



PLANNING PROPOSAL

Proposed Rezoning of R5 Large Lot Residential to R1 General Residential at 230 Tilga Street, Canowindra

Amendment to the Cabonne Local Environmental Plan 2012

Prepared for
Jindalee Homes

Submitted to
Cabonne Shire Council

August 2023

Claire Johnstone Planning & Development
Woburn Park 144 Walli Road
WOODSTOCK NSW 2793
Mobile 0499 518 868
Email claire.johnstone05@gmail.com

TABLE OF CONTENTS

INTRODUCTION.....	3
DESCRIPTION OF THE SITE	3
PART 1 – OBJECTIVES AND INTENDED OUTCOMES	5
PART 2 – EXPLANATION OF PROVISIONS	5
PART 3 – JUSTIFICATION	5
PART 4 – MAPS.....	9
PART 5 – COMMUNITY CONSULTATION.....	9
PART 6 – PROJECT TIMEFRAME	10
ATTACHMENT A – EXISTING PLAN AND SUBDIVISION PLAN	11
ATTACHMENT B – PROPOSED ZONING AND MINIMUM ALLOTMENT SIZE MAPS	11

INTRODUCTION

This Planning Proposal has been prepared for Jindalee Homes by Claire Johnstone Planning & Development seeking an amendment to the *Cabonne Local Environmental Plan 2012* to rezone land from R5 Large Lot Residential to R1 General Residential. The land is described as Lot 1292 DP 1247534, 230 Tilga Street, Canowindra and has an approximate area of 1.965 HA.

The objective of the Planning Proposal is to rezone the subject property from a R5 Large Lot Residential zone to R1 General Residential zone for the purposes of future urban residential growth within the town of Canowindra. The provisions in the Planning Proposal will achieve the intended outcomes by:

- Amending the Land Zoning Map in the *Cabonne Local Environmental Plan 2012* to show the subject property zoned as R1 General Residential; and
- Amending the Minimum Lot Size Map in the *Cabonne Local Environmental Plan 2012* to show the subject property having a minimum lot size for subdivision of 500m².

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 Local Environmental Plan Making Guideline 2021 ('Guideline').

DESCRIPTION OF THE SITE

The land is legally described as Lot 1292 DP 1247534, 230 Tilga Street, Canowindra, and has an approximate area of 1.965 HA. Refer to Figure 1 of an aerial view of the subject property.

The land is approximately 2 kilometres North West from the main street of Canowindra, on the corner of Tilga Street and Long Corner Road. The subject property is vacant of any built form and significant vegetation. The surrounding street network is a two lane bitumen sealed roadway and electricity, reticulated sewer and water service the immediate area.

The subject property is surrounded by rural residential and residential land use with R5 Large Lot Residential zone to the North, East and West and R1 General Residential zone located to the South. Refer to Figure 2 of a zoning map of the subject property and the immediate area.



Figure 1: Aerial view of 230 Tilga Street, Canowindra (Source: <https://six.nsw.gov.au/>)



Figure 2: Zoning Map of 230 Tilga Street, Canowindra and the immediate area (Source: <https://www.planningportal.nsw.gov.au/>)

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

OBJECTIVE

The objective of the Planning Proposal is to amend the *Cabonne Local Environmental Plan 2012* to rezone the subject property from a R5 Large Lot Residential zone to R1 General Residential zone for the purposes of future urban residential growth within the town of Canowindra.

INTENDED OUTCOME

To contribute to the demand for urban residential growth within the town of Canowindra and to facilitate housing and employment as supported by the *Cabonne Settlement (Land Use) Strategy 2021*.

PART 2 – EXPLANATION OF PROVISIONS

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

- Amending the Land Zoning Map in the *Cabonne Local Environmental Plan 2012* to show the subject property zoned as R1 General Residential; and
- Amending the Minimum Lot Size Map in the *Cabonne Local Environmental Plan 2012* to show the subject property having a minimum lot size for subdivision of 500m².

PART 3 – JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guideline.

3.1 Need for the Planning Proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is a result of the endorsed *Cabonne Local Strategic Planning Statement (LSPS) 2020* and the *Cabonne Settlement (Land Use) Strategy 2021* (Lands Use Strategy).

