be mapped as a URA. This provides for consideration of whether satisfactory arrangements for contributions to State infrastructure have been made before subdivision under clause 6.1 of Orange LEP 2011.

This will also avoid the need for a local clause and map for a DCP to be prepared for the land before subdivision as this is provided for by clause 6.3 of OLEP 2011 (triggered by URA mapping).



13 September 2023

Garry Hopkins
Director, Western Region