The *LSPS* identifies key planning priorities to achieve council's strategic planning goals and assist in achieving the priorities of the *Central West and Orana Regional Plan 2036* and *Cabonne Community Strategic Plan 2025*. The Planning Proposal is consistent with *Priority 5: Provide opportunities to ensure a variety of housing types are available across our shire*. Accordingly, the Planning Proposal supports the strategic direction to establish strategic areas for growth opportunities around existing urban development.

The *Land Use Strategy* identifies the subject property as a growth area in the short term, as outlined in Figure 3 (CAN3A Urban Residential area shaded in yellow) subject to a Planning Proposal.

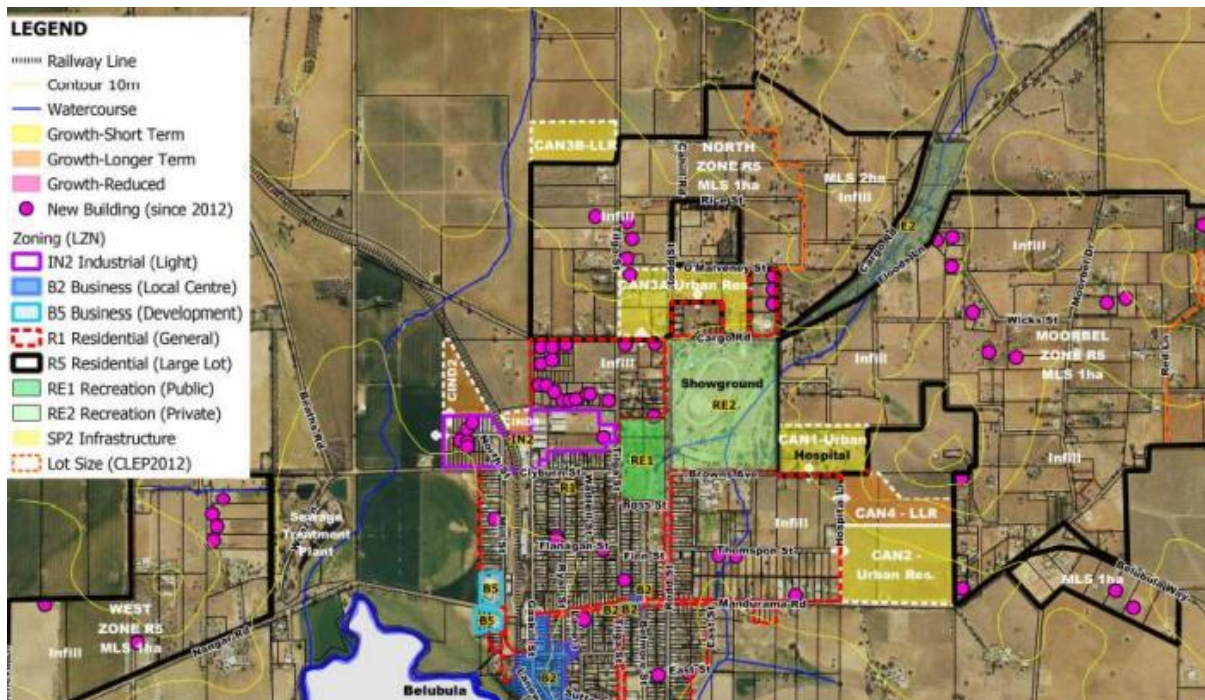


Figure 3: Canowindra Growth Area Map (Source: www.cabonne.nsw.gov.au)

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

The land is currently zoned R5 Large Lot Residential and has a minimum allotment size of 1HA under the provisions of the *Cabonne Local Environmental Plan 2012*. Consequently, the objective of urban residential development on the subject property can only be achieved through an amendment to the *Cabonne Local Environmental Plan 2012* via a Planning Proposal, which is consistent with the Councils *LSPS* and *Land Use Strategy*.

3.2 Relationship to Strategic Planning Framework

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)?

The *Central West and Orana Regional Plan 2036* include directions, planning priorities and specific actions for a range of different matters relevant to Cabonne Local Government Area (Cabonne LGA). The Cabonne LGA is one of the fastest-growing local government areas in the Central West due to its agricultural sector and proximity to Orange. Accordingly, the Planning Proposal is consistent with the priorities and directions as outlined below:

DIRECTION 25: INCREASE HOUSING DIVERSITY AND CHOICE

25.2 Increase housing choice in regional cities and strategic centres at locations near or accessible to services and jobs.

25.4 Locate higher density development close to town centres to capitalise on existing infrastructure and increase housing choice.

The *Land Use Strategy* identifies the subject property as a growth area in the short term, as outlined in Figure 3 (CAN3A Urban Residential area shaded in yellow). Therefore, the Planning Proposal is consistent with the above mentioned actions as it provides the opportunity to locate higher density development close to the town centre of Canowindra, capitalise on existing infrastructure within the immediate area and increase the housing choice in a regional town that is accessible to services and jobs within the Central West.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the endorsed *Cabonne Local Strategic Planning Statement (LSPS) 2020* and the *Cabonne Settlement (Land Use) Strategy 2021* (Lands Use Strategy).

The LSPS identifies key planning priorities to achieve council's strategic planning goals and assist in achieving the priorities of the *Central West and Orana Regional Plan 2036* and *Cabonne Community Strategic Plan 2025*. The Planning Proposal is consistent with the LSPS, *Priority 5: Provide opportunities to ensure a variety of housing types are available across our shire*. Accordingly, the Planning Proposal supports the strategic direction to establish planned areas for growth opportunities around existing urban development.

The *Land Use Strategy* identifies the subject property as a growth area in the short term, as outlined in Figure 3 (CAN3A Urban Residential area shaded in yellow). The Planning Proposal is consistent with the Strategy (Growth Investigation) Areas and the identified population/dwelling growth, which requires the need for some additional urban growth and opportunities within Canowindra.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There is no relevant State, Regional studies or strategies that are applicable to the subject property that has not already been addressed throughout this document.

Is the planning proposal consistent with applicable SEPPs?

The following discussion demonstrates the Planning Proposals consistency with the relevant State Environmental Planning Policies:

State Environmental Planning Policy (Building Sustainability Index) 2004

The provisions of this Policy apply to residential development and this Planning Proposal does not include provisions that contradict or hinder the application of this Policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The Planning Proposal does not contradict or hinder from the aims and functions of this Policy with respect to exempt and complying development provisions.

State Environmental Planning Policy (Housing) 2021

The Planning Proposal does not contradict or hinder from the aims, development consent, location, design, development standards, and service, assessment, and information requirements as provided in this Policy.

State Environmental Planning Policy (Transport and infrastructure) 2021

The Planning Proposal does not contradict or hinder from the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in this Policy

State Environmental Planning Policy (Resource and Energy) 2021

The Planning Proposal does not contradict or hinder from the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in this Policy. The site is not located within any identified resource areas, potential resource areas or transitional areas. There are no known existing mines, petroleum production operations or extractive industries on the land within its vicinity.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Policy requires the issue of contamination to be considered in zoning or rezoning proposals. The subject property is vacant of any built form, has historically been used for agricultural purposes and currently is zoned for rural residential development; therefore, no further investigation is warranted. As such, refer to the accompanying Contamination Report for confirmation.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Planning Proposal does not contradict or hinder from the aims and functions of this Policy with respect to biodiversity or conservation. The subject property does not contain any significant vegetation; therefore no further investigation is warranted.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The relevant Section 9.1 (2) Directions are addressed below and are consistent with the Ministerial Directions (latest May 2022) as follows:

Direction 4.4 Remediation of Contaminated Land

Direction 4.1 – Remediation of Contaminated Land is applicable as the Planning Proposal proposes to rezone R5 Large Lot Residential to R1 General Residential. The subject property is vacant of any built form, has historically been used for agricultural purposes and currently is zoned for rural residential development; therefore, no further investigation is warranted and is consistent with the subject Direction.

Direction 6.1 Residential Zones

Direction 6.1 Residential Zones is applicable and consistent with the objectives of this direction as the Planning Proposal will encourage a variety and choice of housing types to provide for future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

Direction 6.2 Caravan Parks and Manufactured Home Estates

Direction 6.2 Caravan Parks and Manufactured Home Estates applies and is consistent with the Planning Proposal. The existing R5 Large Lot Residential zone and proposed R1 General Residential zone prohibits caravan parks and manufactured home estates, therefore the land use remains unchanged.

3.3 Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Planning Proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal does not have any other likely environmental effects that warrant any further assessments.

Has the Planning Proposal adequately addressed any social and economic effects?

The Proposal seeks to provide opportunities for diversity and choice of housing locations within the town of Canowindra which is aligned with Councils Land Use Strategy. The Planning Proposal is considered to be of minor nature and will provide positive social and economic benefits to the Canowindra community.

3.4 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the Planning Proposal?

Canowindra has had a Sewage Treatment Plant (STP) & reticulated sewerage since the early 1970s. The STP design loading is ~2,500 Equivalent Persons. The projected population for Canowindra would need to exceed 1.5%/year from 2021-2041 to exceed its capacity which is unlikely. However, any significant growth may require upgrading of the STP so this should be monitored by Council. Connection to reticulated sewer allows connected lots to subdivide down to 500m² per lot in zone General Residential zone. It is assumed there is sufficient capacity to allow for some population growth as per discussions with Council staff as per the proposed rezoning.

Canowindra is connected to the Central Tablelands Water (CTW) network via a pipeline from Blayney LGA/Cowra LGA that services some of the large lot residential areas. It is assumed there is sufficient capacity to allow for some population growth as per discussions with CTW as per the proposed rezoning.

Low voltage electricity is available in most formed streets and can be extended to allow for growth. There is no high voltage electricity lines or gas line present near Canowindra to facilitate energy-intensive uses such as industry. The NBN maps in 2020 suggest that all of Canowindra and surrounds has potential to connect to the fixed-wireless network for telecommunications/internet. Canowindra has a local waste depot located off Nangar Rd towards Eugowra that provides landfill and recycling services.

What are the view of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The Proposal mostly makes changes that are of local significance only and do not relate significantly to State infrastructure, heritage, environmental significance or other state or commonwealth issues. The Gateway Determination can set out any further agencies that require consultation

PART 4 – MAPS

Refer to maps throughout this report.

Standard Instrument format mapping can be prepared once a Gateway Determination has been issued. Council may seek assistance from DPIE's mapping division. It may not be required for the public exhibition period unless it is conditioned by the Gateway Determination.

PART 5 – COMMUNITY CONSULTATION

The planning proposal community consultation is to be undertaken in accordance with the requirements set out in the Guideline and any requirements set out in the Gateway Determination. The Guideline identifies that the Planning Proposal is considered to be Standard Impact. Accordingly, it is requested that a community consultation period of 20 working days be applied to the exhibition of this Planning Proposal. *This Planning Proposal will be exhibited for a period of 20 days in accordance with Divisions 3.4 EP&A Act and the Guideline.* At a minimum, the future consultation process is expected to include the following:

Notification of the planning proposal at the public exhibition stage should occur:

- On Councils website;
- On the NSW Planning Portal; and
- In writing to affected and adjoining landowners unless this is impractical and therefore not required as part of the Gateway determination

These notices must describe or identify:

- The objectives or intended outcomes of the planning proposal;
- The land affected by the planning proposal;
- Where people can view the proposal;
- Contact details for submissions; and
- Whether council is the designated authority.

The following material must be made available for inspection:

- The planning proposal in the form approved for public exhibition by the Gateway determination;
- The Gateway determination;
- All relevant additional information relied upon by the planning proposal; and
- Additional consultation may include community information sessions, public forums and/or online engagement.

It is considered unlikely that a Public Hearing will be required for the proposal although this can't be confirmed until after the exhibition/notification process has been completed.

PART 6 – PROJECT TIMEFRAME

The following provides an 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 up to less than 9 months from date of Gateway Determination:

Project Timeline Steps	Estimated Completion
Planning Proposal to Council for approval to send to Department and Forward Proposal to Department	June/July 2022
Commencement date (Gateway Determination)	June/July 2022
Commencement and completion for public exhibition period	October 2023
Dates for public hearing (if required)	NA
Consideration of submissions	October/November 2023
Consideration of a proposal post exhibition	October/November 2023
Date of submission to the Department to finalise LEP	November 2023
Anticipated date RPA will make the plan (if delegated)	December 2023
Anticipated date RPA will forward to the Department for notification	December 2023

ATTACHMENT A – EXISTING PLAN & PROPOSED DRAFT SUBDIVISION PLAN

ATTACHMENT B – PROPOSED ZONING AND MINIMUM ALLOTMENT SIZE MAPS